

Agenda
Reef Fish Management Committee

Gulf of Mexico Fishery Management Council

Marriott Beachside Hotel
Flagler Ballroom
Key West, Florida

Tuesday, June 9th and Wednesday June 10th, 2015

Day 1: 8:30 AM EDT – 5:00 PM EDT

Day 2: 8:30 AM EDT – 9:30 AM EDT

----- Day 1 - Convene at 8:30 AM -----

- I. Adoption of Agenda (**Tab B, No. 1**) – Greene
- II. Approval of Minutes (**Tab B, No. 2**) – Greene
- III. Action Guide and Next Steps (**Tab B, No. 3**) - Atran
- IV. Options Paper – Joint South Florida Management – Simmons
 - a. Background on South Florida Issues (**Tab B, No. 4a**) - Bademan
 - b. Review of Options Paper (**Tab B, No. 4b**) - Simmons
 - c. Proposed Restructured Actions and Alternatives (**Tab B, No. 4c**) - Simmons
 - d. South Atlantic Council Decision Document (**Tab B, No. 4d**) – Simmons

----- 15 minute break at 10:15 AM – 10:30 AM -----

- V. SSC Review of Alternative Red Snapper MSY Proxies
 - a. SSC comments (**Tab B, No. 5**) – SSC representative
 - b. Committee recommendations – Greene
- VI. SSC Review of the effect of recalibrated recreational removals and recreational selectivity on estimates of OFL, ABC, and MSY for Gulf Red Snapper (**Tab B, No. 5**) – SSC representative
- VII. Options Paper – Framework Action to set Gag ACL and Recreational Season
 - a. Recent Trends in Gag CPUE indices (**Tab B, No. 5**) – SSC representative
 - b. Review of Options Paper and Decision Spreadsheet (**Tab B, No. 6a,b and c**) – Atran
 - c. Committee recommendations– Greene
- VIII. Hogfish and Mutton Snapper OFL and ABC (**Tab B, No. 5**)
 - a. Hogfish (West Florida Shelf and FL Keys/Atlantic Stocks) – SSC representative
 - b. Mutton snapper – SSC representative
 - c. Hogfish Decision Document (**Tab B, No. 14**)
 - d. Committee recommendations– Greene

----- 1½ hour lunch break at 12:00 PM – 1:30 PM -----

- IX. Updated Draft Amendment 28 – Red Snapper Allocation (**Tab B, No. 7**)
 - a. Review draft amendment – Diagne
 - b. Committee recommendations – Greene
- X. Draft Framework Action to Allow NMFS to Withhold a Portion of the Commercial Red Snapper Quota in 2016
 - a. Review draft framework action (**Tab B, No. 8**) – Diagne
 - b. Committee recommendations – Greene
- XI. Revised Alternatives – Amendment 39 – Regional Management of Recreational Red Snapper (**Tab B, No. 9**) – Lasseter
 - a. Committee recommendations – Greene

----- 15 minute break at 3:15 PM – 3:30 PM -----

- XII. Scoping Summaries – Amendment 36 – Red Snapper IFQ Modifications (**Tab B, No.10a**)
 - a. Scoping workshop summaries (**Tab B, No. 10b**) – Lasseter
 - b. Committee recommendations (**Tab B, No. 10c**) – Lasseter/Greene
- XIII. Grouper/Tilefish IFQ 5-Year Review
 - a. Overview of studies (**Tab B, No. 11a**) – McPherson/Peruso
 - b. Surveys for the review (**Tab B, No. 11b**) -Keithly

----- Day 1 - Recess at 5:00 PM -----

----- Day 2 - Reconvene at 8:30 AM -----

- XIV. Report of the Ad Hoc Red Snapper Charter For-Hire AP (**Tab B, No. 12**) – Lasseter
- XV. Report of the Ad Hoc Reef Fish Headboat AP (**Tab B, No. 13**) – Diagne
- XVI. Other Business - Greene

----- Day 2 - Adjourn at 9:30 AM -----

Members:

John Greene, Chair
Camp Matens, V. Chair
Doug Boyd
Roy Crabtree/Steve Branstetter
Jamie Miller/Dale Diaz
Randy Pausina/Myron Fischer
Robin Riechers/Lance Robinson
David Walker
Nick Wiley/Martha Bademan
Roy Williams

Staff: Steven Atran/Carrie Simmons

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Gold Nugget Casino Hotel Biloxi, Mississippi

March 31, 2015

VOTING MEMBERS

- John Greene.....Alabama
- Martha Bademan (designee for Nick Wiley).....Florida
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Dale Diaz (designee for Jamie Miller).....Mississippi
- Campo Matens.....Louisiana
- Lance Robinson (designee for Robin Riechers).....Texas
- David Walker.....Alabama
- Roy Williams.....Florida

NON-VOTING MEMBERS

- Kevin Anson.....Alabama
- Leann Bosarge.....Mississippi
- Jason Brand.....USCG
- Pamela Dana.....Florida
- Dave Donaldson.....GSMFC
- Harlon Pearce.....Louisiana
- Corky Perret.....Mississippi
- John Sanchez.....Florida
- Greg Stunz.....Texas

STAFF

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist/Statistician
- Doug Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Cathy Readinger.....Administrative Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Research & Human Resource Librarian
- Bryan Schoonard.....GIS Analyst

OTHER PARTICIPANTS

- Josh Abbott.....Arizona State University, AZ
- Billy Archer.....Panama City Beach, FL

- 1 Steve Branstetter.....NMFS
- 2 Eric Brazer.....Reef Fish Shareholder's Alliance
- 3 Gary Bryant.....
- 4 Dean Cox.....Santa Rosa Beach, FL
- 5 Brian Swindle Deliverance.....Wilmer, AL
- 6 Martin Fisher.....FL
- 7 Chuck Guilford.....FL
- 8 Betty Harder.....FL
- 9 Ben Hartig.....SAFMC
- 10 Roy Howard.....Mobile, AL
- 11 Gary Jarvis.....Destin, FL
- 12 Joe Jewell.....Biloxi, MS
- 13 Bill Kelly.....FKCFA, FL
- 14 Tommy Land.....Mobile, AL
- 15 Bart Niquet.....Lynn Haven, FL
- 16 Will Patterson.....GMFMC SSC
- 17 Randy Pausina.....LA
- 18 Bonnie Ponwith.....SEFSC
- 19 Tracy Redding.....Foley, AL
- 20 Tom Steber.....Orange Beach, AL
- 21 Andy Strelcheck.....NMFS
- 22 Ed Swindell.....Hammond, LA
- 23 Russell Underwood.....Lynn Haven, FL
- 24 Mike Whitfield.....Lynn Haven, FL
- 25 Bob Zales.....Panama City, FL
- 26 Jim Zurbrick.....Steinhatchee, FL

27
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 29

30 The Reef Fish Management Committee of the Gulf of Mexico Fishery
 31 Management Council convened at the Golden Nugget Casino Hotel,
 32 Biloxi, Mississippi, Tuesday morning, March 31, 2015, and was
 33 called to order at 8:30 a.m. by Chairman Johnny Greene.

34

ADOPTION OF AGENDA

35

36
 37 **CHAIRMAN JOHNNY GREENE:** Good morning. We will go ahead and
 38 call the Reef Fish Committee to session. All members are
 39 present. With that, we will start with the Adoption of the
 40 Agenda.

41
 42 I have had a request by Lieutenant Commander Jason Brand to move
 43 the discussion of Amendment 39 and the Options Paper for Joint
 44 South Florida Management up in the schedule and so we will move
 45 Items X and XI to fall in after Item V and that way, we can get
 46 into some of the LEAP comments that we missed yesterday and
 47 accommodate Mr. Brand, as he has to leave earlier today than
 48 scheduled. With that, if anybody has anything else with the

1 agenda and seeing none, an adoption of the agenda, does anybody
2 want to --

3

4 **MR. ROY WILLIAMS:** So moved.

5

6 **CHAIRMAN GREENE:** It's been moved by Mr. Williams.

7

8 **MR. DOUG BOYD:** Second.

9

10

APPROVAL OF MINUTES

11

ACTION GUIDE AND NEXT STEPS

12

13 **CHAIRMAN GREENE:** Seconded by Mr. Boyd. With that, we will go
14 to Approval of the Minutes, Tab B, Number 2. Any corrections?
15 Seeing no corrections, any opposition to approval of the
16 minutes? Seeing no opposition, we will move into Number III,
17 Action Guide and Next Steps, Tab B, Number 3.

18

19 It's there for your review and thanks to the staff for
20 continually putting this together. It certainly helps me, if
21 nobody else, and so with that, we will go to Agenda Item Number
22 IV, which will be Recreational Red Snapper Season Projection,
23 Tab B, Number 4, by Andy Strelcheck.

24

25 There was an updated one that was emailed to you all at three
26 o'clock yesterday afternoon and so it is there for your review.
27 Mr. Strelcheck, if you're ready.

28

29

RECREATIONAL RED SNAPPER SEASON PROJECTION

30

31 **MR. ANDY STRELCHECK:** Good morning, council members. This is a
32 presentation summarizing our preliminary 2015 red snapper
33 projections. Just to get everyone oriented, these are
34 preliminary projections. MRIP typically finalizes their
35 landings from the prior fishing season in April and so we're
36 coming up on that time where we'll have final estimates that
37 have been error checked and cleaned up.

38

39 Also, Texas landings I understand have been delivered to the
40 Southeast Fisheries Science Center for the high-use wave from
41 last year. We, at the time we started these projections, did
42 not have that data incorporated and so that will be something
43 else that will be added to future projections for finalizing the
44 season.

45

46 Based on the March 3 meeting that you held, the ACL Gulf-wide is
47 going to be a little over seven-million pounds and reducing that
48 for the 20 percent buffer associated with the catch target,

1 we're looking at a Gulf-wide catch target of 5.6 million pounds.

2
3 Then if Amendment 40 is implemented, you can see how that catch
4 target would be allocated between the federal for-hire sector
5 and the private sector and we have a footnote there indicating
6 that the Headboat Collaborative allotment would be removed from
7 the for-hire component when computing the season length and the
8 same is true for the Gulf-wide estimates that we're presenting
9 if Amendment 40 is not approved.

10
11 State season lengths have an effect on the federal season
12 length. At this point, what we asked was for the states to
13 provide information on what they expected their season would be,
14 if they had made decisions. If decisions had not been made, we
15 asked for them to provide us with the assumption that they would
16 like to include in our analysis.

17
18 As you can see, Florida has recommended a seventy-day season and
19 Alabama asked that we assume a consistent federal and state
20 season. Mississippi asked that we analyze the season to be
21 similar to last year and then Louisiana and Texas, Texas is open
22 year-round and Louisiana opened March 20.

23
24 Data sources, I won't get into great detail about the data
25 sources, but you can see we have four different datasets that
26 we're deriving landings and catch rate information from. Those
27 have data from 2004 to 2014 and we are restricting the analysis
28 to that timeframe because that's largely when the rebuilding of
29 the stock has occurred in the most recent ten years. For
30 average weights, we are using aggregated data that's been
31 derived from our Science Center annual catch limit dataset.

32
33 This is hard to read and I won't go into great detail, but with
34 any projections that we produced in previous years, we look at a
35 range of potential scenarios for projecting out the season
36 length and I will show you some of the challenges we faced this
37 year with the projections, but if you look carefully at this
38 table, you can see some of the differences in terms of what we
39 use for catch rates or average weights across the four scenarios
40 considered and some of these hold catch rates or average weights
41 constant and some of them increase average weights while holding
42 average weights or catch rates constant for other sectors.

43
44 It's a mixture or a hybrid approach of various different
45 scenarios and typically we like to project average weights and
46 catch rates using regression models and because of some of the
47 data this year, we found some of the results unrealistic and so
48 we decided to use more recent data from the most recent fishing

1 year as a predictor of this year's season.

2
3 As you can see, there is a very strong relationship over time,
4 during the main portion of the rebuilding plan, where average
5 weight is increasing as the stock rebuilds. I will point out
6 that for the for-hire sector, in particular charter, you still
7 have a very strong relationship between average weight and year.

8
9 For private and headboat, you can see that the average weights
10 are tailing off a little bit and so our fits to the average
11 weights are actually higher than estimates in more recent years
12 and so this is one of the reasons why we wanted to consider this
13 hybrid approach of looking at what if we project average weights
14 versus what if we actually use the most recent average weight as
15 a predictor of future season length.

16
17 With catch rates, this was a little bit of a surprise to us, but
18 the main take-home that we see with the catch rates is that for
19 for-hire and headboat, which are the graphics on the left or
20 right-side of this screen, you can see that the trending is
21 fairly flat at this point in both for-hire charter as well as
22 headboat or it has tailed off from some of the peaks.

23
24 In the private sector, what we continue to see with the
25 estimates is an increasing rate of catch and these catch rates
26 are in numbers of fish and it is occurring both in the eastern
27 Gulf and the western Gulf and in the eastern Gulf, obviously we
28 had MRIP. We had modifications to MRIP in 2013 and 2014, as
29 you're aware, of the recalibration of those estimates.

30
31 In the eastern Gulf though, you can see that in 2013 and 2014
32 the points still remain very high and those are data points that
33 are derived from Louisiana Creel and from Texas Parks and
34 Wildlife and so they're independent of the MRIP estimates and
35 indicate a similar increasing trend in the eastern versus
36 western Gulf, although the catch rates themselves are
37 considerably lower in the western Gulf.

38
39 Here are some of the challenges that we faced with this year's
40 projections and why we decided to use 2014 data or 2014 with
41 projected average weight data as ways of estimating the season
42 length, but if you look at that graph on the left, I believe
43 that's for-hire data from the eastern Gulf and you can see that
44 the trend is -- We're getting a decent fit in terms of the model
45 itself and there are some explanatory variables, but what it's
46 indicating is that that for-hire catch rates are declining at a
47 very steep rate and we didn't find this to be a very realistic
48 outcome for the model, especially since the catch rates

1 themselves appear to be trending sideways.

2
3 We opted not to use these regression fits, even though we fit
4 the models similar to this in years past and the same is true
5 for the private sector.

6
7 If you look at the estimates on the left-hand graphic, you can
8 see that the private estimates in the eastern Gulf of Mexico are
9 increasing at a very rapid rate, especially in the most recent
10 years, and if we project forward that catch rate into 2015, you
11 are, I think, getting about a 60 percent increase in the catch
12 rate just based on that projection and, once again, we really
13 struggled with understanding why that would be the case and why
14 there would be this huge increase in catch rate occurring based
15 on these model fits.

16
17 We did run estimates based on all of these model fits and
18 obviously the effect of higher or lower catch rates would be a
19 longer or shorter season and so we do have sensitivity runs for
20 that, but those aren't going to be presented today.

21
22 In terms of the scenarios that we did investigate, they were
23 fairly consistent for the for-hire sector and a little bit more
24 variable for the private sector. Here we show sector separation
25 with compatible and non-compatible regulations as well as if
26 sector separation is not implemented with compatible and non-
27 compatible regulations.

28
29 The for-hire season ranges from forty to forty-six days and the
30 private season ranges anywhere from nine to approximately
31 sixteen days. If sector separation isn't implemented, you can
32 see on the right-hand side of the graphics that the season
33 ranges from a little over ten days upwards of around twenty-one
34 days.

35
36 One of the questions I've been asked already is why aren't the
37 state season lengths affecting the federal season length more
38 and one of the main ways that we estimate seasons going forward
39 is based on using catch rate data out of season from the prior
40 fishing year and carrying that forward and it has worked fairly
41 well for us.

42
43 Well, in 2014, the out-of-season catch rates for especially MRIP
44 were fairly low for Mississippi, Florida, and Alabama and so
45 even though Florida's season has been extended now from fifty-
46 four days or fifty-two days last year now to seventy days, it is
47 not having a huge influence on the season length, federal season
48 length, because those catch rates are considerably lower than

1 estimated than what's occurring in the federal season and so
2 that difference in catch rates is driving the outcomes of the
3 season lengths and the private catch rates are considerably
4 higher than the for-hire catch rates and, as a result, the
5 private season has to be shorter in order to compensate for
6 those higher catch rates and so they are catching more fish more
7 quickly, resulting in less fishing days.

8
9 This just graphically shows the outcomes from the previous
10 graphic and so the for-hire season is on the left assuming
11 sector separation and the private season in the middle and then
12 if no sector separation is implemented, the overall season
13 length for all sectors on the right graphic. With that, I will
14 take any questions.

15
16 **CHAIRMAN GREENE:** Thank you, Andy. Has anybody got any
17 questions?

18
19 **MR. CORKY PERRET:** Thank you, Andy. Excellent job. I am just
20 trying to understand the one decrease and in your graphs
21 relative to catch per day and numbers and that chart in the
22 easts is -- All the other graphs are going up and that one is
23 going down.

24
25 Again, I'm trying to figure out what's the explanation of that
26 and we've got several people in the east, I'm sure, that may
27 have an opinion that it's correct or incorrect or whatever, but
28 what did you figure out on that thing? That one. Then if you
29 go to the graph ahead of that one, it shows all the different --
30 That one.

31
32 You know we had the drop in 2010, I guess, in the for-hire west
33 and then it came back up, but consistently the lines seem to be
34 going up, other than that one east for-hire and I am just trying
35 to figure out why.

36
37 **MR. STRELCHECK:** I didn't talk about it, but you see the red and
38 blue lines at the top of the graphic and one of the things that
39 we're now able to do with MRIP is partition out landings based
40 on days within the wave that we're sampling and we asked MRIP to
41 look into that, even though we had a nine-day season, and try to
42 distinguish between for-hire landings occurring within the June
43 1 through June 9 timeframe versus the rest of the wave, because
44 Florida was open on either side of that as well as openings off
45 of other states.

46
47 The bottom line is I think one of the issues we're facing with
48 2014 data, which could be an effect for 2015 and beyond, is

1 short seasons and it's hard to estimate a good catch rate. We
2 have more data for prior fishing years and the catch rates
3 themselves I think are better estimated and so we might just
4 have some sampling variability here based on the estimation.
5

6 **CHAIRMAN GREENE:** Any further questions? Okay, seeing none, I
7 guess we will move into Agenda Item -- Go ahead, Mr. Strelcheck.
8

9 **MR. STRELCHECK:** Just real quick, just for the council's
10 awareness, as I said, these are preliminary estimates and we
11 will finalize these estimates and announce a season in May, as
12 soon as possible.
13

14 We also will produce a report and so you didn't have a report
15 for this meeting, but each year we produce a report and Dr. Nick
16 Farmer will be working on that and I just want to acknowledge
17 his efforts, because he was the one who put all of this analysis
18 together and so I just wanted to make you aware of that and we
19 will post that report to our website when it's available.
20

21 **MR. STEVEN ATRAN:** Do you know what the timeline is for the
22 review and approval of Amendment 40? Will that have been
23 completed by May?
24

25 **MR. STRELCHECK:** April 16 will be the decision date for review
26 and approval of Amendment 40 and Roy might correct me that our
27 goal would be to announce the season length at the time of the
28 TAC increase.
29

30 **DR. ROY CRABTREE:** Yes, I think the plan is that the season
31 would be in the final rule that raises the TAC. Is that right,
32 Steve?
33

34 **DR. STEVE BRANSTETTER:** Yes.
35

36 **CHAIRMAN GREENE:** Okay. Anything else?
37

38 **MS. MARTHA BADEMAN:** On that note, do we have an idea of when
39 that TAC increase will be finalized?
40

41 **DR. BRANSTETTER:** The proposed rule for that filed today and it
42 will publish on April 1. The target is to have the final rule
43 published by May 1.
44

45 **EXECUTIVE DIRECTOR DOUG GREGORY:** Andy and Roy, if at all
46 possible, if there is no structural obstacle to this, I would
47 like to have our quantitative staff person involved in your
48 discussions in doing the analyses, the statistical analyses and

1 stuff like that. That would be helpful to us if we can do that.

2
3 **MR. STRELCHECK:** Yes, that's fine. We would be happy to involve
4 him.

5
6 **CHAIRMAN GREENE:** Okay. Anybody else? Okay. We will go ahead
7 and move to Agenda Item Number V, Headboat Collaborative Report,
8 Tab B, Number 5, and it shows Abbot/Strelcheck and I don't know
9 who is going to give that presentation.

10

11

HEADBOAT COLLABORATIVE REPORT

12

13 **MR. STRELCHECK:** I think the plan will be for me to give the
14 first presentation, followed by Josh. The last meeting, you had
15 asked for an update on the Headboat Collaborative Program. The
16 last time we had updated you was back in June, when you were
17 meeting in Key West.

18

19 Some of this same information will be contained in this
20 presentation, but we felt it was important to reiterate. As I
21 mentioned, Josh Abbot will be presenting after me. He is going
22 to focus more on some of the social science and economic work
23 that is ongoing and some preliminary analyses that are being
24 conducted.

25

26 I am going to focus primarily on the administration and data
27 sampling and landings estimates that we derived from the
28 program, as well as some of the hurdles we faced and some of the
29 changes that we've made for 2015.

30

31 Just as background for council members that maybe weren't around
32 when this was being considered, a group of headboat captains
33 submitted an exempted fishing permit for a two-year pilot study
34 and that was originally approved by the council in April of
35 2012. NMFS approved it in August of 2013 and implementation
36 began January 1, 2014.

37

38 The goals of the program, there is three primary goals outlined
39 in the exempted fishing permit. The first was to assess an
40 allocation-based management program to see if we could better
41 achieve both conservation and economic goals and objectives.

42

43 The second was to evaluate a new method for electronic data
44 reporting, especially the real-time aspects of data reporting,
45 and then the third, which will be more of Josh's focus, will be
46 the socioeconomic work to assess the impacts of such a program
47 and comparative analysis with vessels not participating in the
48 program.

1
2 The exempted fishing permit itself is valid for two years and so
3 we're in the second year of the pilot program. It requires the
4 exempted fishing permit to be prominently displayed onboard the
5 vessel for enforcement purposes and it must be presented for
6 inspection to law enforcement.

7
8 Vessels that participate in the program cannot join or leave the
9 program mid-year and so we restricted them to participating in
10 both the headboat program as well as the general red snapper
11 recreational season and that as well as the gag fishing season
12 and so there was limits placed on their participation in both.
13 They can only participate in the headboat program.

14
15 What's exempted? The two primary exemptions are exemptions from
16 recreational seasonal closures as well as the closure of gag
17 when the catch target is estimated to be reached, which is
18 December 3 each year. They are not exempted from size and bag
19 limits and the 120-foot closure for shallow-water grouper or
20 restrictions placed on red snapper in the Magnuson Act related
21 to prohibiting harvest when the overall red snapper quota is
22 met.

23
24 The vessels themselves could fish as early as January 1 and if
25 we do not determine that the quota for red snapper has been met,
26 then they can continue to fish until such time that the quota is
27 met.

28
29 To give you an idea of where the vessels were located, we had
30 seventeen vessels participating in the program and we note down
31 at the bottom that additional vessels could be added in 2015 and
32 there was actually two additional vessels that entered the
33 program in 2015, bringing the total up to nineteen vessels.
34 Overall, it's a very good distribution of the vessels
35 participating in the current Southeast Headboat Survey, from St.
36 Petersburg, Florida all the way to Port Aransas, Texas.

37
38 Calculations of quota, the exempted fishing permit, when it was
39 submitted to us, laid out how the quota would be estimated for
40 the collaborative to receive and it based those calculations on
41 2011 recreational landings. At the time, if you recall, this
42 was approved in 2012 and so the collaborative wanted to use 2011
43 as their starting point and they wanted to receive the same
44 percentage under the program as they did in 2011, so that it
45 wouldn't have any adverse effects on other sectors and they
46 would just be harvesting the same proportion that they had
47 harvested in the prior fishing year.

1 When you do all those calculations, the estimates of the quota
2 were about 2.83 percent for gag of the overall quota and 5.3
3 percent for red snapper and you can see the corresponding quota
4 amounts in both pounds and numbers of fish that resulted from
5 that.

6
7 January 1, a quota was distributed to the Headboat Collaborative
8 manager. Susan and Randy Boggs are the managers for the program
9 and all of the quota is placed into their online account and
10 that quota is then parsed out to the seventeen participating
11 vessels, based on decisions they've reached on how to allocate
12 the quota and it was largely based on landings history for the
13 distribution of quota.

14
15 Our role, from an agency standpoint, was to drop the allotted
16 quota into the headboat manager's account and then they made
17 decisions about how to divvy that up among the vessels.

18
19 The program itself does allow for transfer of quota allocation
20 and so, as I just indicated, the headboat manager can send quota
21 to the participating vessels. The vessels can also return the
22 quota to the headboat manager or the headboat manager can pull
23 it out of vessel accounts.

24
25 Also there is transfers between vessels and so it allows for
26 greater flexibility in terms of using quota throughout the
27 fishing year and I will get into some of the transfer statistics
28 that we saw during the first year of the program later.

29
30 With regard to program requirements, they were required to have
31 a VMS onboard the vessel for tracking purposes. They had to
32 land at an approved landing location. The Southeast Headboat
33 Survey now has weekly reporting requirements. They were held to
34 a higher standard and required to report daily.

35
36 There was also dockside validation and we programmed with our
37 electronic system that when a notification was sent to the
38 agency that that could be emailed to port agents and law
39 enforcement officers so that they could meet vessels at the dock
40 and do additional validation work.

41
42 The headboat participants also agreed to -- These were self-
43 imposed restrictions and not anything we placed upon them in the
44 exempted fishing permit, but holdback. At the beginning of the
45 year, only 95 percent of their quota was allotted to the
46 participating vessels and that was intended to prevent any quota
47 overruns that might occur and they wanted to protect against any
48 overages.

1
2 They also established a tag system and there is a picture of the
3 tags in the lower-right corner. These are tags that could be
4 affixed to the fish itself or, if the fish was filleted, dropped
5 into a zip-lock bag and the participant could take it with them.
6 It had some specific identifiers on it, so that if they were
7 stopped by enforcement they would be able to distinguish that
8 those fish were caught on a collaborative vessel, even if the
9 red snapper season or gag season was not open. The costs for
10 the tags were approximately twenty-five cents per tag and that
11 was paid all by the collaborative members.

12
13 From a reporting standpoint, for those of you familiar with the
14 individual fishing quota program, it's very similar
15 requirements. They had a tablet-based VMS unit that submits
16 both hail-outs and as well as hail-in notifications. The hail-
17 in notification has to come in one hour in advance of landing
18 and that landing notification specifies a pre-approved landing
19 notification to help with enforcement purposes.

20
21 Data is then submitted through the Southeast Fisheries Science
22 Center's e-logbook program and then ultimately funneled back to
23 the Regional Office, where we can debit allocation from vessel
24 accounts and track quota usage throughout the fishing year.

25
26 In the upper-right corner is our website, for those not familiar
27 with it, but at any point in time, you can go to this website
28 and see the quota that's been used to date. The website itself
29 for the headboat will track in numbers of fish, but we also
30 have, under additional information, estimates of the poundage
31 that's been landed based on dockside sampling that occurs and we
32 track the weights that are reported throughout the fishing year.

33
34 My staff did a tremendous amount of auditing of data and
35 tracking trips from start to finish, ensuring that trips were
36 reported in a timely fashion, identifying where we were having
37 problems with notifications coming in and out, and I will talk a
38 little bit more about that in terms of the results.

39
40 Dockside sampling, we had sampling occurring in Florida,
41 Alabama, and Texas, both through our Southeast Headboat Survey
42 as well as some contract work through the Fish and Wildlife
43 Commission. I already mentioned the email notifications that
44 they were receiving and they used existing methodologies to
45 conduct this sampling and biological sampling for red snapper
46 and gag, in particular, the average weights was important as
47 well as validating the number of fish that were being reported
48 for each of the fishing trips.

1
2 This just gives you a sense of the trips that were occurring.
3 It's fairly similar to what we would expect, whether you're
4 fishing with or without a collaborative program, where the peak
5 is during the summer months, with the most amount of trips.

6
7 The green line indicates trips that landed red snapper or gag or
8 the blue line represents all trips taken by headboat vessels and
9 so you can see that there's a difference between those two
10 values. There were a lot of boats participating in the program
11 that conducted near-shore or inshore trips, short half-day
12 trips, and those were occurring in state waters and the
13 exemption only applied to landings outside of state waters and
14 in federal waters.

15
16 There was a lot of trips reported that did not report catch of
17 red snapper or gag and we did validate many of those trips as
18 well, to indicate that there were no fish reported when those
19 trips came in.

20
21 Here is the total number of fish that were landed per month and
22 you can see the influence of 407(d) with red snapper. By mid-
23 August, that's when we get landings data for the June wave of
24 landings and so the collaborative members obviously were
25 concerned that the quota would be met and they were trying to
26 use up their quota before the middle of August.

27
28 The quota was not met and so you do see a small number of
29 landings that occurred after that time, but there is definitely
30 a build-up from January through the summer months in terms of
31 landings.

32
33 With gag grouper, you see very much our seasonal trend, where
34 catch rates are higher around the spring months, spawning
35 season, and then also drop during the summer or late fall and
36 then pick back up in the late winter months.

37
38 This is just a reiteration of 407(d) and so I want to talk
39 briefly about how we monitored landings in terms of average
40 weights and pounds landed. Converting fish to pounds, we did
41 have to come up with a preseason estimate of the average weight
42 and we based this on the Southeast Headboat Survey.

43
44 In-season was based on a combination of headboat survey data as
45 well as that work that was being conducted by the Florida Fish
46 and Wildlife Commission and we were able to get average weight
47 data for headboat vessels per month by region and then we
48 updated those average weights every fifteen to thirty days. The

1 early portion of the year, it was on monthly intervals and when
2 we got into the core summer months, we were updating every
3 fifteen days.

4
5 I won't go through all of this, but you can see some of the
6 comparisons between in-season versus pre-season average weights.
7 I think the bottom line, if you look at the total, there was a
8 little over 3 percent difference, 3 percent lower average
9 weight, than we estimated prior to the season for red snapper
10 and about a 1 percent higher average weight for gag that we
11 estimated in-season versus preseason and so the estimates were
12 very close and in line with our projected estimates prior to the
13 season.

14
15 That's important, because keep in mind we had -- When we
16 allocate the quota, we back calculate from pounds to numbers of
17 fish and then distribute the numbers of fish and that conversion
18 is dependent on the average weight that's used.

19
20 Here you can see quota usage by the collaborative, the preseason
21 versus in-season estimates. Both of those lines are below the
22 allotted quota. Approximately 96 percent of the quota was
23 landed in terms of pounds. A higher percentage was landed in
24 terms of numbers of fish, but they came very close to landing
25 their total allotment.

26
27 For gag, the estimates are almost on top of one another.
28 Average weights were very close and you can see that they only
29 landed a little over 50 percent of the allotted quota for the
30 fishing year.

31
32 Here is just another depiction of those average weights over
33 time with the dashed line representing what we estimated and
34 then the in-season estimates, which you can see are bouncing
35 above and below that line and so we felt very confident that
36 those in-season estimates and preseason estimates were matching
37 very well.

38
39 Regarding allocation transfers, there were thirty-one vessel-to-
40 vessel transfers, three transfer for gag, totaling forty-nine
41 fish, and then twenty-eight transfers for red snapper, totaling
42 over 3,000 fish. We do ask for information in the system on the
43 reasons for the trade and the most common reasons were bartering
44 and so trading between gag and red snapper.

45
46 There were some that were sold, as well as many just no
47 comments, where we didn't get information provided to us. A
48 majority of the transfers were occurring between vessels within

1 the same operating region.

2
3 Reporting compliance, for validation we were upwards of 20
4 percent for validating trips. We did have some trips with
5 discrepancies, but overall, it was a very small proportion of
6 the trips and generally those discrepancies were one to two fish
7 and actually were one or two fish above or below what was
8 reported on the landing notification.

9
10 All of those discrepancies were corrected working with the port
11 agent as well as the participating vessel to fix the reported
12 landings and the port agents themselves worked closely with the
13 headboat participants and would count fish side-by-side with
14 captain or crew to make sure that the estimates agreed with one
15 another when we compared them to the notification.

16
17 This is all in our report, but discrepancies occurred for a
18 variety of reasons. We did have, especially early in the year,
19 captains mates unfamiliar with the new software for reporting
20 and there were misidentification issues and red snapper we
21 recorded as red porgy in a couple of instances or a mis-entry,
22 for that matter. Transposing numbers and just common data entry
23 issues that we were facing.

24
25 For compliance, we did have a small percentage of trips that
26 didn't either submit hail-outs or hail-ins or e-logbooks were
27 late and they weren't coming in on the daily basis. A lot of
28 those were related to some technical challenges that we faced.

29
30 This is a new software and VMS and it connects with Bluetooth,
31 as someone mentioned yesterday, and sometimes the connections
32 themselves were failing or the data was being stored in the
33 unit, but not being submitted to the agency.

34
35 There was obviously a learning curve as well, with captains
36 understanding that if they're participating in the program they
37 have a daily reporting requirement and not a weekly reporting
38 requirement and so that resulted in many of the trips being
39 reported late and then also when they got busy during the
40 fishing season, running trip after trip after trip, trips were
41 just missed. There was forgetfulness and there was people just
42 forgetting to report.

43
44 We did ask for some feedback directly from enforcement and port
45 agents and they did indicate that it was very helpful for them
46 to prioritize sampling by receiving the hail-out and hail-in
47 notifications. The hail-ins especially were allowing them to
48 have an expectation of what the fish were coming in on that

1 trip.

2
3 They also felt like the relationship between the captains and
4 the participating vessel was very good and they would, I guess,
5 like to set up procedures with the vessels to allow for better
6 prioritization and sampling in the future so that they can
7 minimize the disruptions working with those captains and so they
8 have some ideas in terms of how that could be done more
9 smoothly.

10
11 Then, as I have mentioned, there was a learning curve with
12 captains. We did have some technical problems and there were
13 some data connectivity issues with data being passed from one
14 system to the next.

15
16 There was, on occasion, failures or time lags in terms of when
17 data could be uploaded and then with the sampling, especially,
18 for instance, late in the fishing season for red snapper, when
19 not as many trips are being made, we ran into some problems
20 where the biological samples weren't sufficient by region or by
21 month to come up with a good average weight and so we had to use
22 proxies from prior months or aggregate data, pool data, in order
23 to better estimate average weights for time periods when we had
24 insufficient samples.

25
26 What did work? The weight estimation obviously was very
27 effective and VMS allowed for a tremendous amount of auditing on
28 the backend to verify and validate trips and there was obviously
29 a near real-time deduction of landings, so we could accurately
30 monitor the quota very close to the limit.

31
32 Allocation transfers did allow some added flexibility among
33 participants and for red snapper, because we have met the quota
34 in mid-August every year, this was the first year where we not
35 only didn't meet the quota, but we were below the catch target
36 and these participating vessels were able to fish year-round.

37
38 Briefly, moving forward, we have two new additional vessels, the
39 America 2 out of Orange Beach, Alabama and the New Buccaneer out
40 of Galveston, Texas.

41
42 The computation for how the quota is allocated changed because
43 of the MRIP calibration. It has a much bigger influence on red
44 snapper than it does gag, but if you look at the red snapper
45 quota allocation that we released January 1, it is lower than
46 last year, despite having two new additional vessels. That will
47 change and be revised with the new TAC increase, but the main
48 reason for the quota going down is because the 2011 landings for

1 red snapper increased under the MRIP calibration. With that, I
2 will take any questions.

3
4 **CHAIRMAN GREENE:** I have a question before we get started. I
5 don't see anybody waving their hand right this second, but it
6 seems to me, in reviewing information and preparing for the
7 meeting, that the average size of the red snapper the headboats
8 were catching ended up being smaller than what was originally
9 projected and is that correct?

10
11 **MR. STRELCHECK:** Yes, it was slightly smaller and a little less
12 than 3 percent difference or a little more than 3 percent
13 difference.

14
15 **CHAIRMAN GREENE:** By using the real-time information they turned
16 in, did that equal more days for them? Was there a calibration?
17 Did you say, okay, the fish are smaller and so we averaged this
18 and we assumed you were going to do that and was there any
19 ability to do that in this program or is it basically it is what
20 it is?

21
22 **MR. STRELCHECK:** No, but we do factor that into then how we
23 allocate out the amount of quota they receive for 2015, based on
24 the average weight information we had for 2014.

25
26 **CHAIRMAN GREENE:** Okay, but nothing was done in season and it
27 was basically at the end of the year?

28
29 **MR. STRELCHECK:** The only flexibility that -- I won't say the
30 only, but flexibility that was provided is I talked about that 5
31 percent holdback early on that was self-imposed.

32
33 At some point during the season, the Headboat Collaborative
34 manager reached out to us and asked for how the average weights
35 and sizes were tracking for each vessel and based on that
36 information, if it was tracking at or below the preseason
37 estimate. Then that remaining 5 percent of quota was released
38 to those vessels. If it was tracking above it, then quota was
39 held back and not released and so it did give them flexibility
40 to fish more of the quota and not have it all held back at the
41 end of the year.

42
43 **MR. HARLAN PEARCE:** I am not on your committee, but, Andy,
44 excellent presentation. I was trying to see where problems
45 might develop with the VMS system, but it seems like everything
46 worked and we had a predicable learning curve that you had to go
47 through with the captains and with data transfers.

48

1 In your opinion, what else -- What could we do better than this?
2 How could we improve on the Headboat Collaborative Program?

3
4 Is there anything that we can do differently than we did that
5 would make it better or just more of this learning curve
6 situation and more boots on the ground? What can we do to make
7 it better than it is and not that it's not good now. It is, but
8 I am just trying to see what could be a better process.

9
10 **MR. STRELCHECK:** I think overall the program itself worked
11 extremely well. It was in line with our expectations. There
12 were some glitches and some challenges, especially on the
13 electronic data reporting side, but those were not necessarily
14 unforeseen, given that it was a new technology being used with
15 these captains that weren't familiar with it.

16
17 As I mentioned in one of my latter slides, we used the Southeast
18 Headboat Survey and had that data pulled into our system and we
19 would like to have kind of more of a direct connection with that
20 data flowing to our system, because it will reduce processing
21 time for us on the backend and allow for more real-time
22 updating, similar to the IFQ program, but overall, I think the -
23 - We have learned a lot.

24
25 I think one of the big challenges that we didn't expect is that
26 headboats run a lot of trips and they report a lot of fish and
27 they use a lot of different captains and crew and so each time
28 that a new captain or crew steps on that boat, they have to
29 familiarize themselves with the program requirements and at
30 times we felt like we had done a lot of outreach to work with
31 captains and then came to find out a new captain or a substitute
32 captain was fishing the boat that day and so we had to then work
33 with that captain, but VMS itself had very good reporting
34 requirements.

35
36 We have had some connectivity issues with VMS that we would like
37 to get more streamlined and resolved, but overall I think we're
38 very satisfied with the first-year results.

39
40 **MR. PEARCE:** Just as a quick follow-up, any program like this
41 will help us as we move towards a mandatory reporting system for
42 the for-hire sector down the road with the amendment we're
43 working on right now and so it's very good to see a program like
44 this or any other program that comes along that kind of walks
45 down the right path to get to -- So when we do develop this
46 mandatory program, we have already had all the pitfalls and
47 we've already had the problems and we know where we are and so
48 situations like this are clearly great for us developing our

1 programs in the future. Thank you.

2
3 **MS. BADEMAN:** Thank you, Andy. I just have one question. You
4 said that for red snapper there was a 5 percent holdback when
5 they were doling out the allocation, but it looked like 98.9
6 percent was landed and was that a function of just some of these
7 issues that they had or was some of that holdback eventually
8 released? I am just curious.

9
10 **MR. STRELCHECK:** Yes and that's what I was just mentioning, is
11 that the holdback was released. I don't remember when, but
12 sometime mid-year we provided in-season average weights and
13 determined whether or not each particular vessel was tracking at
14 or below their preseason average weights and if they were, then
15 that additional quota was released to that vessel and that was
16 independent of us. That was the headboat manager's decision,
17 working with those captains.

18
19 **MR. PERRET:** Andy, as you were speaking, I was following along
20 there and also looking at B-5, the Headboat Collaborative paper.
21 In particular, Table 6, average landings, that's for red
22 snapper, and for the Florida west coast, one month it's almost
23 ten pounds down to two pounds for another month, but an average
24 of 6.15 pounds per fish.

25
26 Number one, I assume some of those monthly sample sizes were
27 very small, but 6.1 versus 4.4 for the Panhandle area, that's a
28 1.7 pound difference and I've got some thoughts about as to why
29 that difference and what are yours on that 1.75 pound per fish
30 difference?

31
32 **MR. STRELCHECK:** You tossed me an easy one and I appreciate
33 that. We have five boats that are fishing off of west Florida
34 between Clearwater and Tarpon Springs. Most of those boats fish
35 fairly close to shore and don't even encounter red snapper or
36 occasionally will get into red snapper, but one is an overnight,
37 offshore vessel that's participating in the program and that
38 vessel in particular catches larger, heavier red snapper.

39
40 In fact, when we estimated the number of fish the collaborative
41 was going to get, that particular vessel had a higher average
42 weight preseason than the other four vessels in the Clearwater
43 area and so we took that into consideration, knowing that it
44 operates differently.

45
46 **MR. MYRON FISCHER:** Andy, this may not be a question directed to
47 you and Mr. Boggs may have to answer sometime when he comes to
48 the mic, but on the transfer of shares, is there any fees or any

1 charges or any capital recoup by the person giving their shares
2 or those receiving the shares from them?

3
4 **MR. STRELCHECK:** No, not under the pilot program. If this was
5 implemented and it was a mandatory program, we have requirements
6 under the Magnuson Act to recover up to 3 percent for cost
7 recovery associated with administration, research, and
8 enforcement. At this point, under the pilot program, no
9 requirements exist for recouping costs.

10
11 **MR. FISCHER:** So there is no selling of shares? If two boats
12 get together, it's just gifting?

13
14 **MR. STRELCHECK:** There is no shares to begin with. There is no
15 percentage of the quota. Yes, they were allotted a percentage,
16 but they are essentially allotted individual fish and so if a
17 business transaction occurred with sale of fish that were
18 allotted to them, then that occurred independent of the program.
19 We didn't track that information. All we were tracking was
20 whether transactions were occurring and where they were going.

21
22 **MR. WILLIAMS:** Very nice presentation, Andy, and I have two
23 questions. One is did you say that they only caught a little
24 more than 50 percent of the gag allocation, but that went the
25 whole year, right, and they weren't cut off -- They could
26 continue even after red snapper -- Well, red snapper wasn't cut
27 off either and so any reason as to -- There was no reason for
28 them not to catch the full gag allocation caused by you guys,
29 right? They just didn't catch it?

30
31 **MR. STRELCHECK:** Yes and you know I didn't show obviously on an
32 individual boat or vessel level, but some vessels are going to
33 come a lot closer to catching their allotment than others. My
34 suspicions are twofold. One is 2011 might be a little bit of an
35 unusual year in terms of landings and so they might have
36 received a little bit more quota that year compared to previous
37 years that they were harvesting and so they were receiving a
38 higher percentage.

39
40 The other thing is we have a gag assessment that indicates that
41 the population is rebounding and improving, but we're also
42 hearing from fishermen that are indicating that the health of
43 the stock isn't as good as maybe our stock assessment shows and
44 so this could be reflective of just the health of the population
45 as a whole as well.

46
47 **MR. WILLIAMS:** Thank you and then my second question is did you
48 say they were given 42,000 red snapper for 2015? Did I get that

1 right, approximately? They were given --

2

3 **MR. STRELCHECK:** I am looking up the number right now.

4

5 **MR. WILLIAMS:** They were given fewer for 2015 than they were for
6 2014?

7

8 **MR. STRELCHECK:** Yes and so 55,000 last year and I don't recall
9 what the number is, but it is less than that for this year.

10

11 **MR. WILLIAMS:** I didn't understand why it was less. Is that
12 because the average weight is higher?

13

14 **MR. STRELCHECK:** If you look at the graphic on the screen, 2011
15 Collaborative Headboat vessel landings remain the same and they
16 don't change, because those are part of the Southeast Headboat
17 Survey.

18

19 The denominator, which is the 2011 total recreational landings,
20 increases substantially because of the new MRIP calibrated
21 estimates and so the percentage that's then allocated to the
22 program is reduced by a certain fraction and applied then to the
23 quota and ultimately they receive less pounds and less fish.

24

25 **MR. WILLIAMS:** If you guys approve the quota increase that the
26 council requested, will their allocation go up if that goes up?

27

28 **MR. STRELCHECK:** Yes and I didn't provide the estimate, but I
29 want to say it's estimated there are about 215,000 pounds right
30 now and it would be close to 275,000 or 280,000 pounds with that
31 quota increase and we would release that at whatever time that
32 quota increase goes into place, similar to what we do for the
33 IFQ programs.

34

35 **MR. KEVIN ANSON:** Thank you, Andy, for the presentation. The
36 703 validations that you indicated were conducted, were those
37 specific to the Headboat Collaborative Program or do those also
38 include the validations or the interviews that are conducted by
39 Beaufort?

40

41 **MR. STRELCHECK:** Those are specific to vessels participating in
42 the program. They include sampling that's conducted directly by
43 the Southeast Fisheries Science Center as well as some contract
44 work done through the Fish and Wildlife Commission.

45

46 They were integrated into normal kind of daily sampling
47 activities and so a combination of boats participating in the
48 program as well as those that aren't participating in the

1 program.

2
3 **MR. ANSON:** You made a comment to improvements to the dockside
4 sampling program, whereby separating the fish would be conducted
5 this year. Is that because there is two different forms and
6 it's easier to do one form and fill out the form and then go
7 back to the rest of the fish? I am just concerned that the
8 other fish are not going to be sampled, the other species.

9
10 **MR. STRELCHECK:** No, certainly we placed some priority on
11 getting average weights and sizes for red snapper and gag, but
12 the sampling protocols allow for sampling of all the species
13 that are coming off of that vessel.

14
15 What we wanted to do for the validations though is try to
16 prioritize those. As you well know, when a headboat gets back
17 to the dock, everyone is scrambling and people are getting off
18 the boat and so we've worked with the captains and crew to come
19 up with processes where we can quickly -- The port agents can
20 quickly come onboard and count the fish and determine quantity
21 of fish being landed and then have those as comparison for the
22 hail-in notification that was made.

23
24 I think it was a process that has evolved some over time and
25 we've just tried to be more efficient, but certainly from a
26 prioritization standpoint, the survey is much broader than the
27 Headboat Collaborative Program. There is sixty additional
28 vessels that participate and those are also being sampled in
29 conjunction with Headboat Collaborative vessels.

30
31 **MR. BOYD:** Andy, thank you. A question about the quota. When
32 the quota is distributed to the Cooperative, is it distributed
33 further by boat or by captain?

34
35 **MR. STRELCHECK:** The headboat manager receives the quota
36 allotment at the beginning of the fishing year and then it's
37 distributed to the vessel accounts or vessels participating in
38 the program thereafter and so we had one headboat collaborative
39 manager account and seventeen vessel accounts associated with
40 the program. It's very similar to the IFQ program, in that you
41 have a shareholder account that actually gets a portion of the
42 quota and then it funnels from there to vessel accounts
43 underneath that shareholder account. In this instance, there
44 were seventeen vessel accounts.

45
46 **MR. BOYD:** Once it's distributed and if there is a trade or a
47 barter between two different vessels, is there any weighting
48 that's given to vessels who catch a higher average weight fish

1 versus a lower average weight fish and the number of tags they
2 transfer?

3
4 **MR. STRELCHECK:** We talked about that at the beginning of the
5 program, recognizing that could be potentially an issue,
6 especially if you have a dramatic shift from someone that lands
7 really large fish to small fish or vice versa. We didn't impose
8 that, because we wanted to see how the program would operate
9 independent of that.

10
11 The way we account for it is through our sampling dockside and
12 so if quota is transferred between vessels and there is
13 differences in those average weights, those would be picked up
14 then with our sampling, because keep in mind the average weights
15 are estimated on a regional basis and we have four regions that
16 we're operating under in the program.

17
18 Those will inflate or deflate the landings estimates based on
19 those changes in average weight and my understanding is that
20 when a transfer occurs that the captains work amongst themselves
21 or vessel owners to also transfer the corresponding tags to one
22 another.

23
24 **MR. BOYD:** Were there any transfers between regions, like
25 Florida and Texas?

26
27 **MR. STRELCHECK:** There was thirty-one transfers and, of those,
28 twenty-three were within the same region and so the remaining
29 eight were between regions. I would have to look up where those
30 transfers occurred, but it certainly could be between Texas and
31 Florida.

32
33 **MR. BOYD:** Thank you. I was just using that as an example, but
34 thank you.

35
36 **MR. PERRET:** I was going to ask about transfers and you said
37 there were twenty-three and do we have any idea relative to what
38 was the compensation of a transfer, price per fish or anything
39 like that, price per pound?

40
41 **MR. STRELCHECK:** I would have to go back, but I don't believe we
42 were collecting price information. Certainly when there was
43 barter that were indicated, twenty gag were being transferred
44 for twenty red snapper, they were swapping fish at that point. I
45 will check, but I don't recall if we collected price
46 information.

47
48 **MR. ATRAN:** Were participating vessels required to hail in on

1 all trips, including the ones where they did not catch red
2 snapper or gag?

3
4 **MR. STRELCHECK:** Yes and that was partly why you saw that big
5 difference between trips and actual trips reported in
6 collaborative species. The only exemptions were if they
7 declared out of the fishery and out of the fishery would include
8 things like dolphin cruises inshore or sightseeing trips or they
9 are going to have maintenance at the boatyard and are pulling
10 the boat out of the water. They could declare, through the VMS,
11 out of the fishery. For any other trips that headed offshore,
12 we required them to hail out and then hail in with no catch.

13
14 **DR. GREG STUNZ:** Andy, I've got just a general question. Is
15 there any indication -- In a program like this, does it help
16 with discards or are they the same or do you just assume they're
17 the same? I was just wondering about fishing during off times
18 and if that might offset some discards.

19
20 **MR. STRELCHECK:** I will look back at Dr. Abbot and I believe he
21 will be discussing a little bit of that in the next
22 presentation. He's going to talk more directly about that. I
23 will add that we do have a draft report in the briefing book
24 which provides much greater detail.

25
26 We will be working to finalize that report, but certainly if you
27 have any comments, feel free to share those with us. Jessica
28 Stephen on my staff and several other staff members put in a lot
29 of time and effort to prepare that report and we would
30 appreciate any comments that you have on it.

31
32 **CHAIRMAN GREENE:** Anything else? I guess the next part will be
33 Josh Abbot. If you're ready, come on up and we will get
34 everything ready.

35
36 **DR. JOSH ABBOT:** My apologies. I had to set up a laptop here so
37 I could see the slides. It's a little small and dim up there.
38 Just a quick work of personal introduction. My name is Josh
39 Abbot and I am an Associate Professor at Arizona State
40 University and I am a fisheries economist there.

41
42 I have worked for about ten years in fisheries and I have
43 authored a number of peer-reviewed publications in this area,
44 working in both the Gulf of Mexico, but also in places such as
45 Alaska and the U.S. Great Lakes and other places. I have worked
46 with a number of NMFS colleagues as well as academic colleagues.

47
48 My research really focuses on looking at the evaluation of

1 policy changes in fisheries, including things such as this
2 headboat EFP, and I am listed in the EFP as the researcher of
3 record for the socioeconomic portion of this research.

4
5 As we think about how to evaluate a program, a policy change, a
6 policy experiment, if you will, like this EFP, we really have to
7 think about what is the ideal comparison when we're trying to
8 think of -- You know we create a policy change and in this case,
9 really the relevant question is what happened under the EFP
10 relative to what would have happened?

11
12 Of course, we only observe one run of history and so we're
13 always having to sort of use the data that we have in hand to
14 try to predict that what would have happened in the absence of
15 the program and in this case, it's a little bit of an open
16 question as to what is the relevant sort of baseline that we
17 want to use from the data.

18
19 We had a rather unusual season of nine days and that's sort of
20 unprecedented in the historical record and one school of thought
21 would be that we should use what would have happened to the Gulf
22 Headboat Collaborative vessels if they had been subject to that
23 nine-day season.

24
25 Another sort of relevant baseline would be what would have
26 happened to those vessels if they had had management similar to
27 in previous years and so you will see a little bit of both kinds
28 of -- Economists would call these counterfactual, sort of
29 different baseline scenarios, as I go through this analysis.

30
31 I just want to be really clear that at this point this is still
32 very preliminary. The data have just come in from this last
33 season in many ways and so we're still slicing and dicing data
34 here, but the comparisons that you're going to see here are
35 going to be really of two different types.

36
37 I will start with some comparisons between Gulf Headboat
38 Collaborative vessels versus non-GHC vessels, kind of looking
39 before and after the 2013 versus 2014 seasons, sort of looking
40 at how trends varied between those that were subject to the
41 program versus those that were outside of it.

42
43 Then I will also do some comparisons of just the GHC vessels
44 between the 2014 EFP season and then previous years, but neither
45 comparison here should really be considered the causal effect of
46 this EFP without some further scrutiny and there is a lot of
47 sort of rigorous analysis that's ongoing trying to hammer this
48 down a little more finely.

1
2 In terms of available data, the data that I am working with here
3 are the 2003 through 2014 logbook data for the vessels owned by
4 GHC members and so I have in my possession those data for those
5 vessels that are inside the program.

6
7 As a comparison, what you will see today are aggregated 2003 to
8 2014 logbook data by region and year and so this is broken out
9 across the categories that you see there, northwest Florida,
10 southwest Florida, Alabama, Louisiana, Mississippi, and Texas.
11 Those data are, of course, censored to protect confidentiality,
12 but this allows me to make some comparisons to vessels that are
13 not in the Headboat Collaborative in a sort of year/region
14 context.

15
16 I also have, newly, some disaggregated data at the regional
17 scale that would allow more fine-level comparisons and that will
18 be reflected in ongoing analysis.

19
20 In addition, there is some new data that were gathered
21 underneath the research here and in the winter and the spring of
22 2014, I surveyed vessel owners in the GHC, asking them questions
23 about their pricing and getting data on their costs, for example
24 on fuel, and as well as some expectations about their business
25 strategy going forward under the EFP. How did they expect this
26 to alter their decision making, the way that they conduct their
27 businesses, for example?

28
29 We are in the process now of getting a second round of surveys
30 out, asking retrospectively about the 2014 season, about costs
31 and revenues and pricing data for that year, which will allow us
32 to make much more fine predictions or findings about the impacts
33 on revenues, profits, et cetera.

34
35 In addition, there are surveys of the Gulf Headboat
36 Collaborative customers and these were two-page surveys that
37 were administered on both trips under the EFP and trips not
38 under the EFP, in order to get the broadest swath, the most
39 representative sample, we possibly could.

40
41 These are basically designed to create a sample for a follow-up
42 survey, but in the process we gathered a lot of information on
43 income, gender, a lot of demographic information, as well as
44 some information on the location, where these people are coming
45 from.

46
47 In the process, these respondents also voluntarily supplied
48 their email, which gives us the ability to use those emails for

1 a follow-up internet survey, which is what you see there as Item
2 VI, which is an online customer survey, which is currently in
3 development and we'll be pretesting that survey very soon and
4 then deploying it using the 2015 survey pool.

5
6 The idea from this is to use the individuals that supplied their
7 email to deploy a survey instrument that asks them structured
8 questions that are very commonly used in economics and in
9 marketing research to really evaluate their willingness to pay
10 and to fish under a more flexible system, such as this EFP.
11 This is really the part of the research endeavor that will help
12 supply information on how much additional value, how much angler
13 value, is created by this more flexible program and potentially
14 provide some policy guidance going forward for if such a program
15 were extended, what would be the value to consumers, as well as
16 these values that we can show for the Headboat Collaborative
17 owners themselves.

18
19 Just a really quick view here and each little dot on this map
20 represents a unique zip code that came from those angler surveys
21 and we found that there were forty-eight states represented, as
22 well as a handful of foreign countries that are not shown on the
23 map and Alaska was actually included in there as well, but, as
24 you can see, there is a very heavy preponderance of customers
25 that come from the east U.S., but also a number from the western
26 United States as well. The sort of sparseness reflects the fact
27 that the west is just not as densely settled.

28
29 Now, moving on to some comparisons, this first set of
30 comparisons that I will show is comparing Gulf Headboat
31 Collaborative vessels versus non-GHC vessels and looking at them
32 through time. Because of the aggregation of the data that I
33 currently have, this is going to be looking at region and year
34 comparisons and so this is going to be relatively aggregated.

35
36 If you look at the number of total trips, these are total trips
37 whether EFP species were retained or not and so these are all
38 trips taken. The red line is giving you the non-GHC vessels and
39 you can think about this as sort of the control group, in some
40 sense, and then the blue line are the GHC vessels.

41
42 The main sort of thing to note here is that between 2013 and
43 2014, the number of trips actually went up a little bit for the
44 non-GHC boats, by a little below 6 percent, whereas the number
45 of trips actually stayed relatively constant for vessels within
46 the collaborative.

47
48 There doesn't seem to be really an increase in total trips for

1 collaborative vessels and, if anything, it looks like the
2 vessels that were outside the collaborative actually had a
3 little bit of an increase and so we don't see a decrease in
4 trips for the non-GHC boats as a result of this program,
5 necessarily.

6
7 If you look at the number of total angler days, and so this is
8 sort of multiplying the length of the trip as reported in the
9 Beaufort survey times the number of anglers on the boat and then
10 looking at this in an aggregate way, you will see that basically
11 angler days have trended up and they've been trending up in the
12 fishery for the last few years, with the exception of 2010, for
13 obvious reasons. By and large, we really don't see a blip or a
14 change in this trend as a result of the EFP.

15
16 However, if you start looking at the number of red snapper trips
17 and what I mean here are trips on which a red snapper was
18 retained, any trip that retained red snapper, you actually see
19 that the number of trips for vessels under the collaborative
20 went up by 161 percent. You can see that here.

21
22 The number of trips on which a red snapper was retained went up
23 by 160 percent, roughly, whereas the number of trips with red
24 snapper on them for the non-GHC vessels went down by 28 percent
25 and under a nine-day season with the buffer that was in place,
26 that 28 percent was -- I think the cause of that decline for the
27 non-GHC boats is fairly clear.

28
29 If you look at these two data series, they sort of roughly look
30 to parallel each other and they sort of go up and down roughly
31 proportionally over time and so if you were to sort of think
32 that if the GHC boats were themselves subject to the same
33 management as the non-GHC boats in 2014, then they may very well
34 have experienced a similar 28 percent decline and that's what
35 you see there, which would indicate that there is really about
36 189 percent. That's adding the 161 and 28 percent.

37
38 There was really a 189 percent increase in trips, red snapper
39 trips, for GHC vessels relative to what would have likely
40 occurred if they had been subject to the same nine-day season.

41
42 Now if you look at landings, you see a very similar outcome here
43 and, in fact, there is a 59 percent reduction in red snapper
44 landings for non-GHC boats and about an 82 percent increase in
45 red snapper landings for GHC vessels and what I would just have
46 you note here is that you have this 161 percent increase in
47 trips for the GHC, but an 82 percent increase in landings and so
48 there is roughly twice the increase in trips as there are

1 landings.

2
3 You see very similar trends for gag. Relative to 2013, the non-
4 GHC boats were down by 34 percent in terms of the number of
5 trips, whereas the number of trips increased by 74 percent for
6 GHC vessels over that same time period.

7
8 Landings were a bit more muted. You see about a 6 percent
9 reduction in trips for non-GHC vessels relative to a 56 percent
10 increase in landings for gag over that same period and so we are
11 seeing relatively similar trends for gag as we saw for red
12 snapper.

13
14 Just sort of a summary of this particular part of the
15 presentation. Overall, we have seen stable trips for the Gulf
16 Headboat Collaborative versus about a 6 percent increase for the
17 non-GHC and so, overall, it's stable trips for the GHC vessels
18 versus a slight increase for non-GHC and very similar trends in
19 angler days across the two groups that don't seem to be markedly
20 changed from previous years.

21
22 The big notable changes here are these large increases in red
23 snapper trips and large increases in landings for the GHC boats
24 versus large reductions in both for the non-GHC. We see a very
25 similar, but more muted pattern, for gag as well.

26
27 Moving on to what I think are some maybe more enlightening
28 comparisons, if you just look across GHC vessels only and look
29 at them through time and so you're going to see now a number of
30 comparisons from 2014, the year of the EFP, versus previous
31 years. This will probably be sort of a comparison of how have
32 things changed relative to management as it was in 2012 and 2013
33 and in recent years.

34
35 The first thing I want to talk about is allocation of trips and
36 landings over time and this is a graph that shows in red the
37 2014 weekly trips by EFP vessels and these are all trips and not
38 just trips in which EFP species were retained.

39
40 If you look at this, the gray area there is sort of the envelope
41 of recent years, from 2009 forward, and you can kind of see that
42 the red line basically stays within that envelope of past trips
43 and if you look at the sort of dotted blue line in there, that's
44 2013 and if you look at it, you will see that, by and large, the
45 overall timing of trips hasn't changed dramatically and overall,
46 this is -- If you run statistical tests on it, by and large the
47 distribution of trips hasn't markedly changed overall.

48

1 However, if you look at trips retaining red snapper, the red
2 line here is the cumulative number of trips on which red snapper
3 were retained and if you compare that to the black line that has
4 "495" next to it, that's relative to the 2013 season.

5
6 As you can see, we have just a little less than 1,300 trips
7 where red snapper was retained and if you look at the breakdown
8 here, about 31 percent of all trips occurred before the
9 beginning of the open season for red snapper and so fully a
10 third of red snapper trips under the EFP were taken before the
11 June 1 season.

12
13 Only about 10 percent, the 9.6 percent you see there, were
14 actually caught in the nine-day season. I'm sorry. Not catch,
15 but trips. 9.6 percent of trips were pursued during that nine-
16 day season and then 59 percent of trips were conducted after the
17 ending of the open season for red snapper.

18
19 If you sort of look at the amplitude, the steepness, of that red
20 line, you will see that during the actual open season, or the
21 traditional summer season for red snapper, you will see that
22 overall the pace of trips was certainly increasing at that time,
23 but it was a bit slower than in past years.

24
25 Fishermen shifted some of their trips to an earlier or later
26 season and didn't fish quite as many trips during the summer as
27 they had in the past years.

28
29 If you look at landings, you see a very similar pattern here and
30 you will see, as Andy reported, just shy of 55,000 red snapper
31 landed, compared to the 30,000 in 2013, and if you look at the
32 breakdown of landings here, you get about a third, again, landed
33 before the beginning of the open season and about 11 percent
34 actually landed during the open season for red snapper and then
35 52 percent landed after and so you see a real spreading of both
36 landings and red snapper trips here.

37
38 If you look at gag, we see about 48 percent of trips retaining
39 gag that were actually prosecuted before the beginning of the
40 gag season and then we see about exactly the same amount in
41 number of trips that were produced after that point. Again, we
42 see a real evening out of trips on which gag were retained, as
43 reflected by the sort of relatively straight red line that you
44 see on the graph.

45
46 If you look at the cumulative number of landed gag relative to
47 historically, over half of landed gag under the EFP were landed
48 before the beginning of the open season and then about 33

1 percent were landed during the season itself and then about 8.7
2 percent landed in December at the end of the gag season, after
3 the open season for gag.

4
5 If you sort of look at this from an overall perspective as
6 access to all EFP species and what you're seeing in gray there
7 are the respective seasons for red snapper and gag, the number
8 of anglers on trips that retained red snapper -- People on trips
9 that retained either one of these EFP species, gag or red
10 snapper, effectively doubled in 2014 relative to all recent pre-
11 EFP years and so in terms of access to these two species,
12 effectively twice as many anglers were on trips that had access
13 to these species relative to these same boats in previous years.

14
15 Another sort of interesting fact is that you've achieved in 2014
16 the same number of anglers retaining EFP species around the
17 middle of the season. Around Week 25 of the season, you had as
18 many people on boats retaining red snapper as you had in the
19 previous year, in 2013.

20
21 If you look at this in terms of the probability of EFP species
22 trips being prosecuted, what you basically see is -- This is
23 very small and I apologize for the smallness of this, but if you
24 look at the left graph, you are looking at trips retaining red
25 snapper and the proportion of trips retaining red snapper.

26
27 What you will see is that during the derby, the middle bar
28 there, the proportion of trips that retained red snapper did go
29 up a bit, but you also see, before and after, a relatively even
30 distribution of sort of trips that were devoted to the retention
31 of red snapper. Then for gag, you actually see a higher
32 proportion of trips retaining gag at the end of the season.

33
34 The summary here is that the number and overall seasonal
35 distribution of trips didn't change much in 2014 if you look at
36 the just overall picture of overall trips. However, the
37 landings and the trips of EFP species are much more evenly
38 spread across the year.

39
40 There is now substantial winter and spring fishing for both red
41 snapper and gag under the program and one interesting thing to
42 note is that there is little red snapper fishing after July. As
43 Andy noted, that's mostly due to anticipation or an expectation
44 that the fishery would be closed due to 407(d) and so it will be
45 interesting to see if in this coming year if we see a similar
46 type of trend.

47
48 There are substantial increases in the number of customers on

1 EFP-retaining trips and that's partially driven by the larger
2 2014 allocation, but the really important thing to note here is
3 that the plurality of the red snapper and the gag season, gag
4 trips and landings, actually occurred outside of the respective
5 open seasons. As you saw, both trips and landings of red
6 snapper, only about 10 percent were occurring inside that nine-
7 day season.

8
9 If we look at landings per customer, this is really looking at
10 how are vessels allocating landed fish per customer and a really
11 important thing to note here is that -- If you look at the left-
12 hand graph, you're looking at red snapper per angler and there
13 was an 82 percent increase in the number of red snapper per
14 angler if in that divisor of anglers you include all anglers
15 that got on an EFP member boat during the year.

16
17 Those 2014 increases, that increase in landings rate can be
18 explained entirely on the basis of the fact that there was an 82
19 percent increase in total landings for red snapper by EFP
20 vessels, but the important thing here is that the trips -- Even
21 though landings went up by 82 percent, trips retaining EFP
22 species have increased by an even greater fraction, an even
23 greater proportion.

24
25 For example, red snapper landings went up by 82 percent and the
26 number of trips on which red snapper were retained went up by
27 161 percent. This raises an interesting question about how our
28 EFP member vessels are sort of closing this gap while staying
29 within their allocations. There is a lot more trips and more
30 fish, but not as many fish as the increase in trips.

31
32 The answer to this is that the number of red snapper retained
33 per angler on those trips that are red snapper trips has
34 actually declined substantially in 2014 and so if you look at
35 this figure, the baseline is at zero and 2013 is your baseline
36 and then if you look at the final blue bar to the right, that
37 reflects that there was, on average, about a 0.4 per angler
38 reduction in red snapper landed and so almost half of red
39 snapper, on average, less fish retained by these boats and
40 that's a level that really hasn't been seen since about 2006.

41
42 Gag, you see a very small reduction, but sort of within the
43 historical range. That's actually about 0.02 fish. That's a
44 very small reduction.

45
46 If you look at all landed fish per angler though, and so if
47 you're just looking at the total landings of all fish by anglers
48 on these EFP trips, you actually see that there is really no

1 change. Effectively the number of fish per angler that
2 fishermen are bringing in has stayed basically constant and so
3 where are the sort of extra fish coming from?
4

5 We have fewer red snapper, but overall landings per angler have
6 stayed the same and where are these fish coming from? It's
7 coming from non-EFP reef fish and so the other reef fish under
8 the FMP that are not under the EFP, not red snapper and not gag.
9 We actually see about a half a fish extra per angler retention
10 on EFP trips and so about half a snapper less per angler and
11 about a half another reef fish per angler per trip.
12

13 The summary here on this is headboat owners have actually spread
14 their allocations of red snapper over a larger number of anglers
15 and they have done this by reducing retention per angler on red
16 snapper trips and I will talk about how they managed that in a
17 second.
18

19 There is some anecdotal evidence that some boats are actually
20 limiting customers to one red snapper on these special out-of-
21 season snapper trips and doing that in exchange for retaining
22 some other species, as we saw.
23

24 The overall number of reef fish and fish per angler has actually
25 remained stable and so fishermen are still bringing in roughly
26 the same stringers they had before, but there is just about half
27 a red snapper less per angler now.
28

29 One interesting thing we've noted that may have some impact on
30 revenues and profits, and we're still looking in this, are
31 changes in trip duration and I will just briefly note that if we
32 look at the historical record, in 2014, EFP vessels took an
33 unprecedentedly large number of full-day trips, as opposed to
34 half-day trips.
35

36 The probability of a trip being a full-day trip went up by 0.17
37 in 2014, which put the overall probability of taking a full-day
38 trip at about 60 percent relative to previous years, where it's
39 been between 24 and 48 percent. Full-day trips have gone up and
40 there is some evidence anecdotally, talking to fishermen, that
41 they are, in some sense, taking their red snapper and moving
42 them towards these longer trips.
43

44 The economics of this need to be worked out, but there is some
45 evidence that these may be lower cost trips, because you
46 effectively are getting a full day of fishing and spending less
47 time than you would going back and forth from the grounds and
48 going back and forth from port and spending less on fuel, et

1 cetera.

2
3 I mentioned that landings per angler had gone down and it's
4 important to sort of understand why and one potential reason
5 would be that discards could have gone up and what I want to
6 show now is that discards have not in fact gone up and, in fact,
7 they've gone down.

8
9 Just a really simple little formula here. I am going to talk
10 about discards per angler hour, which the way -- The reason why
11 I want to talk about this is this effectively how much discard
12 is generated per hour of the angler experience and so it's
13 discards per unit of service rendered in this industry.

14
15 That is really composed of two pieces. There is the discard
16 rate, which is discards divided by catch. That's what we
17 commonly think of when we think about discards and then we
18 multiply that by catch per angler hour, which is basically CPUE,
19 and you get discards per angler hour. I am just going to
20 quickly walk you through how these two statistics have evolved
21 over time.

22
23 If you look at red snapper discard rates in 2014, they are
24 actually down 36 percent relative to 2013 and that's a level
25 that hasn't been seen since 2006. This is discards per unit of
26 catch and so we're seeing the overall discard rate go down
27 substantially this year.

28
29 If you look at red snapper CPUE, and so this is the catch per
30 angler hour, the second part of that, you will see that the
31 actual catch per angler hour has gone down by about 11 percent
32 and so, in essence, there is sort of two different things going
33 on. We have a lower discard rate and we have a lower catch rate
34 per angler hour going on in this fishery relative to
35 historically and, again, that 2014 level of CPUE is roughly
36 comparable to 2006.

37
38 If you look at this from the perspective of that breakdown that
39 I set up, the discard rate is about 64 percent of 2013 levels
40 and the catch per angler hour is about 89 percent and that
41 leaves us with a discard per angler hour that's about 57 percent
42 of 2013 levels and so we're just a little bit north of half the
43 rate of discards per hour of service provided in this industry.

44
45 If we look at gag, just very quickly, we're down about 24
46 percent in discard rates. If you look at gag CPUE, CPUE is down
47 about 46 percent relative to 2013 and so from this overall
48 breakdown, that implies that discards per angler hour, again

1 discards per hour of service provided in this industry, are
2 about -- Those are about 41 percent of the levels that they were
3 in 2013 and so they're down about 59 percent.

4
5 The summary here is discard per unit of angler effort had fallen
6 dramatically since 2013. Red snapper, discards are down 43
7 percent and for gag, they are down 59 percent and those reduced
8 discards have been achieved, as I showed you, through increasing
9 the proportion of EFP catch that's actually landed and so
10 increasing -- Sort of reducing the discard rate on landings, but
11 also reducing the amount of catch under the EFP per unit effort
12 and so there's two different things going on here that have
13 reduced the overall discards per angler hour.

14
15 In conclusion, there is some strong preliminary evidence here
16 that relative to recent seasons the EFP has dramatically spread
17 out the allocation of the EFP species across the season. It has
18 provided many more anglers with the opportunity to fish for EFP
19 species. As we saw, we have roughly doubled the number of
20 fishermen that are now on trips that retain EFP species.

21
22 It has reduced the discards of EFP species by any metric and it
23 has allocated landings of EFP species over a broader population
24 of anglers and I can say that because we know that there are
25 lower landings per angler, which implies that we are now
26 spreading the same number of fish over a greater number of
27 anglers.

28
29 It has also increased the share of non-EFP reef fish species and
30 landings relative to in previous derby seasons and so we're
31 seeing sort of a more mixed stringer coming in, on average, from
32 anglers, with a little less red snapper on it, but more of
33 something else.

34
35 In terms of changes in revenues and profits, this is a subject
36 of ongoing research and really the cost and revenue data for
37 2014, which we are currently gathering, will be critical in
38 answering these questions, but sort of at a very preliminary
39 stage now, looking at the indicators I have shown you, there is
40 little obvious evidence of overall increases in customer demand.

41
42 We don't see a notable increase in number of trips or number of
43 anglers per trip or anything like that on EFP boats. However,
44 what we do see are out-of-season trips are now of a higher
45 potential quality, because now these trips that are outside of
46 the open season for red snapper or gag have the potential to
47 retain red snapper or gag on them and so these potentially could
48 command a higher price. We do not have evidence yet of whether

1 they have commanded a higher price or not.

2
3 We also see the shift towards more day trips in the data and
4 this could potentially enhance net revenues. Day trips command
5 a higher fee relative to a half-day trip and they have, per hour
6 of fishing, a much lower fuel cost and so we will be working out
7 the numbers on this, but it looks like this could be a major
8 source of increased revenues for the sector.

9
10 Ongoing research, as we bring in the more disaggregated data for
11 the non-GHC boats, we have the weekly data that we'll be using,
12 the confidential data. We will be working towards a more
13 rigorous treatment of the sort of counterfactual scenario for
14 the GHC boats of what if they hadn't been in the program and
15 what would we have likely seen from them if they had been
16 subject to the nine-day season and so we'll be working to
17 produce a more statistically rigorous estimate there.

18
19 Also I will be working to look at do we see changes in trip
20 taking behavior with respect to weather? Does this sort of give
21 more flexibility to work outside of -- If you have a bad weather
22 day and if you have rough seas, does this pilot program create
23 some ability for fishermen to not go fishing under those
24 conditions?

25
26 We will also be rolling out a pretest of the online angler
27 survey using the 2014 data here shortly and the idea is that
28 this will actually allow us to estimate angler value and not
29 just the value of extra revenues or profits that would be
30 gathered by the sector from a program such as this, but also
31 potential gains to the consumer of a more valuable fishing
32 experience, a higher quality fishing experience, outside of the
33 usual seasons. Thank you.

34
35 **CHAIRMAN GREENE:** Thank you, Dr. Abbot. That was a good
36 presentation and are there any questions?

37
38 **MR. PERRET:** I have one question. Thank you very much for that
39 presentation. When we implement various management measures,
40 depending on what they are, we get all sort of feedback from
41 Chambers and so on and so forth about the economic impact that
42 we're creating.

43
44 When you showed the map of the United States of all the dots
45 from where all the fishermen came from, it seems to me that
46 would be an excellent source of information relative to the
47 economic impact of this fishery and is there any survey work
48 going on or do you plan to do anything like that?

1
2 I mean California and Idaho and Montana and all over the United
3 States, that's quite an economic impact relative to the people
4 coming and hotel rooms and all that and is any of that research
5 or any survey of that type going on?

6
7 **DR. ABBOT:** That map that I actually showed you reflected
8 respondents to that two-page survey of customers and, as I said,
9 we will actually be following up shortly with those customers
10 that provided their emails and doing a survey that actually has
11 them compare fishing, where they are looking only under the
12 traditional management structure and season versus fishing in
13 the other, and eliciting from them, effectively, how much more
14 they would pay for that extra flexibility.

15
16 That will be sort of the measure of economic impact and that
17 survey will be administered to that full population that you've
18 seen and therefore will reflect that broad geographic coverage.

19
20 **MR. BOYD:** Thank you, Dr. Abbot. A couple of questions. On
21 that same map, did you analyze where each of those zip codes --
22 When they traveled, where they traveled to? For instance, did
23 most of them go to Florida or Texas or Alabama or Louisiana?

24
25 **DR. ABBOT:** That analysis is ongoing and it's certainly in the
26 queue for things that we will be looking at. We have the data,
27 because we know -- In the survey, we actually know which boat
28 someone took a trip on and so we can look at where people came
29 from relative to where they actually fished and so that will be
30 an important part of the analysis going forward, but I, at this
31 time, can't tell you specifically where people that fish in
32 Florida tend to come from relative to people in Texas. I have
33 some anecdotal rough idea, but it's not firmly founded at this
34 point.

35
36 **MR. BOYD:** But you will be able to report that?

37
38 **DR. ABBOT:** Absolutely.

39
40 **MR. BOYD:** Okay and another question. Did you evaluate the
41 costs per trip to the customer pre-EFP and during the EFP?

42
43 **DR. ABBOT:** I have gathered data from pre-EFP. We surveyed
44 every vessel and recovered -- We the pricing flyers, trip
45 flyers, and so we know the price of every trip for every vessel
46 pre-EFP and we are now gathering that data for post-EFP and as a
47 sort of an additional piece of validation, so that we're not
48 just using the things that are reported by vessel owners, we

1 also, in the two-page survey, ask people what they paid for the
2 trip per angler and so we have an independent source of
3 information there to validate the pricing information and so
4 yes, we have pre and post price data.

5
6 **MR. BOYD:** Do you find that the cost went up or down for the
7 customer?

8
9 **DR. ABBOT:** As I said, we are currently gathering and verifying
10 the information for the 2014 season. We, early on and
11 throughout the season, were talking to headboat captains and
12 asking them about their pricing.

13
14 There is some evidence that maybe some prices went up a little
15 bit and many other operations seem to be holding the prices
16 relatively constant or kind of increasing them at roughly the
17 rate that they had been increasing, basically sort of rate of
18 inflation, over the past few years. The hard data to verify
19 that is still being gathered, because the 2014 season only ended
20 a couple of months ago.

21
22 **MR. BOYD:** One more question. When a trip was taken and a
23 person wanted to catch a snapper, did you find that there was an
24 additional cost for that fish or that tag or was that a part of
25 the original fee that they paid to get on the boat?

26
27 **DR. ABBOT:** This is a case where there is a lot of
28 heterogeneity, it seems, across different operations under the
29 EFP and as well as some variation through time, where different
30 things were being tried.

31
32 There is some evidence that on a couple of boat that there may
33 have been -- We did ask this question on the two-page survey,
34 did you pay an additional fee for red snapper. We see that
35 there were a small proportion that reported yes and the
36 overwhelming proportion said no and that the red snapper was
37 actually included in the trip, as it has been historically, but
38 there does seem to be some experimentation with some vessels
39 trying one thing and some vessels trying another and I don't
40 think that has stabilized as of yet.

41
42 **MR. CAMPO MATENS:** Dr. Abbot, thank you. I have a two-part
43 question. The first question is what was the -- What definition
44 did you use for a vessel that's not in this group and the second
45 question is how many of those vessels were there?

46
47 **DR. ABBOT:** The definition of a -- I think I can put this in
48 presentation mode. I actually have a slide that could be

1 helpful for this. The definition of a non-GHC vessel, for the
2 purposes of this study, was we took the universe of vessels that
3 were listed under the Gulf Headboat Collaborative and then we
4 looked at all vessels covered under the Beaufort Headboat Survey
5 and those that were not in the collaborative, those were our
6 population of non-GHC vessels. It's all vessels under the
7 Beaufort Survey that were not in the collaborative.

8
9 As you can see, and I am having a hard time reading the slide
10 from this distance, but there is seventeen vessels in the EFP
11 and there is roughly -- I am going to not remember the exact
12 number of vessels that were present in 2014, but it's in the low
13 seventies and so the difference is your non-GHC vessels.

14
15 **MR. PEARCE:** Dr. Abbot, thanks for your presentation. I am not
16 a derby fishing kind of guy. I really don't like the days-at-
17 sea approach to what we do here and what you've just explained
18 and went over gives us the opportunity to stretch out those days
19 and also what I really like about it is that one of my pet
20 peeves is that we need to give more access to the non-boat
21 owning public.

22
23 What you have showed us now shows me that you are giving more
24 days to the non-boat owning public with this process and that
25 probably catching red snapper is not necessarily everything on
26 their agenda, but it's one reason that they're going to go on
27 those days, because we have less snapper caught, which verifies
28 some of my other thoughts that snapper is not the only reason
29 people go fishing.

30
31 Besides that, your summary said there is really not too many
32 downsides, but if we extrapolated this to all seventy of these
33 headboats, how would that work? Do you think it would work the
34 same if we moved it out to all the headboats? That is my
35 question.

36
37 **DR. ABBOT:** I think it's a challenging question to answer on the
38 basis of one year of data, but what I will say is that if you
39 looked at some of the earlier slides where you looked at the
40 overall number of trips and the overall number of angler days on
41 those non-GHC boats, the boats that were outside the program, in
42 2014, we really don't see any noticeable big shift in business
43 in any meaningful sense, which suggests that for a relatively
44 sizeable fraction of the industry to have been in a different,
45 more flexible program, we still don't really see any preliminary
46 evidence, at least, that customers were captured or moved from
47 one group to the other.

48

1 The data will tell, but my initial speculation here is that I
2 think that you would see things that would be rather similar,
3 but I am going to hedge that quite a bit.

4

5 **MR. PEARCE:** Thanks for trying.

6

7 **MR. ATRAN:** I really just have a comment. On your graphs
8 showing how the landings per angler changed over time, you might
9 want to, in a subsequent version of this or in the paper that
10 comes out, make sure you also note when the bag limits changed.
11 Both gag and red snapper have quite a history of bag limit
12 changes over time.

13

14 **DR. STUNZ:** Nice presentation and I was wondering if maybe you
15 could expand a little bit on the discard reductions. Please
16 correct me if I'm wrong, but you estimated the discards from
17 model estimates or was there someone empirically observing the
18 number of discards?

19

20 The reason I am asking that question is you were saying some
21 vessels would restrict red snapper to one fish, for example, and
22 then they would allow them to continue fishing to try to catch
23 other things and so it kind of makes sense that the discards
24 would remain the same as it would under normal fishing
25 circumstances, or potentially be even more if they are
26 continuing to target other things in the same areas as red
27 snapper.

28

29 **DR. ABBOT:** Just a little bit more detail on what went into
30 those estimates that you saw. Those were regression-based
31 estimates, where every year I had a different indicator variable
32 in there to capture the sort of mean discard rate in that year.

33

34 Now, I did include some controls and if you look in the legend
35 of the individual plots, you will see sort of what the controls
36 were included, but basically I included what are called vessel
37 fixed effects to control for the fact that certain vessels, just
38 because of their geography or because of the particular nature
39 of their clientele, habitat, et cetera, are going to be likely
40 to have different encounter rates, different discard rates.

41

42 What I wanted to really show you was a comparison of how if you
43 follow the same vessels in 2013 versus 2014 what happened to
44 their discard rates and so the estimate there is not occurring
45 just because we're sort of reshuffling trips across vessels,
46 some of which maybe had better discard rates than others, but
47 it's actually saying within individual boats we saw these big
48 decreases.

1
2 There is sort of a two-fold thing going on in terms of those
3 discard rates though. We see that overall there is that
4 reduction in discards per fish landed, but to get the dramatic
5 reductions that we're seeing in discards per angler, or discards
6 per angler hour fished, you actually have to have not just a
7 reduced discard rate per unit of catch, but you also had to
8 reduce the encounter rate. You had to have lower catch of EFP
9 species per angler hour.

10
11 There is some anecdotal evidence that captains were minding this
12 and that they were being mindful of the fact that any fish that
13 they brought on beyond the two-fish limit that they would be
14 forced to discard and so they tried to move away from
15 concentrations of -- If you're really getting a whole lot of
16 snapper, you might back off a little bit and go catch something
17 else and so there's sort of a mixture of those things going on
18 in the data. Does that help answer your question?

19
20 **DR. STUNZ:** Yes, thanks.

21
22 **CHAIRMAN GREENE:** Next I've got Mr. Walker and then Ms. Bosarge
23 and then we're going to go Kevin Anson and then we're going to
24 take a break and so, Ms. Bosarge.

25
26 **MS. LEANN BOSARGE:** I thought your presentation was very
27 interesting and I am glad that we're collecting all this data
28 that hopefully on the economic side we can use later to evaluate
29 this program versus status quo management. That's excellent.

30
31 I was very interested in the percentages you gave on the 82
32 percent increase in red snapper landed versus 161 percent
33 increase in trips run under this new management strategy and so
34 is it fair to say that under this new management strategy that
35 you essentially are getting more bang for your buck per red
36 snapper? In other words, this strategy versus the status quo
37 management in fact doubles the amount of access that you're
38 granting to the public for these red snapper.

39
40 **DR. ABBOT:** I think it depends on how you measure access, but if
41 you are thinking about access as having the opportunity to bring
42 home at least one red snapper on a trip, and so being on a trip
43 that retains red snapper, then yes, that has doubled since 2013.

44
45 You have to somehow still make the math work and you still have
46 to stay within the allocation and so the overall number of fish
47 that are caught per angler that are on those trips is down, but
48 more anglers are getting those fish and so that same -- The fish

1 are being spread over more anglers and so, yes, there are more
2 opportunities in that sense.

3
4 **MR. DAVID WALKER:** I enjoyed your presentation and I would just
5 like to say on the discards -- I was real interested in the
6 discard rates going down and it just seems to me that this pilot
7 program could be encouraging stewardship and then these discard
8 rates being reduced could be taken into the stock assessment
9 somehow and maybe these fish given back and maybe they could be
10 used in other pilot programs. It seems good when you're
11 reducing discards and encouraging stewardship.

12
13 **DR. ABBOT:** I don't think I have any comment there, but --

14
15 **MR. WALKER:** It was more of a comment.

16
17 **DR. ABBOT:** I will defer to my stock assessment colleagues.

18
19 **CHAIRMAN GREENE:** Mr. Anson, did you have anything you wanted to
20 go over? We are going to take a -- Mr. Anson has got something
21 he wants to do, but after that, we're going to take a very firm
22 ten-minute break. I get the feeling we're running behind and I
23 don't want to get in that situation.

24
25 **MR. ANSON:** Thank you, Johnny. I just want to recognize Mr. Ed
26 Swindell. Mr. Swindell, thank you. Ed was one of the original
27 -- As I am told, he was one of the original council members and
28 he is back on the list for Louisiana, top on the list, for
29 nomination for the ad hoc seat and so good luck to you in the
30 nomination process, Mr. Swindell, and welcome to another council
31 meeting. We will be back in ten minutes. Thank you.

32
33 (Whereupon, a brief recess was taken.)

34
35 **CHAIRMAN GREENE:** We are going to go ahead and move into Action
36 Item Number X, Amendment 39, Regional Management. We're going
37 to start on Proposed Process for Reviewing State Management
38 Plans, Tab B, Number 10(a). Dr. Lasseter is going to walk us
39 through that document. I am being corrected here.

40
41 **REVISED DRAFT AMENDMENT 39 - REGIONAL MANAGEMENT OF RECREATIONAL**
42 **RED SNAPPER**
43 **PROPOSED PROCESS FOR REVIEWING STATE MANAGEMENT PLANS**

44
45 **MR. ATRAN:** Tab B, Number 10(a) is a proposed process for
46 reviewing state management plans and somebody from NMFS is
47 supposed to walk us through that first.

48

1 **CHAIRMAN GREENE:** Okay. Tab B-10(a), is somebody from NMFS
2 going to walk us through that?

3
4 **DR. AVA LASSETER:** Actually, if I may interrupt for just a
5 moment, Mr. Chairman, that will be Dr. Branstetter, who I don't
6 see quite in the room, but if I could go ahead and just
7 introduce the document and say a few words, I am sure he will be
8 back momentarily.

9
10 This is an updated draft actions and alternatives and it is Tab
11 B, Number 10(b), Regional Management of Recreational Red
12 Snapper. The IPT has restructured the actions and alternatives
13 again and I have highlighted in red here the structure of them
14 now and so first we're addressing in Action 1 the form of
15 regional management. We are considering delegation and the
16 conservation equivalency approach.

17
18 Then Action 2 addresses how regional management and sector
19 separation, if it goes forward, would work together or not for
20 the next three years. Action 3 is familiar. You've seen it
21 before and it's establishing the regions.

22
23 We have created a new Action 4 which is for modifying the
24 federal minimum size limit. Action 5 is looking at spatial
25 issues in the Gulf, closures in the EEZ, and 6 will be our
26 allocation action apportioning the quota and then, finally, our
27 Action 7 will be post-season accountability measures specific to
28 the program.

29
30 This is the same document that you have. I have just cut out
31 sections and identified the page number for each section that
32 we're on. Section 1.2 is on page 4 and this is our purpose and
33 need and we have tweaked the wording a little bit to update for
34 the new actions and alternatives.

35
36 Now the purpose of this action is to provide flexibility in the
37 management of the red snapper recreational component in the reef
38 fish fishery by restructuring the federal fishery management
39 strategy to allow for the regional variation of regulations and
40 developing AMs for recreational overages to better account for
41 biological, social, and economic differences among the regions
42 in the Gulf. I wanted to open it up for any comments or
43 feedback on the purpose and need before I move on.

44
45 Hearing none, we will move into our first action and that will
46 be the regional management. I also want to make a comment that
47 as we're going through this, this is a rather restructured
48 document with new alternatives.

1
2 We have provided quite a bit of the discussion comparing the
3 alternatives in this chapter, but the IPT has not had a chance
4 to develop any analysis for these actions and alternatives and
5 so I don't think that our concern at this time is identifying
6 preferred alternatives, but rather to examine the content of the
7 actions and alternatives for completion for everything that you
8 may want to consider under regional management at this time.

9
10 For this action, we have the alternatives for the delegation,
11 which you've heard quite a bit about, and the two alternatives
12 for developing conservation-equivalent proposals, measures, for
13 the different regions.

14
15 Your current preferred alternative is 3, which would have the
16 regions submit proposals directly to NMFS, as opposed to
17 Alternative 4, which would have an added review layer of having
18 a technical review committee. I would like to turn this over to
19 Dr. Branstetter for a moment. NMFS has prepared a little
20 explanation on how the process of a conservation equivalency
21 would work through their system.

22
23 **DR. BRANSTETTER:** Thank you. This is Tab B-10(a) in the
24 briefing book. It's a very brief outline of what we are
25 initially proposing for the way that the states would submit a
26 plan.

27
28 The timeline is on or about July 1, the states would provide
29 NMFS with some kind of a preliminary plan. You wouldn't be able
30 to have much in-season data in there, but you would be able to
31 at least provide something that we could look at. That would
32 allow time for us to have a back and forth with the states and
33 it especially would raise any high-level concerns that you are
34 proposing something that's been outside the scope of what's been
35 analyzed within Amendment 39, that you want to have a ten fish
36 bag limit or you want to have something that's outside the
37 scope.

38
39 That would require additional NEPA analyses and the way we are
40 looking at that right now is that the states would have to
41 prepare that documentation with assistance from our office.

42
43 No later than September 1, the state would need to submit their
44 finalized plan to the regional office for review and within a
45 month -- This just says October 1, but by October 1, we would
46 get back to you with any recommendations we have for changing
47 anything or whether this is not going to be approvable and you
48 would have at least until October 15 -- The states would have

1 until October 15 to make a revision in addressing the concerns
2 raised by our office.

3
4 Then by November 1, we would provide you final notification that
5 we have approved the plan and we would then publish a notice in
6 the Federal Register identifying that your plan has been
7 approved and that you are now operating under that plan for the
8 following fishing year.

9
10 I won't go through the detail here of what the contents of the
11 plan are. Basically it's a point of contact. You would need to
12 provide enough analysis to allow us to understand where you're
13 coming from with how the seasons and bag limits were derived and
14 provide descriptions of in-season monitoring programs.

15
16 As I mentioned earlier, if there is any other NEPA documentation
17 that might be required, then that would need to be included in
18 there, in your final submissions. I will be glad to answer any
19 questions if I can, but this is very preliminary at our point
20 right now.

21
22 **MR. FISCHER:** Steve, I just want to make certain when a state
23 submits a plan and they put like their framework and their
24 flexibility -- What we're trying to make certain is that the
25 states still have the ability or the regions have the ability to
26 adjust framework items such as bag limit or constrict days to
27 extend their season or is it hardcore when we submit the
28 document and it has to be extremely specified and no deviations?
29 We would like the flexibility of stretching the season if it has
30 to take in an event coming up and maybe constrain the bag limits
31 or do whatever measures we feel and it would still be under the
32 regional allocation.

33
34 **DR. BRANSTETTER:** I don't know that we've thought that far
35 through, but once it's published in the Federal Register, that's
36 what it would be, but if your plan comes in with a reasonable
37 range of flexible ideas that, okay, we haven't reached our
38 allocation and we want to increase our bag limit within the
39 program.

40
41 **DR. CRABTREE:** I guess specifically, Myron, is what you're
42 getting at is that you want potentially your plan to be you're
43 going to open on such and such a date and then close when your
44 quota is caught and is that what you're getting at?

45
46 **MR. FISCHER:** That's correct and then possibly a plan like
47 mackerel has, where you have a reduced head count to try to
48 extend the season, but so we would open on a date and monitor

1 our catch, monitor our quota, and make certain we close the
2 season and it won't be a date certain, but it's going to be when
3 the quota is approached and then it's closed, rather than a date
4 certain.

5
6 **DR. CRABTREE:** It might be able to work that your plan is that
7 you're going to fish at such and such a bag limit and then when
8 you hit this trigger, your bag limit will be reduced and then
9 you will close when the quota is caught.

10
11 **MR. FISCHER:** That's probably not the way we would go. We would
12 keep it at a constant bag limit, but we just wanted to know
13 where the flexibilities lie.

14
15 **DR. CRABTREE:** I think that we could probably do that as long as
16 you demonstrate that it's going to work and you have the
17 wherewithal to do it. I think we'll just have to work the
18 details out.

19
20 **MR. PERRET:** Myron has got a good point or take it the other
21 way, Roy. Weather events, we have these horrendous storms and
22 heaven forbid we ever have another one and a region's season
23 opens on whatever date and then, because of weather events or
24 something to that effect, manmade disaster, and we don't want
25 another one of them, but things happen and if there is no
26 fishing for X number of days and there is nowhere near the quota
27 caught for that region, it seems like there should be allowances
28 for that region to be able to modify their proposal to allow for
29 harvest once the region reopens or things get back to normal.

30
31 **DR. CRABTREE:** If you had real-time quota tracking capability
32 and were going to start fishing and then fish until the quota
33 was caught and then close it, that would, it seems to me,
34 accommodate that, but I don't know how many states are actually
35 going to have that.

36
37 Remember we -- The way to have the maximum amount of flexibility
38 in doing this is through a delegation and we decided we, at
39 least for now, aren't going down that path, which means that
40 we've got to publish Federal Register notices and make changes
41 and all that and so we can try to build some of that kind of
42 flexibility in there, but if a state is operating on a projected
43 season of so many days and they're still using something like
44 MRIP, I guess it depends on what the weather event was and
45 everything, but we really wouldn't have a way, under the current
46 data collection system, to know how much did the weather event
47 really impact catches until right now, over two months after the
48 fact.

1
2 Now, if it's something like Katrina, that's pretty clear of not
3 much fishing, but we've had other tropical storms where we have
4 in fact extended the season because of some weather event and
5 ended up going over because it didn't really affect the catches
6 as much as we thought and so we just need to be careful with it.

7
8 **MS. BADEMAN:** Just to follow up on that, if a state doesn't have
9 basically real-time catch information, they would have to -- I
10 mean I think what you kind of just alluded to with Corky was
11 they would more or less need to set their season framework ahead
12 of time and it wouldn't be just we'll close when the quota is
13 met?

14
15 **DR. CRABTREE:** Well, if you don't have an ability to track the
16 quota, I don't know how you could do it that way and so it seems
17 like -- All I can think of is what all the states have done so
18 far and that is you set a season that, based on your analysis,
19 should keep you within your quota. I am open to other ideas,
20 but I am not quite sure how else to do it.

21
22 **CHAIRMAN GREENE:** I don't see any more hands up and so I guess
23 we'll go back to Dr. Lasseter now.

24
25 **REVIEW OF DRAFT AMENDMENT**

26
27 **DR. LASSETER:** Thank you, Mr. Chairman. Let's switch back to
28 the document draft, the Tab B, Number 10(b). Carrying on, as I
29 said, our Action 1, your current preferred alternative is 3,
30 which would just have proposals be submitted directly to NMFS
31 describing their CE measures and then NMFS would carry on the
32 rest of the process.

33
34 I am sorry, but I wanted to add one thing. During the Law
35 Enforcement Committee meeting, Steven Atran did not provide the
36 AP's comments in regards to this document and so he is going to
37 provide them as we go along through these actions and if he
38 notes that there is one for the action, he will go ahead and
39 speak up and if not, we will cover all of those comments at the
40 end of the review of the alternatives and actions.

41
42 Action 2 starts on page 15 and this is regional management and
43 how it would work together with sector separation. If sector
44 separation is not implemented, this action will be moot and will
45 be removed.

46
47 Our first alternative is to retain the current federal
48 management and here is where we have as status quo for the years

1 2015 through 2017 to establish the separate quotas for the
2 components of the recreational sector.

3
4 Alternative 2 would be to extend the separate management of both
5 components and have this amendment apply only to the private
6 angling component. Alternative 3 would extend also the separate
7 management and apply the actions of regional management to both
8 components for the regions below and then this is where you have
9 your alternatives, your options, for each of the states.

10
11 Then, finally, Alternative 4 would end sector separation, the
12 separate management of the components, at the same time of
13 implementing Amendment 39, at which time both components of the
14 recreational sector would be managed under the actions of this
15 amendment.

16
17 To clarify this, we have a table here, which is on page 16. If
18 you read them down the columns, it clarifies what happens under
19 each of the alternatives for the components of the recreational
20 sector.

21
22 Under Alternative 1 in the regional management document, it
23 establishes the separate quotas for the three years as specified
24 by the sunset in Amendment 40. Under Alternative 1, sector
25 separation still ends at the time of the sunset, the end of
26 2017.

27
28 Under Alternative 2, regional management applies to the private
29 angling component and so under Alternative 2, sector separation
30 is extended and the sunset is removed and the for-hire
31 component's management will be established in Amendments 41 and
32 42.

33
34 Then the same thing under Alternative 3. Regional management
35 applies to the private angling and for-hire components in those
36 regions that are selected. Those regions would manage both
37 components of the recreational sector and regions not selected
38 would manage only their private angling component.

39
40 Then, finally, the Alternative 4 -- Under Alternative 4,
41 regional management applies to the entire recreational sector
42 managed under a single quota and sector separation ends when it
43 is implemented. Let me come back up to the alternatives and I
44 will turn it over for discussion.

45
46 **CHAIRMAN GREENE:** Any discussion on this?

47
48 **DR. LASSETER:** Hearing none, we will move on. Action 3 starts

1 on page 18 and this is an action you've seen before. This is
2 establishing the regions for management and your current
3 preferred alternative is Number 4, to establish the five regions
4 representing each Gulf state. You do have other alternatives to
5 establish east and west regions, where Mississippi goes with one
6 or the other, east or west, or to establish the five regions
7 independently, but they may voluntarily form larger, multistate
8 regions with adjacent states. Any discussion on this action?

9
10 Hearing none, we will move on to Action 4. In the last version,
11 when you say this in January -- In the last iteration, the
12 minimum size limit was still incorporated in part of another
13 action. It was within several alternatives.

14
15 In order to analyze this more thoroughly, we have removed it and
16 placed it in its own action and so you have selected a preferred
17 alternative that is identified as Alternative 3, which is to
18 reduce the federal minimum size limit to fifteen inches total
19 length, but you also have Alternative 2, which would be reducing
20 to fourteen, or 4 increases to seventeen and 5 increases to
21 eighteen and these are also the bounds that were available for
22 consideration under the previous version. A state or region
23 could determine their own minimum size limit within this range
24 and so that's how we have established this range and I will turn
25 it over now for any comment or discussion.

26
27 **CHAIRMAN GREENE:** Any discussion?

28
29 **MS. MARA LEVY:** I just wanted to note that with this particular
30 action, when we're talking about Action 1 and either the
31 delegation or the conservation equivalency, we talk about having
32 the default regulations, which are the current size, bag, and
33 season.

34
35 Just note that if you change this here and change the federal
36 size limit then this new size limit becomes that default
37 regulation, because right now it's sixteen and so that's what's
38 in the document for Action 1. This would change that and I just
39 wanted that to be clear.

40
41 **CHAIRMAN GREENE:** Thank you. Any further discussion?

42
43 **DR. CRABTREE:** Just one thing that you need to think about is we
44 just increased the TAC and a sizeable amount of the TAC increase
45 was due to a shift in the selectivities towards larger fish in
46 the recreational fishery.

47
48 When you start lowering the minimum size limit, you are

1 potentially changing the selectivity in the recreational fishery
2 again. I doubt that lowering it from sixteen to fifteen would
3 have much impact at all, but I don't know and so you just need
4 to be aware that these kinds of changes potentially impact the
5 TAC increases you have and we added alternatives into Amendment
6 28 that look at reallocating some of the fish based on a shift
7 in selectivity and so you need to make sure you think that
8 through and analyze it, because it could have unintended
9 consequences down the road.

10
11 **CHAIRMAN GREENE:** Good point. Any further discussion?
12

13 **MR. WILLIAMS:** Roy, we have had people in the audience suggest
14 going to a full retention fishery, which would lower the size
15 limit even more. Have any of those -- Those things have not
16 been analyzed, have they, the effect of say no size limit at all
17 and the full retention fishery?
18

19 **DR. CRABTREE:** I have heard people talk about full retention,
20 but more in the commercial fishery. I don't know that that has
21 been analyzed. I don't know how you could do full retention in
22 the recreational fishery. You would have to get everybody to
23 quit fishing when the season is closed, because they couldn't
24 retain the fish, and, frankly, I don't know how you would ever
25 get to full retention in the commercial fishery, because some
26 people don't have enough quota and they're going to have
27 discards because they don't have quota.
28

29 I don't think that's been analyzed very much. I suspect that
30 not many recreational fishermen are keeping fifteen or sixteen-
31 inch fish right now and they're bringing in bigger fish than
32 that and I think the data all indicates that and so I'm not sure
33 that lowering the size limit here does anything from a practical
34 standpoint, but I don't know what would happen if you went to
35 full retention.
36

37 You would have to measure the negative side of bringing in small
38 fish, and so you would lose yield per recruit, versus the plus
39 side of fewer dead discards, which is overall good and I don't
40 know that that's been fully looked at.
41

42 **MR. ATRAN:** Just to that point, about a year or so ago, and I
43 forget exactly when, we had the Science Center do some analysis
44 on slot limits, which included going to lower minimum size
45 limits, and I think it included a no minimum size limit option.
46 It was either that or a size limit that was so small that it
47 would be equivalent to that.
48

1 The results of that analysis indicated that we could get an
2 extended season by lowering the size limit. However, it would
3 also result in reducing the SPR and so it was a double-edged
4 sword.

5
6 **CHAIRMAN GREENE:** Thank you, Mr. Atran. Any further discussion?

7
8 **MR. FISCHER:** Yes, Mr. Chairman, and I understand that at this
9 meeting we are going to add any alternatives and make certain
10 that our options are correct and the next meeting we will be
11 choosing our preferreds and so, to that, I am not going to have
12 a long debate on it. All I will do is recall that we have to
13 remember that 51 percent of this fishery is the commercial
14 industry that has a thirteen-inch size limit.

15
16 Secondly, when the sixteen-inch limit was put in, you could
17 barely catch fish that size and today's anglers are telling us
18 they are catching big fish and so I am not too certain that we
19 will have a drastic shift to a smaller fish in the fishery if we
20 make a change just to one inch down.

21
22 **CHAIRMAN GREENE:** Thank you for your comment. Dr. Lasseter.

23
24 **DR. LASSETER:** Thank you, Mr. Chairman, and I just wanted to
25 make a comment for Mr. Williams. In the Amendment 36, which
26 we'll be reviewing shortly, we did take the item out for
27 scoping, a full retention fishery. I will be providing some
28 feedback. There is no analysis, but we have feedback from the
29 IFQ participants in regards to that and so I will address that
30 soon, this afternoon.

31
32 Let's move on to Action 5, which starts on page 23. This is a
33 completely new action and the idea behind this is to change the
34 metric that we are using for the recreational season and so
35 rather than it being temporal, this proposes to make it spatial
36 and uses Texas as the example of -- It has a year-round state
37 water season and so what if we extended a kind of parallel
38 boundary to shore from which people were allowed to fish and
39 that distance from shore could be dependent on quota
40 availability and projected landings. That's kind of the idea
41 behind it.

42
43 The Alternative 1, the no action, is we still have our same
44 closure, which is a temporal closure, and in consultation with
45 Mara before, we will -- The IPT will have to tweak the language
46 of this no action alternative to ensure that it's actually
47 reflecting the no action.

48

1 I have labeled Alternative 2 as the preferred because this is
2 the original preferred alternative from the version you saw back
3 in January of 2014 and this would allow a region to establish
4 closed areas within the EEZ adjacent to the region in which the
5 recreational harvest of red snapper is prohibited.

6
7 Then there are three options that we've provided to allow areas
8 of the Gulf EEZ to be closed year-round, Option a. Option b is
9 areas of the Gulf EEZ could be closed for up to six months of
10 the year or Option c is no more than 50 percent of the area of a
11 region's EEZ, that part adjacent to their state, could be closed
12 during the year.

13
14 Alternative 3 would -- Again, it's getting away from the idea of
15 the closed temporal season and moving towards spatial and so a
16 selected region may establish closed areas within the EEZ
17 adjacent to the region in which the recreational harvest of red
18 snapper is prohibited. In this one, we pick which states. The
19 council would decide which states would want to employ this
20 provision and which ones would not choose to participate.

21
22 Then, finally, Alternative 4 would establish at what extent from
23 shore would this Gulf-wide boundary be, shoreward of which the
24 recreational harvest of red snapper is permitted.

25
26 We have thrown out there just some broad options for discussion
27 of ten nautical miles, twenty nautical miles, or Options c and d
28 would use a depth metric and so using the twenty-fathom curve or
29 the thirty-fathom curve we've thrown out. I will add that in
30 order to be analyzing the complete range of alternatives that we
31 will be adding the official state/federal line of nine nautical
32 miles for Florida and Texas as an additional option.

33
34 I think this is very new and I am not sure how clearly I just
35 explained it and so I'm going to turn it over for questions and
36 see what you think.

37
38 **CHAIRMAN GREENE:** Any discussion on this new action?

39
40 **MR. PERRET:** Just relative to Alternative 4, has our law
41 enforcement people provided any input relative to how difficult
42 it's going to be to enforce additional lines relative to fathom
43 and/or nautical miles? I mean that's a heck of a burden on
44 fishermen as well as law enforcement.

45
46 **DR. LASSETER:** Actually, I believe the Law Enforcement AP does
47 have comments on that and I am going to turn it over to Steven,
48 because I think it actually relates to boundaries more broadly.

1
2 **MR. ATRAN:** I was going to go over the law enforcement comments
3 once we had completed the review of the amendment, but the law
4 enforcement looked at an earlier version of this paper and so
5 some of their comments don't match the action items that are in
6 the Law Enforcement AP and so I was just going to do an overall
7 summary when Ava is through, but if you want, I can address this
8 specific item or if you would rather wait for the overall
9 report, I can do that.

10
11 As far as closed areas go, they did comment and had some
12 concern. Most of the regulations, like bag limits and size
13 limits, can be enforced either on the water or at the dock, when
14 the boat lands. Closed areas are strictly an on-the-water
15 enforcement issue and that makes it a little bit more difficult
16 to enforce.

17
18 The AP was concerned that if states were allowed to set up an
19 unlimited number of closed areas that it would complicate
20 enforcement and so they did have concerns about this.

21
22 **MS. LEVY:** Ava, I apologize if you went over this and I didn't
23 hear it, but the one comment that I would make is that the IPT
24 goes back and looks at this action is to restructure what the no
25 action is versus the preferreds, because I think what we don't
26 want to do is remove the federal fixed closed season, because,
27 again, that's the default, right?

28
29 If we remove it, then the default is we open on January 1 and we
30 close whenever we think the quota is going to be met. We can
31 think about restructuring this as maybe the no action is to not
32 allow these other EEZ closures and then tier off of that, but I
33 just wanted to note that piece.

34
35 **DR. CRABTREE:** I do think this is a real enforcement problem. I
36 get calls all the time about the current three-mile and nine-
37 mile boundaries and people going over the line and I don't think
38 it's really enforceable and I think this greatly complicates the
39 document.

40
41 I won't make a motion, because I've tried that at past meetings
42 and always lost, but I again would probably advise you not to go
43 down this path and to remove this action, because I don't think
44 it's very workable.

45
46 **CHAIRMAN GREENE:** Any further comments or discussion?

47
48 **LCDR JASON BRAND:** Just one more thing to add to the

1 enforceability is if you have a combination of closed areas out
2 to 200 miles, that eats up the state resources to do that, but
3 then at the same time, they are going to need additional people
4 checking dockside inspections when they land the catch and so
5 now you have increase the requirements on the landing
6 inspections as well as the offshore.

7
8 **CHAIRMAN GREENE:** All right. Any further discussion? Seeing
9 none, Dr. Lasseter.

10
11 **DR. LASSETER:** Thank you, Mr. Chairman. Action 6 begins on page
12 26 and this is apportioning the recreational quota among the
13 regions and your first alternative is, of course, no action and
14 you do not divide the quota.

15
16 Alternative 2 would apportion the quota based on the longest
17 time series, 1986 to 2013. Alternative 3 backs off ten years
18 from that and Alternative 4 backs off ten more years and so we
19 have our most recent time series for this document under
20 consideration. Alternative 4 would be apportion the
21 recreational quota based on the average of historical landings
22 for the years 2006 to 2013.

23
24 Your current preferred alternative mirrors very closely the
25 alternatives, the allocations, selected in Amendment 40 and so
26 here your Preferred Alternative 5 is to apportion the
27 recreational quota, or component quotas, because of course it's
28 going to depend on what you decide in Action 2, among the
29 regions selected in Action 3 based on 50 percent of the longest
30 time series and 50 percent of average historical landings from
31 the shortest time series.

32
33 You have also selected Preferred Alternative 6, both Preferred
34 Option a and b, which is to exclude the landings from those two
35 years from the allocation formula.

36
37 **MR. DALE DIAZ:** Before you move on, you've got a new proposed
38 Alternative 8 and I was just wondering, have you all figured out
39 how many days that would actually be? It's to apportion the
40 recreational quota amongst the regions selected in Action 3,
41 such that each region's allocation provides an equivalent amount
42 of fishing days. Have you all figured out what that might be,
43 based on this year's season?

44
45 **DR. LASSETER:** Thank you, Mr. Diaz, for the lead-in. Yes, we
46 have. Let me just touch on Alternative 7 real quick. This is
47 our biological alternative, which would be to establish the
48 eastern and western quotas divided at the Mississippi river

1 based on regional biogeographical differences in the stock
2 assessment.

3
4 Then we've added this proposed Alternative 8, which was
5 mentioned in discussion at the last council meeting. I did not
6 actually -- I left it proposed only because there wasn't a
7 formal motion, but I am assuming that it's okay that we add it
8 in for inclusion.

9
10 This, as Dale just read out, would be to calculate the
11 apportionment based on giving each of the states the same amount
12 of days and Andy Strelcheck has actually done some work on this
13 and I am going to ask him to speak to this alternative.

14
15 **MR. STRELCHECK:** Dale, based on the projections I just
16 presented, there was four scenarios that are being considered
17 and so we don't have a preferred run at this point identified in
18 terms of setting the season length, but under the current
19 Amendment 39 allocation, Florida would receive approximately 38
20 percent. To have the same state season for all states, theirs
21 would need to be increased between to 45 to 54 percent and so it
22 would have to go up.

23
24 For Alabama, their received thirty-one-and-a-half percent under
25 Amendment 39 and theirs would have to go up to between 34 and 41
26 percent. Mississippi is a little over 3 percent and based on
27 the calculations, your allocation would go down by approximately
28 2 percent.

29
30 Louisiana is at fifteen-and-a-half percent under regional
31 management and it would drop to between six and eight percent
32 and Texas is at twelve percent under regional management and it
33 would decrease to between four and five percent in order to have
34 the same season length for all states in the Gulf of Mexico,
35 based on our preliminary 2015 projections.

36
37 **DR. CRABTREE:** Andy, have you looked at, under the current
38 preferred alternative allocation, which is Preferred 5 and 6,
39 what that would give us in terms of the number of days the
40 season would be expected to be off of the respective states?

41
42 **MR. STRELCHECK:** Under the preferred, I don't have the exact
43 numbers in front of me, but the season lengths were on the order
44 of sixteen to twenty-one days, from my earlier presentation.
45 Under those allocations, the Texas and Louisiana, the kind of
46 western Gulf states, would be on the order of fifty days, in
47 terms of season lengths, and the eastern Gulf states,
48 particularly Alabama and Florida, would be more in the range of

1 twelve to fifteen days.

2
3 They would lose days relative to an overall Gulf-wide average
4 season length and the Louisiana/Texas season would grow
5 considerably longer and that's all being dictated by big
6 differences in catch rates in the eastern versus western Gulf.

7
8 **DR. CRABTREE:** So that allocation in there now would essentially
9 reallocate catch to the western Gulf from the eastern Gulf
10 relative to what recent catches have been and is that fair to
11 say?

12
13 **MR. STRELCHECK:** I don't think that's entirely true, but yes,
14 there would certainly be some shifting toward the western Gulf.

15
16 **CHAIRMAN GREENE:** Thank you. Any further discussion?

17
18 **MR. FISCHER:** Not on this subject, but I have something after we
19 finish with Andy.

20
21 **CHAIRMAN GREENE:** Okay. I believe we are done with Mr.
22 Strelcheck, Mr. Fischer, if you would like to proceed.

23
24 **MR. FISCHER:** I would like to add one alternative and I can read
25 it and I think staff will put it up. **It's to add an alternative**
26 **to Action 6 to apportion the recreational quota among the**
27 **regions selected in Action 3.** As we select those regions, if we
28 choose Alternative 2 or 3, which would be dividing the Gulf in
29 half, based on 50 percent of the average historical landings in
30 the formula in the Reef Fish Amendment and 50 percent from the
31 years -- The recent and historical years and then 50 percent
32 would be based on the regional biogeographical differences in
33 the stock, using the stock assessment.

34
35 Where this differs from 7 in here is, first, in our discussions
36 -- Let me put it on the floor and if we get a second, I will
37 explain.

38
39 **CHAIRMAN GREENE:** Mr. Fischer has a motion that he has got on
40 the board and is there a second?

41
42 **MR. MATENS:** Second.

43
44 **CHAIRMAN GREENE:** It's seconded by Mr. Matens.

45
46 **MR. FISCHER:** Thank you and Alternative 7 divides the east/west
47 right through the center of Louisiana and we would have -- It
48 would be confusion. We would have anglers that could fish both

1 halves and we felt moving it over to one of the state
2 boundaries, either the Louisiana/Mississippi or
3 Mississippi/Alabama boundary, where we could keep the boundary
4 on state lines. We were using the same criteria in Alternative
5 7, but just entering in some of the historic data, so the states
6 that are catching fish in these latter years are credited in
7 getting that historic catch.

8
9 **CHAIRMAN GREENE:** I have a motion on the floor and is there any
10 further discussion?

11
12 **MR. WILLIAMS:** I am sorry, Myron, but I don't entirely
13 understand. 50 percent based on regional biogeographical
14 differences in the stock used in stock assessments and could you
15 elaborate a little more on what means?

16
17 **MR. FISCHER:** Sure, Roy, and it may be discussed earlier in the
18 document, but stock assessment -- It doesn't calculate an ABC,
19 but it does calculate the percentage of fish in the eastern and
20 western Gulf. For that, I would have to defer to Will or
21 someone on the SSC to further explain it, but we do -- What
22 you're doing is you're basically harvesting where the fish are.

23
24 In Florida, you harvest your oranges in the orchard that has the
25 oranges and you don't go to the one that doesn't have oranges
26 and so you're allowing those with the fish to harvest more while
27 the other areas rebuild.

28
29 **CHAIRMAN GREENE:** Any further discussion?

30
31 **DR. CRABTREE:** I think we can ask the Center and the SSC to look
32 at this, but I am not -- I don't know how much of a problem the
33 Center -- The assessment divides the Gulf at the river, but my
34 sense, from this, is you're not talking necessarily about
35 dividing things at the river, but dividing it somewhere else and
36 so I don't know how much of a problem that is to come out with
37 this and then, of course, if you divide the Gulf, the TACs are
38 really dependent on how the recruitments are distributed between
39 the eastern and western Gulf and so I guess we could put this
40 in, but how workable it is -- Right now, the preferred
41 alternative is to establish five regions and so it seems, to me,
42 this doesn't work if that's what we're going to do, because you
43 can't use the assessment to divide it up into two regions.

44
45 **DR. BONNIE PONWITH:** Dr. Crabtree is correct that if -- Right
46 now, based on what we understand about the stock, the behavior
47 of the population on the west of the -- Using the river as the
48 dividing line and west of the river is different than on the

1 east of the river and you could take a look at those differences
2 and use that as a scientific justification for establishing
3 separate stock assessments for those two regions and then basing
4 management based on those two separate stock assessments.

5
6 Using state lines as a biological marker doesn't hold in terms
7 of what would be scientifically supportable and those can be
8 management allocations, but in terms of the stock, the line, if
9 you were going to place one, would be the Mississippi River.

10
11 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay. We
12 have a motion on the floor and it's been seconded and I guess
13 we'll take it to a vote. **All those in favor of this please**
14 **raise your hand; all those opposed please raise your hand. The**
15 **motion passes.** Anything else before we move back to Dr.
16 Lasseter? Okay, Dr. Lasseter.

17
18 **DR. LASSETER:** Thank you, Mr. Chairman. The vote passed five to
19 two. Let's move on to the next action, which is Action 7,
20 beginning on page 31. This action addressed post-season
21 accountability measures and so your status quo, Alternative 1,
22 has changed since we initially had this, because of the red
23 snapper framework action which put in place using an ACT and the
24 overage adjustment. In the event that the quota is exceeded in
25 one year, the following year the overage will be deducted from
26 the quota. That is your no action, status quo.

27
28 Alternative 2 is your preferred, current preferred, alternative.
29 Preferred Alternative 2 would -- All of these are essentially
30 overage adjustments and Alternative 2 is while red snapper are
31 overfished, and so it's only under the condition that red
32 snapper are still considered overfished, if the combined
33 landings exceed the quota, reduce in the following year the
34 quota of any region that has exceeded its portion of the
35 recreational quota.

36
37 Alternative 3 would tailor the overage adjustment to the
38 component, either for-hire or private angling, that exceeds its
39 quota and so, of course, this alternative would not be
40 applicable if sector separation is not implemented.

41
42 Then, finally, Alternative 4 combines both of them so that the
43 overage adjustment would be specific to both or either or, the
44 component that has exceeded its part of the quota or the region.

45
46 Now, for all of these alternatives, there is no overage
47 adjustment if the quota is not exceeded and so these are only
48 triggered in the event that the quota is exceeded and I wanted

1 to clarify that and I will turn it over to Mr. Chairman for any
2 comments or questions.

3
4 **CHAIRMAN GREENE:** Any discussion on Action 7? Seeing none, Dr.
5 Lasseter.

6
7 **DR. LASSETER:** Thank you and moving right along, this is not an
8 action, but we had one remaining preferred alternative from the
9 previous draft, from January of 2014, that addressed what's
10 known as the 30B permit provision, that the for-hire vessels
11 must fish under the more restrictive federal regulations.

12
13 Your preferred alternative at the time was to exclude this
14 provision requiring the vessels to comply with the more
15 restrictive and in the discussion for this, it made it clear
16 that for those states or regions that were consistent with
17 regional management, whether that was delegation or now if it
18 was under conservation equivalency, there would be no need for
19 this, because that state or region would either have decided
20 they are managing both for-hire and private angling and so there
21 is no difference between state and federal regulations between
22 the waters or they would not be managing the for-hire component,
23 which would then be managed in a separate management plan.

24
25 We don't see that Preferred Alternative 2 has any applicability.
26 I believe it was Mr. Perret that added a proposed Alternative 3,
27 and we did not vote on this, that for those regions actively
28 participating in regional management to exclude the provision,
29 but, again, in essence, that is the same as Alternative 2,
30 Preferred Alternative 2.

31
32 If you are participating and you're active, there is no
33 difference within regional management anymore of a different
34 regulation for state waters and federal waters. This is really
35 moot under Amendment 39, but we still had it on the books and so
36 I wanted to call it to your attention.

37
38 **MS. LEVY:** I also want to note that keeping that provision in
39 there is important for the concept of the conservation
40 equivalency and the default regulations and so if the state has
41 a plan and it's an approved plan and there's a conservation
42 equivalent, then in effect what that does is it waives the more
43 restrictive requirements for everybody that might be in the
44 federal regulations and you follow the state plan, but if there
45 is no plan, then we have to have the default regulations and
46 then we don't waive those for people that are subject to them.

47
48 It works in concert with either having the conservation

1 equivalency approved or not and then having the default
2 regulations and so my advice would be to remove this from the
3 document, because, as Ava explained, if you have the
4 conservation equivalency, then those stricter regulations don't
5 apply to people that are operating under that state's plan.
6

7 **MR. DIAZ:** Based off of our attorney's advice, I would move that
8 we move this section to the considered but rejected section of
9 the document.

10
11 **CHAIRMAN GREENE:** We have a motion to move this to considered
12 but rejected. It's seconded by Mr. Williams and is there any
13 comments on this? **All those in favor please raise your hand;**
14 **all those opposed. The motion carries.** Dr. Crabtree, did you
15 have a comment? He passes. Okay, Dr. Lasseter, does that wrap
16 you up?
17

18 **DR. LASSETER:** I believe that does. I would just like to turn
19 it out to the group for a moment and are there any other issues
20 or concerns with regional management, with the actions or
21 alternatives in here? Is there anything to include or add?
22 Okay.
23

24 Then I wanted to briefly talk about the timeline for this. We
25 have now the actions and alternatives and the IPT does need to
26 get together and rework some of the language in some of these
27 and then we can begin developing the analysis, the Chapters 3
28 and 4.
29

30 I am not sure what our workload is at this moment for what we
31 could get back by the next meeting and I am looking at my boss.
32 Perhaps we could bring this up again in full council of whether
33 we could get something for the next meeting or the following.
34 He is just looking at me blankly. Okay and I would like to
35 bring up the discussion of the timing in full council, when we
36 kind of get a better sense of what is going to come back for the
37 next meeting. Thank you.
38

39 **CHAIRMAN GREENE:** Thank you.
40

41 **DR. CRABTREE:** It seems, to me, the largest things you've got to
42 deal with here has to do with the allocation and justifying how
43 the allocation is fair and equitable and appropriate and I don't
44 think there is very much in the document of that now, but that's
45 obviously the single biggest decision in here, is how you
46 allocate.
47

48 As we've seen today, it has big impacts on fishing opportunities

1 and where and so if you decide that do want to shift trips
2 towards the western Gulf, that is fine, but you've got to
3 explain why that's fair and why that's equitable and why you
4 want to do that and so I think that's the biggest thing that
5 really needs to be fleshed out in the document and I also think
6 trying to figure out how the area closure action of it is going
7 to work and getting those alternatives straightened out needs to
8 be done as well.

9
10 **CHAIRMAN GREENE:** Okay. Thank you, Dr. Crabtree. With that,
11 we're going to turn it to Mr. Atran and he's going to go through
12 the LEAP comments at this time.

13
14 **MR. ANSON:** Johnny, it's 11:30 and that's when you have your
15 scheduled lunch break and do you want to get started on the next
16 item or do you want to just take lunch? Will it take just a
17 couple of minutes? Okay.

18
19 **LAW ENFORCEMENT ADVISORY PANEL COMMENTS**

20
21 **MR. ATRAN:** I just have a few comments from the Law Enforcement
22 AP. There were some other folks around the table who were at
23 the meeting and if they want to fill in some other things, but I
24 just wanted to highlight a few things that the AP said.

25
26 I can't really attach their comments to a specific action
27 number, because of the reorganization of the document, but I
28 already went over their comments about concerns about closed
29 areas offshore.

30
31 Under the regional management and sector separation, although
32 there is no sector-specific regulations in this document, the
33 perception is that under sector separation we would get sector-
34 specific regulations and the AP expressed some concern that that
35 would complicate enforcement and put an additional workload on
36 enforcement to have to enforce two different sets of
37 regulations.

38
39 They suggested that there be a cost recovery fee placed on the
40 for-hire sector to account for increased costs of enforcement
41 and administration due to sector separation and then on the
42 dividing up of the Gulf into multiple regions for management,
43 and this is something that the council has talked about, is for
44 a vessel that's fishing offshore of a state, but the vessel is
45 from another state, whose regulations should that vessel be
46 required to adhere to?

47
48 I think in the document right now it says that if a vessel is in

1 the EEZ that it would be subject to whatever the most lenient
2 regulations are, but then when it lands, it would have to be in
3 accordance with the regulations for the state where it lands in.
4

5 The Law Enforcement AP felt that that was kind of complicated
6 and they felt that there should be what they called hard lines.
7 In other words, if you're fishing off of say Alabama, even if
8 you're in the EEZ, you would have to abide by Alabama's
9 regulations and they went so far as to suggest that even extend
10 that to permitting requirements and so you would need the
11 appropriate Alabama permit, either a resident or a non-resident
12 permit, even if you're in the EEZ.
13

14 Then if you crossed a boundary to land somewhere else, say in
15 Florida, you would need the appropriate licenses to land in
16 Florida as well and the one exception, possibly, would be a
17 transit provision, which I think most states already have, that
18 says if you're crossing through a region, as long as you don't
19 stop, you won't be cited for having fish that would be illegal
20 for that region.
21

22 There was at least one or two AP members who suggested that even
23 that was a loophole that perhaps they would like to see closed
24 and that if the vessel is in a region at all off of a state,
25 whether it's in the EEZ or in state waters, it would be subject
26 to the state regulations, including permitting requirements.
27

28 That's really about all I had to say. One other thing that they
29 mentioned is they appreciated the opportunity to look at this
30 amendment while it's still in a fairly early stage of
31 development, along with the South Florida joint amendment that
32 we'll be looking at later. In both cases, they asked for an
33 opportunity to review the amendment again before final action is
34 taken by the council.
35

36 **CHAIRMAN GREENE:** Thank you and is there any discussion on Mr.
37 Atran's comments? Seeing none, I guess we will move on into
38 lunch and we will pick back up with the Joint South Florida
39 Management Program after lunch and what time do we need to
40 return, Chairman Anson?
41

42 **MR. ANSON:** One o'clock.
43

44 **CHAIRMAN GREENE:** We will be back at one o'clock.
45

46 (Whereupon, the meeting recessed at 11:30 a.m., March 31, 2015.)
47
48

- - -

1
2 March 31, 2015

3
4 TUESDAY AFTERNOON SESSION

5
6 - - -

7
8 The Reef Fish Management Committee of the Gulf of Mexico Fishery
9 Management Council reconvened at the Golden Nugget Casino Hotel,
10 Biloxi, Mississippi, Tuesday afternoon, March 31, 2015, and was
11 called to order at 1:00 p.m. by Chairman Johnny Greene.

12
13 **CHAIRMAN GREENE:** We are going to start on Item Number XI,
14 Options Paper on Joint South Florida Management, Tab B, Number
15 11. With that, we will pass it over to Mr. Rindone.

16
17 **OPTIONS PAPER - JOINT SOUTH FLORIDA MANAGEMENT**

18
19 **MR. RYAN RINDONE:** Thank you, Mr. Chairman. Just as a preface
20 for this document, this is a joint effort between the Gulf and
21 the South Atlantic to try to come to agreement on management for
22 a few different species that have their biological epicenters,
23 if you will, in the south Florida region, which, for the purpose
24 of this document, is being referred to as those waters that
25 occur south of 28 degrees north latitude and so say south of
26 Cape Canaveral and Tampa Bay and with most of that focus really
27 being in Monroe County.

28
29 **EXECUTIVE DIRECTOR GREGORY:** Ryan, do you want to put the flow
30 chart up first or do you have a place to put up the flow chart?

31
32 **MR. RINDONE:** We can put that up, sure.

33
34 **EXECUTIVE DIRECTOR GREGORY:** I mean as an overall kind of
35 conceptual thing.

36
37 **MR. RINDONE:** That's really the biggest area of focus for this
38 particular document and so Carrie and I worked on this flow
39 chart for you guys, to try to help you visualize what the
40 councils need to try to accomplish with respect to the document.

41
42 Right now, there is a fair amount of duplication in terms of the
43 things that are being offered as management options. One of the
44 big things that's being proposed is delegation of certain
45 management measures to the State of Florida. However, you will
46 see in parts of the document that on top of that we have very
47 specific changes to management for species like mutton snapper
48 and black grouper that seem to overlap the management authority

1 that's being discussed for delegation to the state.

2
3 You guys would need to try to decide do you want to do
4 multijurisdictional ABCs and ACLs for some of these species or
5 all of them or do you want to delegate some of those management
6 measures, with the exception of setting the ABCs and ACLs, to
7 the State of Florida or do you want to do a combination of both?

8
9 If you delegate to the state, do you want to delegate
10 recreational management measures or just commercial or both and
11 like for yellowtail snapper and for mutton snapper, we don't
12 currently have sector ACLs for those species and so is that
13 something that needs to be established? Is that something the
14 council is comfortable taking on? Because it is something that
15 would require additional allocation discussions, since right now
16 they are just stock-wide ACLs. All of this is trying to
17 converge on the goal of consistent management measures.

18
19 If you guys are ready, we will start going through this thing
20 and I will make sure to remind you of which actions there are
21 multiple alternatives which can be chosen and how the selection
22 of some alternatives might affect your ability to select certain
23 alternatives in other actions.

24
25 The first action listed in here is partial delegation of
26 commercial and/or recreational management of yellowtail to the
27 State of Florida and this is just for federal waters adjacent to
28 the state and so this would not affect the management of
29 yellowtail say off of Texas, where we've seen small, but
30 increasing, landings of yellowtail starting to occur. This is
31 just for federal waters adjacent to the State of Florida.

32
33 The first action, of course, is no action and Alternative 2
34 focuses on determining specific recreational management items
35 for delegation to the state, including size limits, seasons, bag
36 limits, and minor modifications to existing allowable gear.

37
38 The IPT has struggled a little bit with defining what these
39 minor modifications are and what that actually means and so this
40 is definitely something for you guys to think about, in terms of
41 what do you think should be permissible?

42
43 Kind of mirroring the recreational options, if you look at
44 Alternative 3, you have this consideration of similar management
45 measures for the commercial fishery for yellowtail and so in
46 this action you could pick either Alternative 2 or Alternative 3
47 or both, depending on what made the most sense.

48

1 Now, this is one of those delegation options and for yellowtail,
2 there is no another action in there that talks about the
3 committee's desire to do something more specific with yellowtail
4 and so this is an exception to that and so does anybody have any
5 questions with Action 1?
6

7 **MR. WILLIAMS:** In the case of yellowtail snapper, how different
8 are we in regulations right now between the Gulf and the South
9 Atlantic? Where are the rubs that we would be delegating to
10 Florida or through some other mechanism to solve?
11

12 **MR. RINDONE:** Give me just a second to pull that up, but I am
13 like 99 percent certain our size limits are the same and the
14 only thing that -- Go ahead, Martha.
15

16 **MS. BADEMAN:** The regulations are basically the same. The issue
17 is we had, a couple of years ago, where we had one part of -- I
18 think the South Atlantic closed and the Gulf -- Or was it going
19 to close and the Gulf was going to stay open, just because of
20 that quota split?
21

22 **MR. WILLIAMS:** I asked that question and that's my recollection
23 too, but we had also talked about using a joint ACL between -- I
24 guess taking whatever ACL -- It's just one stock of yellowtail
25 snapper and nobody is suggesting that it's two stocks of
26 yellowtail snapper.
27

28 **MR. RINDONE:** Correct.
29

30 **MR. WILLIAMS:** Most of it is captured in the South Atlantic area
31 of jurisdiction is my recollection and we only catch a small
32 part of it, don't we? Is that right, Doug? Do you remember?
33

34 **EXECUTIVE DIRECTOR GREGORY:** Right.
35

36 **MR. RINDONE:** The majority of fish are caught in South Atlantic
37 waters and of the Gulf landings, the lion's share of Gulf
38 landings are commercial landings.
39

40 **MR. WILLIAMS:** We had also talked about splitting -- Somehow we
41 were each going to contribute a portion of the ACL to it and
42 this was another potential solution.
43

44 **MR. RINDONE:** That had actually kind of come off the table. If
45 we go -- If you want to take a peek at Action 2, the
46 multijurisdictional ACL that Roy is referencing is actually
47 Alternative 2 of Action 2, which talks about establishing and
48 consolidating ABCs and ACLs for yellowtail.

1
2 This would create an overall combined multijurisdictional ABC
3 and ACL and this would be for the entire stock and so this would
4 include all waters in the Gulf and in the South Atlantic's
5 jurisdictions.

6
7 The benefits of doing it this way help address part of the
8 concern that brought up about including yellowtail in the
9 document in the first place, which Martha started talking about,
10 which was when the South Atlantic was going to close, but the
11 Gulf was still going to be open, because the Gulf ACL hadn't
12 been caught yet.

13
14 The design for Alternative 2 would be that the fishery as a
15 whole, recreational and commercial, would stay open until such a
16 time that the ACL was met or projected to be met and if you look
17 at Alternative 3, and this is another one where you can choose
18 more than one alternative, Alternative 3 would establish sectors
19 for yellowtail snapper based on one of the options listed there
20 and this would allow the seasons, the recreational and
21 commercial seasons, to be based on whatever that allocation was,
22 but that allocation would be regional and it wouldn't just be
23 for the Gulf or the South Atlantic, but it would be for
24 everything.

25
26 Those recreational and commercial seasons would be based on
27 those ACLs, but, again, under a multijurisdictional ACL setup,
28 you wouldn't close either sector unless the whole thing was met
29 or projected to be met.

30
31 **EXECUTIVE DIRECTOR GREGORY:** My understanding is that with
32 delegation the ABCs and ACLs are not going to be delegated to
33 Florida, if that's chosen. A joint ABC and ACL could be looked
34 at as an alternative to delegation for yellowtail, in that it
35 solves the problem straightforwardly and simply or it can be
36 done in addition to delegating, since we're not delegating the
37 ACLs.

38
39 **MR. RINDONE:** Correct and so that could allow --

40
41 **EXECUTIVE DIRECTOR GREGORY:** If you want to delegate other
42 management to Florida, even though we have no problems with
43 contradicting regulations, then they can go together or you can
44 just do the jurisdictional ABC and not do the delegating and so
45 that's why we did the flow chart, because you can mix and match
46 some of these and some of these if you choose Action 1, you may
47 not do some actions later in the document. I think the document
48 still needs some work as far as trying to simplify it, if we

1 can, and bring out some of these alternatives.

2
3 **MR. RINDONE:** Any choices that you guys make will certainly help
4 staff in terms of streamlining the document, which currently is
5 hefty. There is a lot of stuff in here and there's a lot of
6 different options and so making decisions as far as whether you
7 want to delegate some things to the state -- Again, that does
8 not include ABCs and ACLs, but if you want to delegate some
9 things, then that should be left in there and if not, then we
10 should consider removing that.

11
12 **MR. WILLIAMS:** Do we now use a joint ABC for yellowtail snapper?

13
14 **EXECUTIVE DIRECTOR GREGORY:** We have a joint ABC, but not a
15 joint ACL. In other words, the two quotas are separate, but the
16 overall ABC is the same, I think in an agreement between the two
17 SSCs and the councils.

18
19 **MR. WILLIAMS:** Doug, would it be simpler to do something like
20 that, to just -- If we take that ABC and then if we have a joint
21 ACL -- We could do that. We could have just a joint ACL and
22 then do we have to partition it between commercial and
23 recreational?

24
25 **MR. RINDONE:** Yes.

26
27 **EXECUTIVE DIRECTOR GREGORY:** The South Atlantic Council told us
28 that the only -- If we wanted to do a joint ABC, we would have
29 to go along with sector allocations like they did. They told us
30 that that's the only way they would agree to it, but otherwise,
31 we don't have sector allocations and whether we have to or not
32 is -- You can understand if you have a joint ABC that it would
33 be simpler if you have the same allocation for both.

34
35 The South Atlantic said, and, Ben, please speak up if I say
36 something wrong, but I remember being told that they did it for
37 data collection purposes only, but then later on in the
38 document, they're talking about keeping track and limiting
39 people to their allocation and so that's a major decision for
40 the council, if they want to create sector allocations.

41
42 **MR. RINDONE:** For yellowtail and mutton for the options that are
43 listed, Options 3a, 3b, and 3c, those are the same in both of
44 those and the variance between what the recreational side would
45 get and what the commercial side would get is not too
46 dramatically different, but for black grouper, as you guys will
47 see, there are some big differences, depending on which years
48 you choose.

1
2 If that's a route that you guys want to go down, it's definitely
3 something to think about. Are there any other questions as far
4 as this portion of the yellowtail discussion? Again, remember
5 this is a situation where you can choose to delegate some things
6 to the state and you can do that multijurisdictional ACL, which
7 in the case of yellowtail, the multijurisdictional thing
8 addresses the lion's share of what the concern was with
9 yellowtail and so the rest of it is more or less icing on the
10 cake.

11
12 **MR. WILLIAMS:** The only other issue in this, in this minor
13 modifications to existing gear, was the issue of circle hooks.
14 There is a requirement for circle hooks and they would like to
15 get rid of that, right, because it interferes with the way the
16 fish --

17
18 **MR. RINDONE:** It is and that's something that we address in
19 actually the very last action and I can elaborate more on that
20 then if you like. Do you want to go ahead and move forward?
21 Again, be thinking about any -- If there is a part of this that
22 you guys prefer or a part of it that just really doesn't taste
23 good, anything that you can do to help us get some guidance on
24 what we need to add or especially what we can cut out would be
25 tremendous.

26
27 **MR. ATRAN:** Do you want me to do the law enforcement comments as
28 we go along?

29
30 **MR. RINDONE:** Yes, Steven. I'm sorry.

31
32 **MR. ATRAN:** Action 1, they did have a comment, although it fits
33 in better with that last action on circle hooks with regard to
34 that minor modifications to existing allowable gear. I was
35 concerned that they might have an enforcement issue with an
36 exemption from circle hooks for one particular species, but the
37 Law Enforcement AP said that they didn't have a problem with
38 that and they already have species-specific gear restrictions on
39 other stocks, such as sheepshead and grouper.

40
41 They did have a more generalized comment that says from a
42 general perspective that exceptions add complexity and therefore
43 difficulty to enforcement of specific regulations and so
44 basically they're saying the more regulations, the more complex,
45 the more difficult the enforcement, but nothing specific about
46 the circle hook exemption.

47
48 On consolidating the ABCs and ACLs, they did not feel that there

1 was an enforcement issue, but we weren't thinking in terms that
2 consolidation might eliminate the situation where the stock is
3 open in one area and closed in another area. If they had
4 realized that, I think they may have said that it would ease
5 enforcement to be able to have a consolidated ACL, but they
6 weren't aware of that and so they didn't say anything about
7 enforcement issues on Action 2.

8
9 **CHAIRMAN GREENE:** Any comments relative to that? Seeing none,
10 Mr. Rindone.

11
12 **MR. RINDONE:** Thank you, Mr. Chair. Action 3 talks about
13 partial delegation of commercial or recreational management of
14 mutton to the State of Florida and, again, this is just for
15 waters off of Florida and similar actions as were just talked
16 about for yellowtail, where you're looking at recreational
17 management measures being delegated to the state in Alternative
18 2 and commercial management items being delegated to the state
19 in Alternative 3.

20
21 Again, minor modifications to existing allowable gear is
22 something to think about and what does that actually mean and as
23 far as the circle hooks were concerned, that was one idea that
24 was proffered, but that doesn't mean that's the only thing and
25 an important thing to remember with delegation of these
26 management items is that, as it's laid out in the document, if
27 the State of Florida were to want to modify any management
28 measures, they would have to present a plan to do so to both
29 councils, who would have to sign off on it.

30
31 Again, that adds a considerable level of effort into the
32 process, since both councils would have to meet and agree on any
33 management changes and I don't know if it's possible for the
34 approving body to be NMFS or if that's something that the
35 council would desire or if they would like to maintain a hand on
36 that, but that's also something to think about.

37
38 **MR. WILLIAMS:** One other question, Ryan. Do you know, off the
39 top of your head, where the mutton snapper are captured, Gulf
40 versus South Atlantic?

41
42 **MR. RINDONE:** There is a high-liner fleet that goes out of
43 Pinellas County that travels south that catches a fair amount of
44 mutton, but a great deal of the mutton snapper are actually
45 caught in South Atlantic waters and so the majority of the
46 regional ABC is partitioned to the South Atlantic's jurisdiction
47 and management control and the smaller portion comes to us.

48

1 Again, most of our landings, the Gulf landings, are commercial
2 for mutton and a lot of it is attributed to that traveling fleet
3 from Pinellas. Are there other questions?
4

5 With mutton, you will see that the committee has considered some
6 other actions to address size limits and bag limits in and out
7 of the spawning season and that kind of duplicates the effort of
8 trying to delegate size limits or bag limits or commercial trip
9 limits to the State of Florida.

10
11 If we're going to go through the effort of creating these new
12 management measures to try to look after mutton during the
13 spawning season, then maybe that's what needs to happen and not
14 delegate those things to the state, as opposed to considering
15 changing all those regulations for mutton and then delegating it
16 to the state, which then can request to change them again later
17 on. That's one of those areas where we have duplication of
18 effort in the document that you guys need to consider.

19
20 **MS. LEVY:** Just a question. Would the actions in 5 and 6 apply
21 to mutton everywhere or how would it work? I don't know where
22 this is caught and is this mostly caught off the coast of
23 Florida? If it's caught other places, then if you delegate off
24 of Florida, but you change things for other places, I am just
25 sort of wondering how they interact.

26
27 **MR. RINDONE:** The spawning behavior is thought to be the same
28 regardless of where they're caught, in terms of when they
29 actually spawn. It's a May-June season, but better than 97
30 percent of the landings, I think is what I remember from the
31 document, are off the State of Florida and the vast share of
32 those occur in this south Florida region that we've been talking
33 about.

34
35 **MS. LEVY:** If the decision was actually to delegate the things
36 that are being looked at being changed in Action 5 and 6, then I
37 assume that only those areas where the delegation isn't active
38 you would actually be changing that, right, because then Florida
39 would be deciding those issues if you delegated the
40 responsibility to them.

41
42 It's sort of like one annuls the other, at least off of Florida.
43 If you delegate it, you're annulling what you end up doing in 5
44 and 6 if you've delegated that off the State of Florida.

45
46 **MR. RINDONE:** That's correct. Actions 5 and 6 would apply
47 regionally throughout the Gulf and the Atlantic and then any
48 changes a state made would only be for waters adjacent to the

1 state and so that would create conflicting regulations outside
2 of federal waters adjacent to the State of Florida and this is
3 one of those issues that I keep bringing up, where you have
4 duplication of effort. This is one of those situations where it
5 really ought to be an either/or sort of thing.

6
7 **MR. BEN HARTIG:** I mean you're calling it a duplication of
8 effort and basically as we went through this and we had public
9 hearings and we saw we had a number of comments about how people
10 -- How they wanted to change management for -- I will just talk
11 about mutttons, because mutttons is right here.

12
13 I mean essentially what we did was go ahead and take these
14 specific modifications the public wanted to see and put them
15 into this document. Yes, I think what you're talking about,
16 duplication of effort, we could delegate it to the State of
17 Florida and then Florida could do the regulations for mutton and
18 is that what you're talking about as duplication? I may not be
19 clear on what you're talking about as duplication of effort.

20
21 **MR. RINDONE:** For Actions 5 and 6, that would apply to
22 everything through the Gulf and the Atlantic, whereas for Action
23 3, which is what we're looking at right now, that's partial
24 delegation of just those management items listed to the waters
25 adjacent to the state.

26
27 What Mara was talking about was that if we go forward with any
28 of the options in Actions 5 and 6 and then the State of Florida
29 then submits a plan to change those regulations at a later date,
30 that change would only occur for federal waters off of Florida.

31
32 The federal waters outside of Florida, and so Georgia, South
33 Carolina, North Carolina, and Alabama to Texas, would be under
34 whatever current regulations exist at the time for those
35 species.

36
37 **MR. HARTIG:** No, I understand that part. I still don't think
38 I'm clear, Ryan, about where we are duplicating effort.

39
40 **MR. RINDONE:** Because if you're going to go through the effort
41 of making the changes that the committee discussed for Actions 5
42 and 6, which address a lot of the public concern that we heard,
43 it just -- From the IPT's point of view, why at that point, when
44 you've made all the changes that you want to see made, would you
45 then hand over management so that it could be changed again and
46 it just seems like one action contradicts the other action if
47 you have fixed all of your problems, so to speak.

1 **MS. BADEMAN:** I think those are in there now because we haven't
2 done that yet. I mean down the road if the -- Once the two
3 councils meet and they choose some preferreds, then there is
4 probably going to be some actions that we can chuck, in my
5 opinion, but I think some of those things need to be in there
6 for right now, because they are things that we have heard from
7 people.

8
9 This is kind of a choose-your-own adventure. Your first choices
10 in the first few actions kind of set the tone for the rest of
11 the document and what needs to be done in the rest of the
12 document, in my opinion.

13
14 **MS. LEVY:** Just one more question. Ryan, I heard you talk about
15 Florida submitting a plan and are you talking about under the
16 delegation that they would be submitting some sort of plan? If
17 we delegate it, then the federal regulations go away and as long
18 as whatever they do is consistent with the FMP, they wouldn't be
19 submitting anything and so I just wanted to clarify what that
20 was getting at.

21
22 **MR. RINDONE:** This was something that was introduced to the
23 committee and the committee favored the idea of having the state
24 offer some sort of plan for what they intended to do as far as
25 any changes they wanted to make to the councils and then the
26 councils would either approve or disapprove those changes.

27
28 This was introduced at the last meeting and it was asked to be
29 incorporated into the document. Now, if it's not something that
30 can be done under delegating, then obviously that would need to
31 be changed.

32
33 **MS. BADEMAN:** I don't know if I quite remember that
34 conversation. I am kind of wondering if we were talking about
35 how in the South Atlantic, like when blue runner was removed
36 from management -- The State of Florida, we sent a letter to the
37 council and said if you're going to pull this out of federal
38 management, just so you know, here's what we're planning to do
39 and it was not any kind of formal plan. I think it just gave
40 the council some reassurance that we were going to be managing
41 at a level that they would be, I guess, comfortable with. I am
42 guessing, but I would have to go back and rehash that
43 conversation and I don't know. I would have to go back through
44 the minutes.

45
46 **MR. RINDONE:** How it's written in there right now is for the
47 state to submit a plan for approval by the councils and if
48 that's not something that the councils want and it's not

1 something that they want to deal with, then they just need to
2 make that clear, but that's what was presented to the committee
3 and that's something that the committee wanted put in there for
4 consideration.

5
6 **EXECUTIVE DIRECTOR GREGORY:** The original purpose of all of this
7 was to address issues of conflicting regulations in south
8 Florida and I am concerned that with Actions 5 and 6 we're
9 talking about the entire Gulf of Mexico and the entire South
10 Atlantic region and we've lost focus on addressing south Florida
11 issues.

12
13 The other concern I have about the mutton snapper thing is I
14 know there is a public desire to restrict some harvest on the
15 spawning aggregations that occur primarily along the Florida
16 Keys or in south Florida, but the mutton snapper population,
17 according to the stock assessment, is healthy and some of these
18 seem to be extreme alternatives to be considering for a
19 population that's not overfished and that's actually at or above
20 BMSY. That's just two things.

21
22 If the council so desires and asks us to focus more strictly on
23 the issues with south Florida and not broaden the alternatives
24 or the scope of this document beyond that -- I think that's
25 where we're getting somewhat wrapped around the axle.

26
27 **MR. HARTIG:** Doug, I mean basically I think the last mutton
28 snapper assessment that has just come out doesn't paint quite as
29 rosy a picture of muttons, but the other point about whether or
30 not this is getting out of the south Florida realm, I mean still
31 you talk about the entire Gulf with muttons and it's still only
32 3 percent of the catch that occurs outside of Florida and so
33 that's a relatively small portion of the catch that we can allow
34 to be prosecuted however the Gulf sees fit outside of the
35 Florida issue.

36
37 I mean we're not trying to make regulations for the rest of the
38 Gulf, but we're just trying to make regulations to deal with the
39 south Florida issue. I mean if you want a ten fish mutton bag
40 limit outside of Florida, I don't have a problem with that, but
41 what we've got from the public is that the bag limit is too high
42 for mutton snappers across the board.

43
44 Frankly, mutton snapper is one of those species that fell
45 through the cracks when we did management of bag limits and
46 everything through time and I mean you've been involved through
47 this whole process and you understand that and so I think it's
48 just a realization by the public to say, hey, if we're talking

1 about fifteen a fish and you're talking about a ten fish bag
2 limit, you're talking about 150 pounds of fish and that's really
3 a commercial level of harvest and I think the people just really
4 want to get back to a more reasonable recreational harvest level
5 of five fish.

6
7 I didn't see much objection to that at any of the hearings we
8 had and we heard it in multiple areas and so that part of it I
9 haven't had a problem with, but as far as really trying to get
10 away from south Florida, I don't think we are in this particular
11 one.

12
13 Now, I will agree with you there is a couple of other actions,
14 when we talk about warsaw and speckled hind, that does get out
15 of the realm of the south Florida issues and so that's just my
16 perspective.

17
18 **EXECUTIVE DIRECTOR GREGORY:** I apologize and I don't intend to
19 get into a debate, but the thing that concerned me -- I agree
20 with everything you said about the recreational harvest, but in
21 Action 6 we're talking about a commercial trip limit for mutton
22 of ten fish per person per day and a commercial trip limit of
23 mutton during the spawning season of two fish or five fish per
24 person per day. I mean that seems to go beyond the scope of,
25 throughout the Gulf of Mexico, the scope of what the purpose of
26 what we were trying to do originally and that's all.

27
28 **MR. RINDONE:** Just to cover where the landings actually come
29 from, and this is using the years 2008 to 2012 as a reference,
30 99.9 percent of mutton snapper recreational landings are off the
31 State of Florida and 97.5 of commercial landings are off of
32 Florida and of that two-and-a-half percent that are not off of
33 Florida, 2.4 of that 2.5 percent are off of North and South
34 Carolina. In the Gulf anyway, all the mutton are caught off of
35 Florida, pretty much.

36
37 This is an excellent example of if it's better to delegate this
38 to the state than it is to go through the process of
39 establishing new regulations for mutton and then let the State
40 of Florida address the best way to deal with the public's
41 concerns with too much harvest or too little harvest or whatever
42 it might be for mutton.

43
44 This is an opportunity to allow that to happen and so this is
45 one of those areas where you guys need to at least consider is
46 this a one or the other sort of thing or is there a benefit to
47 establishing say a multijurisdictional ACL and then delegating
48 it to the state. These are your options and I realize it puts

1 an awful lot of options on the table at one time, but this is
2 one of those areas where the problem with mutton is pretty
3 easily identified.

4
5 There is concerns about overharvest during the spawning season
6 and if that's something that the state can put a lid on, then
7 delegation might be an option or you guys could do it through
8 some other action.

9
10 **MR. HARTIG:** The commercial trip limits look ludicrous and the
11 reason they do is because when we had the discussions about
12 mutton snapper trip limits, there were some options put up and
13 they are still in this document, which they shouldn't be. I
14 think the decision was made that we shouldn't have a commercial
15 trip limit for mutton snapper, because of that longline fishery
16 that occurs in the Gulf.

17
18 You have small landings that occur throughout the state from
19 commercial landings, mostly from the hook and line sector, and
20 then you have the longline sector that on occasion has large
21 trips and so trying to have a trip limit that encompasses both
22 was problematic and so really I think what we really ought to do
23 is just remove the commercial trip limit, so you don't
24 unnecessarily impact that longline fishery from that Pinellas
25 County area.

26
27 **CHAIRMAN GREENE:** Any further comments? Mr. Rindone.

28
29 **MR. RINDONE:** Thank you, Mr. Chair. We've talked a little bit
30 more about, again, looking at a multijurisdictional ABC and ACL
31 for mutton, similar to what we did for yellowtail snapper, and
32 this would operate under the same premise as it would for
33 yellowtail, where you would have to establish sector ACLs, which
34 we don't currently have for mutton, but none of the -- Neither
35 sector, recreational or commercial, would close unless the ACL
36 was met or projected to be met and that would be regional.

37
38 We just heard that a very large proportion of the landings come
39 from the State of Florida and so that helps consolidate where
40 that universe of effort is and, Steven, if you want to weigh in
41 on the law enforcement for mutton.

42
43 **MR. ATRAN:** No, the law enforcement didn't have any comments on
44 either Action 3 or Action 4, other than the generic comment that
45 adding exceptions to gear restrictions increases complexity.
46 They did have comments on the next two actions, when we get to
47 those.

48

1 **CHAIRMAN GREENE:** Any other comments? Go ahead, Mr. Rindone.

2
3 **MR. RINDONE:** Okay and thank you, Mr. Chair. Number 5, if you
4 would, please. There is a lot of analysis that's in the full
5 document and I'm trying to use the decision document, since we
6 have a limited window of time to talk about this and so, please,
7 if there's something that jumps out at you and you want to know
8 more information, I can almost guarantee we have it.

9
10 Action 5 looks at modifying the recreational bag limit of mutton
11 and this is in both the Gulf and the South Atlantic and so
12 Alternative 2 would modify the recreational aggregate bag limit
13 and change the recreational bag limit for mutton snapper during
14 the regular season, which is July through April, and the
15 spawning season.

16
17 So it would continue with -- In Option 2, it would continue with
18 the ten fish per person per day allowance in the regular season,
19 but it would reduce that to two fish per person per day during
20 the spawning season and then Option 2b would further reduce the
21 regular season bag limit to five with the two fish bag limit
22 during the spawning season and then Option 2c would be four fish
23 with two fish during the spawning season.

24
25 Again, this is something also that if you guys want to delegate
26 management of the bag limits for mutton to the State of Florida,
27 this is something that the state could institute as well.

28
29 Alternative 3 would retain mutton within the aggregate ten
30 snapper bag limit in both basins, but would specify bag limits
31 for mutton within the recreational bag limit during the regular
32 season, similar to the number of gag that you can take or red
33 grouper or what have you for the shallow-water grouper aggregate
34 bag limits for the recreational fishery.

35
36 This would be, again, broken up by the regular season, July to
37 April, and the spawning season, which is May and June, and
38 Options 3a through 3c are similar to those for Alternative 2, in
39 that it's ten fish during the regular season and two fish during
40 the spawning season for 3a and five fish during the regular
41 season and two fish for 3b and then four fish during the regular
42 season and two fish during the spawning season for 3c. Are
43 there any questions about Action 5?

44
45 **CHAIRMAN GREENE:** Seeing none, will go to Mr. Atran.

46
47 **MR. ATRAN:** The Law Enforcement AP did have a comment. They
48 thought that having a bag limit that changes at different times

1 of the year would create confusion among the public.

2
3 **CHAIRMAN GREENE:** That's it for that and any questions? Mr.
4 Rindone.

5
6 **MR. RINDONE:** Thank you, Mr. Chair. Action 6 would examine the
7 commercial trip limits for mutton snapper in the Gulf and the
8 South Atlantic and currently the commercial sector in the South
9 Atlantic is restricted to ten mutton snapper per day or per
10 trip, whichever is more restrictive, and there is no bag or trip
11 limit in the commercial sector for the Gulf or the South
12 Atlantic from July through April and May and June in the Gulf,
13 there is still no trip limit.

14
15 Alternative 2 would establish a commercial trip limit for mutton
16 during the regular season in the Gulf and the South Atlantic of
17 -- We have two options. We have ten fish per person per day or
18 something higher than that.

19
20 Alternative 3 would specify a trip limit during the spawning
21 season, which is May and June, on both sides and we have options
22 here for two fish, five fish, and ten fish per person per day or
23 no bag or trip limit whatsoever.

24
25 Alternative 4 would specify a commercial trip limit for mutton
26 that is identical to the recreational bag limit during the
27 spawning season, which is May and June, in the Gulf and the
28 South Atlantic. With this one, if the recreational bag limit
29 happens to change, it would, by default, change the commercial
30 bag limit if this were selected as preferred.

31
32 Alternative 5 would specify a commercial trip limit for the hand
33 line sector of the commercial fishery during the spawning season
34 on both sides and we have options here, again, of two, five, and
35 ten fish per person per day and the options that are in blue
36 were added by the South Atlantic or suggested by the South
37 Atlantic at the previous South Atlantic Council meeting and so
38 just as a note for the things that are in blue, these are things
39 for you guys to improve the inclusion of or not. They voted to
40 have these things put in and these would be things that you guys
41 would need to vote to include as well.

42
43 **MS. BADEMAN:** I will make a motion to add Options 5a and 5b into
44 Action 6.

45
46 **CHAIRMAN GREENE:** We have got the motion on the board and does
47 it read as you wish? Is there a second?

48

1 **MR. WILLIAMS:** Second.

2
3 **CHAIRMAN GREENE:** Second by Mr. Williams. **Any opposition to**
4 **this motion? Seeing none, the motion carries.** Mr. Rindone.

5
6 **MR. RINDONE:** For Alternative 6, Alternative 6 would specify a
7 commercial trip limit for mutton for the longline sector during
8 the spawning season of 500 pounds whole weight for the trip
9 limit or some other trip limit and we heard some conversation
10 from Mr. Hartig about this not being quite ideal for the
11 longline fleet. Any other questions for Action 6?

12
13 **MR. WILLIAMS:** I think I've asked this before, Ryan, but do we
14 know -- We know that these mutton snapper are being landed in
15 Pinellas County, but we don't know where these longlines are
16 fishing. We know they must be fishing south and are they
17 fishing as far south as Monroe County? They are fishing for red
18 grouper in southwest Florida, probably.

19
20 **EXECUTIVE DIRECTOR GREGORY:** Right and they're fishing down
21 around, I guess, north and west of the Tortugas and they used to
22 fish Riley's Hump and there may be some fishing on the Atlantic
23 side down around the Tortugas.

24
25 **MR. WILLIAMS:** I am trying to figure out if they could avoid
26 these fish if they wanted to. That's really where I'm going and
27 do you know, Doug? Are they deliberately targeting these fish
28 or are they targeting red grouper and catching these at the same
29 time?

30
31 **EXECUTIVE DIRECTOR GREGORY:** My understanding is, and maybe we
32 can learn more in public testimony, is that the longliners go
33 south and the bandit fishermen to catch black grouper and/or
34 mutton and apparently the price or the value of mutton goes up
35 and down and right now, it seems to be low, but they are not
36 catching them incidental to red grouper as much as they are
37 coming south to catch black grouper, the carberitas.

38
39 **CHAIRMAN GREENE:** Any questions? I am not seeing any and Mr.
40 Atran.

41
42 **MR. ATRAN:** I have a law enforcement comment and I also have one
43 for myself. I don't know if it's a comment or a question. The
44 law enforcement noted that if you're going to set a commercial
45 limit for a small amount of fish that setting it in terms of
46 numbers of fish rather than pounds is easier for them to
47 enforce. They only have to count the fish and not weigh them.

48

1 The comment I have is I noticed that the commercial bag limits
2 are per person bag limits, but when the trip limits are set in
3 pounds, those are per vessel limits and it seems to me there is
4 an inconsistency there. If you set the bag limits per person
5 and the commercial fishermen want to take home five bag limits
6 of fish, he just has to make sure there's five people on the
7 boat and so is this really the best way to go, if you're going
8 to do a commercial bag limit, to do it per person rather than
9 per trip?

10
11 **MR. RINDONE:** The committee had wanted to consider both a bag
12 limit based on the number of commercial fishermen on the vessel
13 and a trip limit, with the trip limit targeted more towards the
14 longline fleet, since a bag limit might be harder to abide by
15 when you're longline fishing.

16
17 **CHAIRMAN GREENE:** Thank you and are there any further comments?
18 Okay, Mr. Rindone.

19
20 **MR. RINDONE:** Thank you, Mr. Chairman. Action 7 gets us into
21 black grouper and my understanding is that trying to make the
22 grouper regulations similar on both sides of U.S. 1 was kind of
23 one of the things that started this whole south Florida effort.

24
25 The next series of actions are largely targeted at black grouper
26 and Action 7 talks about the partial delegation of recreational
27 management of black grouper to the State of Florida and it only
28 considers recreational management because the committee
29 acknowledged that black grouper are part of the grouper IFQ
30 system in the Gulf, which Gulf representatives on the Joint
31 South Florida Committee indicated that the Gulf doesn't
32 currently have an appetite for modifying or eliminating that IFQ
33 program at this time.

34
35 Under this action, just like with the similar action for mutton
36 and yellowtail, the Gulf Council is still responsible for
37 setting the ABCs and the ACLs, but specific recreational
38 management items could be delegated to the State of Florida for
39 black grouper, such as size limits, seasons, bag limits, and the
40 ambiguous minor modifications to existing allowable gear.

41
42 We only have two alternatives here, for sheer lack of other
43 ideas for what would be delegated to the State of Florida with
44 respect to recreational management. From a NEPA standpoint,
45 this might need to be broken out further, but that's something
46 that we can deal with.

47
48 Now, another thing to consider is that there are other pointed

1 measures that are going to follow, other actions that are going
2 to follow, that are going to deal specifically with recreational
3 and commercial size limits or recreational size limits and bag
4 limits and consideration of some commercial modifications as
5 well and so some of those things may be best delegated to the
6 State of Florida and some not or maybe all or nothing. It's
7 something for you guys to consider, especially going into the
8 June meeting. Any questions so far for Action 7?

9
10 Action 8 would establish and consolidate ABCs and ACLs for black
11 grouper and this, again, examines, in Alternative 2, a
12 multijurisdictional ABC and ACL and so this would affect
13 everywhere that black grouper are caught.

14
15 To give you an idea of those landings percentages, 96.8 percent
16 of recreationally landed black grouper are caught in Florida and
17 93.6 percent of commercial landings come from Florida and so in
18 the Gulf, there is about 3 percent of the commercial landings
19 that come off of Texas and 0.7 percent off of Alabama and then
20 in the Atlantic, 2 percent come off of South Carolina and so
21 there are small pockets that occur elsewhere, but the lion's
22 share of the effort is certainly down around the Keys and south
23 Florida area.

24
25 Alternative 3 would again look at establishing a -- It would use
26 both councils' agreed upon ABC for black grouper and allocate
27 the recreational ACLs in the Gulf and the South Atlantic. 3a
28 would combine the current recreational allocations, which are
29 63.12 percent in the South Atlantic and 27 percent in the Gulf
30 for black grouper, into a single recreational allocation.

31
32 The issue with this is that when we have yield projections which
33 come out as a result of the stock assessments, the actual value
34 of that ACL could change year to year and so that would require
35 a lot of extra heads-up in terms of making sure to get the
36 regulations out, because this is something that would change
37 annually.

38
39 For Option 3b, this looks at a bow-tie method of using 50
40 percent of the landings from 1993 to 2008 and 50 percent of the
41 mean of the landings from 2009 to 2013, similar to what was
42 being considered for yellowtail and for mutton, and then 3c and
43 3d would use average landings based on either the most recent
44 five-year or ten-year time period.

45
46 Now, for Alternative 3, and, Charlotte, I don't know if you can
47 switch to the full document for this, because -- It's Table 19
48 on page 40. Based on those options that we just talked about,

1 these are the potential resultant commercial and recreational
2 allocations that you would get, because by establishing some new
3 recreational allocation, you, by default, are going to change
4 the commercial allocation, which would have some impact on the
5 IFQ system.

6
7 Option 3b is the one that uses the bow-tie method, which puts
8 some consideration on the historical time series. Option 3c
9 uses the most recent five years and Option 3d uses the most
10 recent ten years. As you can see, there is some sizeable
11 changes that can occur in terms of how much allocation is going
12 where, depending on which option you choose, if you choose to go
13 this route. That is definitely something to consider.

14
15 **CHAIRMAN GREENE:** Any questions or comments? Seeing none, Mr.
16 Rindone.

17
18 **MR. RINDONE:** All right. I will just keep trudging on. Action
19 9 looks at specific accountability measures for South Florida
20 species and so these would pointedly address yellowtail snapper,
21 mutton snapper, and black grouper.

22
23 Alternative 2 states that if the sum of the commercial and
24 recreational landings exceeds the stock ACL, then during the
25 following fish year, if the landings reach or are projected to
26 reach the stock ACL, then both sectors would be closed for the
27 remainder of the year and on or after the effective date of the
28 closure, all sales, purchases, harvest, or possession in the EEZ
29 would be prohibited. Then you could choose which species you
30 wanted this to apply to. This is one of those situations where
31 you could have accountability measures for one species that
32 might be a little bit different than they are for another
33 species, since you have the option of selecting which species
34 you want each of these to apply to.

35
36 Alternative 3 says that if the commercial landings reach or are
37 projected to reach the commercial ACL, NMFS would close the
38 commercial sector for the remainder of the year and then on and
39 after the effective date of that notification, all sale would be
40 prohibited. Sorry. All sale would be prohibited and harvest or
41 possession would be limited to the recreational bag and
42 possession limit.

43
44 Additionally, if the commercial ACL is exceeded, then NMFS would
45 reduce the commercial ACL in the following year by the amount of
46 the overage only if the species is overfished and the total ACL,
47 and so that's commercial and recreational, is exceeded. This is
48 something that would work well in tandem with a

1 multijurisdictional ACL approach that we discussed previously.

2
3 **MR. WILLIAMS:** Since none of these species are overfished, do we
4 have to have accountability measures? Is that required?

5
6 **MS. LEVY:** Yes, you have to have accountability measures. It's
7 required, annual catch limits and accountability measures. What
8 those accountability measures are -- I mean you have to have
9 something that keeps you within the ACL or mitigates for
10 overages. You don't necessarily have to have a payback. We
11 generally do that for species that are in rebuilding plans, but
12 we have accountability measures for all of our species.

13
14 **CHAIRMAN GREENE:** Thank you. Any other comments? Mr. Rindone.

15
16 **MR. RINDONE:** For Alternatives 3 and 4, the South Atlantic has
17 language that they had originally recommended that's straight
18 out of their Generic ACL/AM Amendment that they wanted to be re-
19 included and we have that language and it more specifically --
20 Instead of saying "NMFS", it says that the Office of the Federal
21 Register will notice such a closure and the Regional
22 Administrator will close the fishery and so it points to
23 specific offices and specific persons.

24
25 NMFS has requested the change that you see in Alternatives 3 and
26 4, which is where it's just highlighted in yellow, because it
27 takes a more generic approach. This is the language that they
28 would like to see pushed forward and so if you guys want the
29 document changed back to what the South Atlantic has in their
30 generic amendment, then staff can certainly make that change and
31 if not, we can leave it as per NMFS's recommendation, but that
32 is something that we need guidance from you guys on.

33
34 **CHAIRMAN GREENE:** Staff is requesting some more information here
35 and does anybody want to take action? Seeing no action, Mr.
36 Rindone.

37
38 **MR. RINDONE:** For Alternative 4, Alternative 4 is a recreational
39 accountability measure, where if the landings exceed the
40 recreational ACL, then during the following fishing year
41 recreational landings would be monitored for a persistence in
42 increased landings and then, if necessary, NMFS would reduce the
43 length of the fishing season and the recreational ACL in the
44 following year by the amount of the recreational overage.

45
46 Again, that's only if the species is both overfished and the
47 total ACL, commercial and recreational, is exceeded and the
48 length of the recreational season and the recreational ACL would

1 not be reduced if NMFS determined, using the best science, that
2 the reduction isn't necessary. You could pick which species you
3 wanted that to apply to.

4
5 Alternative 5 offers another recreational accountability
6 measure, where if the recreational landings reach or are
7 projected to reach the ACL, then NMFS would close the sector for
8 the remainder of the year, unless, using the best science, NMFS
9 determines that that's not necessary. Then you have options
10 here for whether -- If the species is overfished, and then you
11 pick the species, or, regardless of stock status and, again, you
12 pick the species.

13
14 These were options that were initially removed and then the
15 South Atlantic has asked that they be reconsidered and so we
16 would need a motion from you guys to put these back in the
17 document.

18
19 **CHAIRMAN GREENE:** Any desire to put them back in the document?

20
21 **MS. BADEMAN:** Sure. I will make a motion to add Options 5a and
22 5b back into Action 9.

23
24 **CHAIRMAN GREENE:** There is a motion on the board and a second by
25 Mr. Williams. **Any objection to this motion? Seeing none, the**
26 **motion carries.** Mr. Rindone.

27
28 **MR. RINDONE:** Thank you, Mr. Chair. Alternative 6 states that
29 the councils would jointly set the ACL for both sectors and if
30 the combined recreational and commercial ACL is met or expected
31 to be met, then NMFS would close both sectors for the remainder
32 of the fishing year and this is another one of those AMs that
33 works really well with the multijurisdictional ACL approach.
34 Again, you could pick which species you wanted this to apply to.
35 Any questions on accountability measures?

36
37 **MR. ATRAN:** The Law Enforcement AP had a comment, but it only
38 pertained to the Atlantic side and I don't know if you want me
39 to read that in or not for the record. They noted that in the
40 Atlantic that recreational yellowtail snapper fishing takes
41 place predominantly along the reef fish line, which could be in
42 either state or federal waters, depending upon the location.
43 For that reason, they emphasized that the Florida state waters
44 and the Atlantic EEZ need to have consistent regulations.

45
46 **CHAIRMAN GREENE:** Any questions in regard to that? Seeing none,
47 Mr. Rindone.

48

1 **MR. RINDONE:** Thank you, Mr. Chair. We will go ahead and move
2 on to Action 10. Action 10 would modify the shallow-water
3 grouper species composition and seasonal closures in the Gulf
4 and the South Atlantic and Alternative 2 of Action 10 would
5 remove the shallow-water grouper closure for all affected
6 grouper species in the Gulf and the South Atlantic and you have
7 two options here, from the Dade/Monroe County line on the east
8 coast of Florida to Shark Point on the west coast of Monroe
9 County, Florida, or throughout each council's jurisdiction.
10 Charlotte, I think now would be a good time to show that map.

11
12 This gives you an idea of where Shark Point is with respect to
13 south Florida and so you can see, for the sake of argument for
14 this, it's basically applying to just Monroe County and there's
15 a little bit of Monroe County that occurs north of Shark Point,
16 but law enforcement officials at the last Joint South Florida
17 meeting indicated that there is not a lot of fishing effort that
18 occurs within this area.

19
20 There are vessels that traffic through there, but they don't
21 stop, for the most part, and they said that this boundary would
22 be easier to enforce.

23
24 **DR. CRABTREE:** It worries me a little bit when we start talking
25 about changing the closures throughout each council's
26 jurisdiction. That's really getting well beyond, it seems to
27 me, south Florida, because some of these species are up in North
28 Carolina and other places, but we have mostly identified this as
29 south Florida and all the meetings have been in south Florida
30 and so it seems to me that this ought to focus on things in
31 south Florida and not so much Gulf-wide or South Atlantic-wide
32 issues.

33
34 **MR. RINDONE:** If the committee feels the same about that, then
35 this would be one of those areas where you might ask to strike
36 Option 2b from consideration, since that applies to the entire
37 jurisdiction for both councils. That alternative would just be
38 rewritten to include the text from Option 2a.

39
40 **MR. WILLIAMS:** I would think we should do that then, Ryan. I
41 would offer a motion that in Action 10 that we remove
42 Alternative 2b.

43
44 **CHAIRMAN GREENE:** We have a motion on the board in Action 10 to
45 remove Alternative 2b. Mr. Fischer has seconded.

46
47 **MR. RINDONE:** I was just going to offer a little bit of
48 clarification language to remove Alternative 2b to the

1 considered but rejected appendix.

2

3 **MR. WILLIAMS:** Yes, that's fine.

4

5 **CHAIRMAN GREENE:** The motion is now correct on the board. **Is**
6 **anybody in opposition of this? Seeing no opposition, the motion**
7 **carries.** Mr. Rindone.

8

9 **MR. RINDONE:** Thank you, Mr. Chair. Alternative 3 would
10 establish identical regulations for shallow-water grouper
11 species compositions for the Gulf and the South Atlantic from
12 the Dade/Monroe County line on the east coast of Florida to
13 Shark Point on the west coast of Monroe County, Florida.

14

15 Then you have three options here, where those identical
16 regulations would mean the adoption of the Gulf shallow-water
17 grouper species composition for both the Gulf and the South
18 Atlantic for this region, the adoption of the South Atlantic
19 shallow-water grouper species composition for both councils for
20 this region, or the specification of a new and identical
21 shallow-water grouper species complex for both councils and,
22 again, just for this region, south of Shark Point and the
23 Dade/Monroe line.

24

25 The Gulf currently only has four species in its other shallow-
26 water grouper species composition: black grouper, yellowedge,
27 yellowmouth, and scamp. The South Atlantic has nine species in
28 theirs and so they have gag, red, yellowedge, yellowmouth,
29 scamp, coney, graysby, speckled hind, and rock hind, I think.
30 That's a handful and so, depending on which option you guys
31 preferred for this particular alternative, if you wanted to go
32 forward with this alternative, it would require adding species
33 to the Gulf's plan or removing species from the South Atlantic's
34 plan. That's definitely something to consider.

35

36 **EXECUTIVE DIRECTOR GREGORY:** Ryan, why is there even
37 consideration of changing the species composition? I mean what'
38 the conflict there or what's the issue?

39

40 **MR. RINDONE:** In an effort to -- I won't say harmonize, because
41 we're going to talk about that one next, but in an effort to
42 establish identical regulations and to make things the same for
43 this region south of Shark Point and the Dade/Monroe line.
44 Making the species compositions the same makes it easier to make
45 any subsequent changes to management if they are necessary for
46 that complex, be it through an aggregate bag limit for those
47 shallow-water groupers or what have you.

48

1 If this isn't something that you guys think is worth
2 considering, then that's certainly your purview to take it out
3 of there or recommend that it be removed.

4

5 **CHAIRMAN GREENE:** Thank you. Any comments?

6

7 **MR. WILLIAMS:** What were the Gulf? You said the Gulf was black,
8 yellowedge, yellowmouth -- What happened to red and gag for
9 shallow?

10

11 **MR. RINDONE:** Red and gag are managed separately from the other
12 shallow-water groupers for the sake of the commercial fishery
13 and then for the recreational fishery, they have specific bag
14 limit allowances that are included as part of your shallow-water
15 grouper allowance and also part of your aggregate reef fish
16 allowance.

17

18 The regulations aren't quite so simple as it's exactly this on
19 this side and it's exactly that on the other side and so it
20 would require broad changes to species that aren't just central
21 to south Florida.

22

23 **MR. WILLIAMS:** If we were to remove this -- It says to establish
24 identical regulations for the shallow-water grouper species,
25 which we want to do for Monroe County. We are trying to set up
26 a way where all their size limits and bag limits and closures
27 are the same and if we remove this, aren't we interfering with
28 that or not?

29

30 **MR. RINDONE:** It does impact it, to a degree, yes. The other
31 option would be to identify specific fish and how you want their
32 specific management measures altered.

33

34 **EXECUTIVE DIRECTOR GREGORY:** The shallow-water grouper, the only
35 conflicting regulations are red, gag, and black. I mean that's
36 the issue with the fishermen, because that's what they mostly
37 catch. The other fish are incidentally and rarely caught.

38

39 **MR. WILLIAMS:** So, Doug, can we reconcile the conflicts on red,
40 gag, and black without Alternative 3?

41

42 **EXECUTIVE DIRECTOR GREGORY:** I would think so, unless the
43 council wants to just create an aggregate bag limit for all
44 shallow-water species in their area, but I don't know why we
45 would do that. The South Atlantic Council is in the process of
46 changing or trying to get some of their species out of it and
47 for us to add species in just to be equivalent doesn't seem to
48 be practical.

1
2 **MR. ATRAN:** The species that are in the South Atlantic shallow-
3 water complex but not in the Gulf complex, there is very little,
4 if any, landings in the Gulf of Mexico for those species and so
5 we would be doing a lot of work to add species into our
6 management plan that there is very little catch on.

7
8 The Law Enforcement AP noted this difference in the two
9 complexes. They didn't have any concerns at this time, but they
10 wanted to see how the council resolves the issue and that's part
11 of the reason why they would like to have another look at this
12 paper when it gets further developed.

13
14 **CHAIRMAN GREENE:** Any more comments?

15
16 **MR. WILLIAMS:** Just one other question. This was added after
17 our last South Florida meeting and is that right?

18
19 **MR. RINDONE:** Yes.

20
21 **MR. WILLIAMS:** Did we approve a motion to do this or was this
22 just the IPT added this?

23
24 **MR. RINDONE:** This is from the committee.

25
26 **MR. WILLIAMS:** From the committee?

27
28 **MR. RINDONE:** The IPT recommended changes or edits are in yellow
29 in the document and things that are from the committee, that the
30 committee asked to be put in there, are just normal old text.

31
32 **CHAIRMAN GREENE:** Anybody else? Okay, Mr. Rindone.

33
34 **MR. RINDONE:** If Alternative 3 is something that you guys don't
35 think makes sense and it's something that you would like to wish
36 to consider removing, then any ways to help streamline the
37 document will certainly help staff.

38
39 **MS. BADEMAN:** I kind of think we should just leave this alone.
40 We're going to have to talk about it again in June anyway,
41 because we're going to have the other half -- The South Atlantic
42 is going to have to deal with it and maybe with more heads at
43 the table we can come to a solution. It's going to come up
44 anyway and so I would just say leave it.

45
46 **CHAIRMAN GREENE:** Good point.

47
48 **MR. WILLIAMS:** I agree with Martha on that. On the other hand,

1 Doug and I were just talking and the whole goal of this was to
2 simplify things and, geez, in some ways we're making it a lot
3 more complicated than -- I mean it's getting worse and not
4 better.

5
6 **EXECUTIVE DIRECTOR GREGORY:** Ben, we're going to have to be
7 talking with Bob Mahood about our joint meeting. We've got a
8 one day joint meeting scheduled in June and we're going to cover
9 mackerel, spiny lobster, and this document as well as I think
10 the headboat electronic monitoring and data collection and this
11 document alone would take the two councils a whole day to go
12 through and so we may need to try to do something in the interim
13 and I don't know, but this -- I don't see us getting through
14 this in an hour or two hours as a joint council and so let's
15 think about that.

16
17 **MR. HARTIG:** I agree and I mean part of it today is to allow
18 this council to become familiar with what this workgroup has got
19 together so far, but you're absolutely right that this is going
20 to take some time and there will be some sticking points, as we
21 knew when we were going into this, about whether or not the Gulf
22 wants to do the allocations for the different species as well
23 and we knew those were going to be sticking points going in and
24 we are going to have to see how those fall out in June.

25
26 Basically restructuring that meeting somehow or another time to
27 do this, where we can actually take the necessary time to flesh
28 it out to both of our own satisfactions.

29
30 **CHAIRMAN GREENE:** Ms. Bademan, did you have anything? No?
31 Okay, Mr. Rindone.

32
33 **MR. RINDONE:** Alternative 4 would establish identical
34 regulations for shallow-water grouper seasonal closures in the
35 Gulf and the Atlantic from the Dade/Monroe line to Shark Point.
36 It looks like we have a duplication of those. Alternative 3 and
37 4 look to be the same. We will fix that. Sorry. That's the
38 seasonal closures. Excuse me. You look at this enough and it
39 blends together.

40
41 Alternative 4 deals with the same as Alternative 3 except
42 instead of species compositions, it's seasonal closures and so
43 Option 4a would adopt the Gulf's shallow-water grouper seasonal
44 closures south of Shark Point and the Dade/Monroe line.

45
46 Alternative 4b would adopt the South Atlantic's seasonal
47 closures and Alternative 4c would establish new and identical
48 regulations for shallow-water grouper seasonal closures and this

1 may be one of those alternatives which could more aptly address
2 the main concern of the fishermen, which was access to the fish.

3
4 On the South Atlantic side, from January 1 to the end of April,
5 shallow-water grouper are closed. However, in the Gulf, they
6 are open, except during February and March, when you have the
7 twenty-fathom closure. On one side of the jurisdictional
8 boundary, you're allowed to catch and keep grouper and on the
9 other side, you're not during the late winter and early spring.
10 This is something that's been a sticking point for the
11 fishermen. Alternative 4 may be a decent way of addressing that
12 concern.

13
14 **MR. WILLIAMS:** But in Alternative 4, if I may, we're going to
15 have to come up with some -- We don't have any proposed
16 regulations and I guess that's what I would prefer, but there is
17 nothing in there.

18
19 **MR. RINDONE:** For Alternative 4, you have two options which have
20 established regulations. You could adopt the South Atlantic's
21 regulations, which would result in a shallow-water grouper
22 seasonal closure south of Shark Point and the Dade/Monroe line
23 from January 1 through April 30.

24
25 Then the Gulf alternative would keep shallow-water grouper
26 fishing open during that time, but would institute that twenty-
27 fathom closure in February and March, where you're not allowed
28 to take shallow-water groupers deeper than twenty fathoms.

29
30 Alternative 4c is the one that would create something new
31 entirely and so you could use either council's existing method
32 or you could establish something new altogether under this
33 alternative.

34
35 **MR. WILLIAMS:** I think they would like no closure, probably.

36
37 **MR. RINDONE:** The recreational fishermen especially have largely
38 indicated they would prefer no closure. In the Gulf, the
39 commercial fishery operates under the IFQ system and so it
40 doesn't have a closure, but in the South Atlantic, the
41 commercial fishermen don't have an IFQ system and so from
42 January 1 to the end of April, there is no shallow-water grouper
43 fishing.

44
45 We heard at the last meeting from a gentleman who fishes
46 commercially for black grouper and he indicated that being able
47 to catch them in January would certainly help with their
48 economics of their industry, but it's something for the

1 committee to consider.

2
3 **MR. WILLIAMS:** To follow up, the South Atlantic closure is to
4 protect gag grouper spawning aggregations?

5
6 **MR. RINDONE:** Yes, the primary target of that closure is to
7 protect gag and that's correct.

8
9 **CHAIRMAN GREENE:** Anything else? Mr. Gregory.

10
11 **EXECUTIVE DIRECTOR GREGORY:** Unless there is some objection from
12 Ben, I would like for the council to give us the flexibility,
13 the IPT the flexibility, to relook at some of these options
14 under some of these alternatives and I doubt we have the time to
15 do all the analyses between now and June to get a public hearing
16 document ready, but, for instance, Alternative 4.

17
18 I don't recall the committee and I don't understand the purpose
19 of even considering applying Gulf shallow-water closures to the
20 Atlantic or the Atlantic shallow-water closures to the Gulf and
21 that could be much simplified by just having Alternative 4 say
22 to establish new and identical regulations for a grouper
23 seasonal closure in the south Florida area and not throughout
24 each jurisdiction.

25
26 **MR. WILLIAMS:** I like Doug Gregory's idea and I am going to
27 offer a motion to remove Option 4a and 4b and have only a single
28 option or actually to move them to considered but rejected. I
29 would move that we move Options 4a and 4b to considered but
30 rejected.

31
32 **CHAIRMAN GREENE:** We are getting a motion up on the board.

33
34 **MS. LEVY:** I guess I am just -- I am wondering why you would
35 want to do that. Alternative 4 would establish the identical
36 regulations for seasonal closures in this defined area off of
37 south Florida and one of the options is to make that what the
38 Gulf has now, right, and the other option is to make it what the
39 south Atlantic has now and the third option is to do something
40 completely different, but still have that the same.

41
42 You are essentially just removing two of the options, one to
43 either adopt the Gulf or the South Atlantic, for that small
44 area, which seems like you would want to consider. One of those
45 might be the easiest things to do and just say we like the Gulf
46 seasons or we like the South Atlantic seasons.

47
48 **MR. RINDONE:** That's why those were put in there to begin with.

1 The committee had asked for --

2
3 **MR. WILLIAMS:** Well, knowing how these two councils have worked
4 in the past, I doubt if either one of them wants to adopt the
5 other's, quite frankly, and so I would think we would be better
6 off starting anew.

7
8 **MS. LEVY:** That's fine, but just then what's going to end up
9 happening here is you're going to have to have alternatives for
10 what that new season would be and so if they're going to adopt
11 their own season, then underneath we would need alternatives of
12 what are those going to be, so that you would have different
13 options to choose from.

14
15 **MR. WILLIAMS:** Doug suggested that the IPT would come up with
16 some alternatives for that, other than the South Atlantic's or
17 the Gulf's.

18
19 **CHAIRMAN GREENE:** We have a motion on the floor and is it
20 seconded? Hearing no second, the motion fails for lack of a
21 second. With that, we will go back to Mr. Rindone.

22
23 **MR. RINDONE:** Thank you, Mr. Chairman. We will move on to
24 Alternative 5 and Alternative 5 would establish identical
25 regulations for shallow-water grouper seasonal closures
26 throughout the Gulf and the South Atlantic, again offering the
27 adoption of the Gulf's regulations for seasonal closures for
28 both sides and Option 5b is the South Atlantic's seasonal
29 closures for both sides or Option c is establishing something
30 new and identical.

31
32 This would apply throughout each species jurisdiction and you
33 guys made a motion not too long ago to exclude things that had
34 effects that were outside the State of Florida and so you might
35 consider something similar here.

36
37 **MR. WILLIAMS:** I move that Alternative 5 be moved to considered
38 but rejected. This would be Action 10, Alternative 5, moved to
39 considered but rejected.

40
41 **CHAIRMAN GREENE:** We have a motion on the floor and is there a
42 second?

43
44 **MS. BADEMAN:** I will second it.

45
46 **CHAIRMAN GREENE:** Ms. Bademan seconds it. **Any opposition to the**
47 **motion? Seeing none, the motion carries.** Mr. Rindone.

48

1 **MR. RINDONE:** Thank you, Mr. Chair. We have one more for Action
2 10 and this is Alternative 6, which would modify the shallow-
3 water grouper seasonal closure off of Monroe County, Florida to
4 allow harvest of other shallow-water grouper species and only
5 close harvest of gag and so this would help satisfy the South
6 Atlantic's desire to protect gag from the beginning of January
7 through the end of April, but would permit the harvest of other
8 shallow-water grouper species off the area that, according to
9 public testimony, seems to be most affected by the difference in
10 the conflicting seasonal closures. Are there questions with
11 respect to Alternative 6, which is now probably Alternative 5?
12

13 **CHAIRMAN GREENE:** Questions or comments? Seeing none, carry on,
14 Mr. Rindone.
15

16 **MR. RINDONE:** Thank you, Mr. Chairman. We will go on to Action
17 11 now. Action 11 would modify black grouper fishery closures
18 and bag limits in the Gulf and the South Atlantic and
19 Alternative 1 would maintain the currently established seasonal
20 bag limits on both sides, with black grouper included as a
21 component of the shallow-water grouper and reef fish aggregate
22 bag limits.
23

24 Alternative 2 would remove black grouper from the shallow-water
25 grouper closures of the recreational season in the Gulf and of
26 the recreational and commercial seasons in the South Atlantic
27 and so basically this says that from January through April that
28 black grouper would be wide open on both sides and, again, most
29 of these -- The vast majority of these landings occur in the
30 area we're referring to as south Florida, which is south of
31 Tampa Bay and Cape Canaveral.
32

33 Alternative 3 would establish a recreational seasonal closure
34 for black grouper and this would apply to both sides and
35 multiple options can be chosen here, depending on how long you
36 would want such a closure to last. We have January, February,
37 and March listed. You could choose all three or you could
38 choose just one or you could choose just two.
39

40 Alternative 4 would remove black grouper from the shallow-water
41 grouper closures of the recreational season in the Gulf and the
42 recreational and the commercial seasons in the South Atlantic
43 just off the State of Florida, which is similar in scope to
44 Alternative 2, except, again, it only affects federal waters off
45 of Florida and so the closures would remain in effect off of
46 Georgia through North Carolina and then west of the
47 Alabama/Florida line.
48

1 Alternative 5 would remove black grouper from the shallow-water
2 grouper closures of the recreational season in the Gulf and the
3 recreational and commercial seasons in the South Atlantic, but
4 this is just off of Monroe County. It's similar to the previous
5 one, but a further constricted area being affected.

6
7 Alternative 6 would remove black grouper from the recreational
8 aggregate bag limit in the Gulf of Mexico and Alternative 7
9 would do the same for the South Atlantic. If anybody has any
10 questions, just please interrupt.

11
12 **EXECUTIVE DIRECTOR GREGORY:** Instead off of Monroe County, I
13 think that needs to be delineated and there is no option in here
14 of just from that south of Shark Point to Dade/Monroe County
15 lines, which would do essentially the same thing.

16
17 **MR. RINDONE:** If you guys would like to see that off of Monroe
18 County changed to the south of the Dade/Monroe line in the east
19 and Shark Point in the west, we can add that in or we can make
20 that change. I am getting lots of nods.

21
22 **MS. BADEMAN:** That sounds good.

23
24 **MR. RINDONE:** Okay.

25
26 **CHAIRMAN GREENE:** Mr. Williams, did you have anything?

27
28 **MR. WILLIAMS:** What's the point of Alternative 6 and 7? Why
29 would you remove black grouper from the recreational aggregate
30 limits in the Gulf and the South Atlantic? That surely wasn't
31 something the committee suggested, was it?

32
33 **MR. RINDONE:** It allows -- It's something that the committee had
34 asked to be put in there, because it leads into Alternative 8,
35 which would establish a separate recreational bag limit for
36 black grouper.

37
38 **MR. WILLIAMS:** So those have to be coupled with 8 then? Okay.

39
40 **MR. RINDONE:** You could do one or you could do the other or you
41 could do them both. This is one of those multiple alternative
42 types of actions and so if you decided to remove black grouper
43 from the aggregate bag limit and set some other bag limit for
44 black grouper outside of that, then -- Like for the South
45 Atlantic, I know that they have an interest in having a one fish
46 per person aggregate bag limit and in the Gulf, it's up to four.

47
48 There you have a current disparity in regulations in terms of

1 how many you can keep and so if you -- If you remove black
2 grouper from that aggregate bag limit, it also allows you to
3 take more fish that are remaining in the bag limit and so that's
4 something else to consider.

5
6 **MR. WILLIAMS:** The South Atlantic has looked at all of this,
7 right?

8
9 **MR. RINDONE:** Yes, at their last meeting.

10
11 **MR. WILLIAMS:** And they left all that in? My instinct says to
12 get rid of Alternative 6 and 7 and leave them within the
13 aggregate bag limit in both the Gulf and the South Atlantic, but
14 I guess I will defer until the joint council meeting.

15
16 **MR. RINDONE:** The majority of the effect of such a change in
17 management is largely going to be felt on the South Atlantic
18 side and is not going to impact the Gulf quite so much. One of
19 the appendices, and I think it's Appendix C, looks at changes in
20 -- It looks at the effects of this action and there was a lot of
21 difficulty in trying to do meaningful analyses with respect to
22 the Gulf's landings, because targeted trips for black grouper
23 are fewer and further between.

24
25 Usually when recreational fishermen are going out fishing for
26 black grouper or going out fishing, they might know that they're
27 going to come across black grouper, but it's not as if they are
28 going to a spot that they know specifically has that fish. It's
29 usually they're going after more than just that one species and
30 so the amount of data available to do these analyses was slim.
31 However, for the South Atlantic, there are a lot of targeted
32 trips.

33
34 **CHAIRMAN GREENE:** Any more comments?

35
36 **MR. WILLIAMS:** My comment is we're trying to be consistent
37 between the Gulf and the South Atlantic and I am tempted to move
38 to remove Alternative 6 and 7 both, but I hate getting in the
39 South Atlantic's business and so I am not going to.

40
41 I think I will offer a motion though to remove Alternative 6,
42 removing black grouper from the recreational limit, the
43 recreational aggregate limit. All that would do would be to
44 increase the bag limit for the other groupers, right? **I don't**
45 **think we should do that and so I'm going to move that we move**
46 **Alternative 6 to considered but rejected.**

47
48 **CHAIRMAN GREENE:** We have a motion that she's putting on the

1 board and is there a second for this motion? Mr. Fischer
2 seconds the motion. Any discussion? **Anybody object to the**
3 **motion? Seeing none, the motion carries.**

4
5 **EXECUTIVE DIRECTOR GREGORY:** I just want to say that, for those
6 of you that have been around a while with the council, the
7 aggregate bag limits were established back when we had no stock
8 assessments and we had no idea what the status of the stocks
9 were and we felt like ten snapper was reasonable and five or ten
10 grouper were reasonable for a recreational fishing trip.

11
12 We now know a lot more and I think that at some point in the
13 near future we ought to reconsider what we mean by the aggregate
14 bag limits and things like red grouper and black grouper and gag
15 and mutton snapper and yellowtail snapper and gray snapper, that
16 we can establish individual bag limits for, we consider that and
17 maybe reconsider an aggregate being for the other miscellaneous
18 species and reduce it to five or something, because we're
19 getting more and more to managing specific species and so I
20 think the aggregate bag limit concept may be nearing the end of
21 its useful life.

22
23 **CHAIRMAN GREENE:** I appreciate those comments. Anybody else?

24
25 **MS. LEVY:** Just to make sure I am clear on this action, a lot of
26 these alternatives, I guess other than Alternative 4, 5, and
27 potentially 8, if you choose a suboption under 8e, apply
28 throughout the jurisdiction of whatever we're deciding and so
29 I'm just wondering if that's consistent with what we've been
30 talking about in the prior actions about removing things that
31 apply Gulf-wide or South Atlantic-wide. If we're leaving it in
32 here, is there some particular reason why we would do that for
33 black grouper as opposed to the other species, since we've been
34 talking about getting rid of those kinds of alternatives?

35
36 **CHAIRMAN GREENE:** Anybody? Seeing none, Mr. Rindone.

37
38 **MR. RINDONE:** Thank you, Mr. Chair. Alternative 8 would
39 establish a recreational bag limit for black grouper and you
40 have four options here for an actual bag limit of one, two,
41 three, or four fish per person per day and then Option 8e would
42 apply this bag limit only to the following areas and so you
43 could pick off of Monroe County, which I imagine you guys would
44 like to see changed to the Shark Point/Dade/Monroe delineation
45 previously discussed? If I could get a head nod or something on
46 that if that's correct. Okay.

47
48 Or federal waters off of Florida or everywhere and so to Mara's

1 point of if you don't want this considered for region-wide, then
2 perhaps Suboption 8c shouldn't be considered. Mr. Chair.

3

4 **CHAIRMAN GREENE:** Okay. Anybody?

5

6 **MR. RINDONE:** Any questions?

7

8 **CHAIRMAN GREENE:** Any questions?

9

10 **MR. WILLIAMS:** We were working our way towards trying to set up
11 some special regulations for Monroe County and so that's -- I
12 guess I think we ought to come up with a bag limit for groupers
13 for Monroe County and live with it and leave everybody else
14 alone for the purposes of this.

15

16 I am hesitant to scratch these others if the South Atlantic has
17 left them in as well, but I really think we ought to just do
18 Suboption a off of Monroe County and the Shark Point to Dade
19 County line. **I am going to move that we remove Suboptions 8b
20 and 8c.**

21

22 **CHAIRMAN GREENE:** We are putting a motion up on the board now.
23 While she is getting it on the board, is there a second for
24 this?

25

26 **MR. WILLIAMS:** Hold on. Did I say suboptions, because they are
27 suboptions. Option 8e, Suboptions 8b and 8c. It would be
28 Option 8e, Suboptions 8b and 8c.

29

30 **CHAIRMAN GREENE:** It sound say in Action 11, Alternative 8 and
31 delete the word "Option 8e". Mr. Williams, is that your motion?
32 Is that correct?

33

34 **MR. WILLIAMS:** Yes.

35

36 **CHAIRMAN GREENE:** Is there a second for this motion?

37

38 **MS. BADEMAN:** I could second it if you took out 8b, but there is
39 some issues on the Atlantic coast.

40

41 **MR. WILLIAMS:** Okay and I would make it then just Suboption 8c.

42

43 **MS. BADEMAN:** In that case, I will second.

44

45 **CHAIRMAN GREENE:** Ms. Bademan seconds it and is there any
46 discussion? **Is there any opposition to this motion? Seeing
47 none, the motion carries.** Mr. Rindone.

48

1 **MR. RINDONE:** Thank you, Mr. Chair. Alternative 9 was offered
2 for addition by the South Atlantic Council and this would modify
3 the commercial seasonal closure for black grouper in the Gulf of
4 Mexico and the South Atlantic with three options for January,
5 February, and March. Again, multiple options could be chosen
6 for this.

7
8 If this is something that you guys chose to do, this would
9 affect the commercial IFQ program in the Gulf and would
10 institute a seasonal closure on that program, which currently
11 does not have one. You guys would have to vote to include this
12 into the document.

13
14 **MS. BADEMAN:** I say we leave it alone, but that's just me.

15
16 **CHAIRMAN GREENE:** Okay. Anybody have a desire to do anything
17 differently? Okay and seeing none, Mr. Rindone.

18
19 **EXECUTIVE DIRECTOR GREGORY:** Is there currently a commercial
20 seasonal closure for black grouper in the Gulf?

21
22 **MS. BADEMAN:** No.

23
24 **EXECUTIVE DIRECTOR GREGORY:** So should it say "establish"
25 instead of "modify"?

26
27 **MS. BADEMAN:** I don't want to add it to the document and so I am
28 not going to say either.

29
30 **EXECUTIVE DIRECTOR GREGORY:** You don't want to add it to the
31 document?

32
33 **MS. BADEMAN:** No.

34
35 **MR. RINDONE:** So noted and, Mr. Chair, I will move on. We will
36 go down to Action 12 and so Action 12 would harmonize bag and
37 size limits for species in the shallow-water grouper complex,
38 seasonal closures in federal waters adjacent to Monroe County,
39 and Alternative 2 aims to harmonize the bag limits for species
40 included in the shallow-water grouper seasonal closures in the
41 EEZ off the Gulf and the South Atlantic and Alternative 3 aims
42 to harmonize the size limits for species included in the
43 shallow-water grouper seasonal closures in the EEZ off the Gulf
44 and the South Atlantic and so this action had been asked to be
45 included by the committee, but we didn't get any guidance at the
46 time in terms of what sort of alternatives to consider.

47
48 As you might imagine, there are a great many that could be and

1 so the IPT didn't go forward with including any text in this,
2 because a whole lot more guidance is needed before we start
3 trying to put together some sort of idea of what the committee's
4 intentions were.

5
6 This is also one of those actions that there are other efforts
7 elsewhere in the document which could address some of the
8 concerns that are presented in this action and, additionally, in
9 the case of say black grouper, red grouper, and gag, where you
10 might have differing regulations on the Gulf side or the
11 Atlantic side, there certainly could be faster ways about going
12 about harmonizing those things if both councils wish to do that.

13
14 For example, for gag, the Gulf has a twenty-two-inch
15 recreational size limit and the South Atlantic has a twenty-
16 four-inch recreational size limit and if that was something that
17 both councils wanted to come to terms on, then one council or
18 the other could be the one that made such a change and a
19 framework action could address such a change in a much more
20 abbreviated timescale than a full plan amendment.

21
22 The IPT wanted to make sure that the councils were aware of that
23 option at their disposal before that went into what's been a
24 document that's been long in development.

25
26 **MR. WILLIAMS:** But, Ryan, we are looking -- This applies only to
27 Monroe County, right? I mean there is no intention to seasonal
28 closures in the EEZ of the Gulf of Mexico and South Atlantic.
29 The topic is Monroe County and so we're only looking at Monroe
30 County, right?

31
32 Why wouldn't we just do it all as a single package off of Monroe
33 County and why take a special framework action for this?
34 Couldn't we just do it all as a package and isn't it simpler, in
35 the long run, just to do a package for the Gulf and South
36 Atlantic and get us to agree to these modifications for Monroe
37 County and then put them in place all at once, rather than doing
38 a regulatory amendment and another plan amendment?

39
40 **MR. RINDONE:** If those changes were something that you guys
41 wanted to have happen, I mean you could do them in a plan
42 amendment, but it's something that we currently have the system
43 set up for to do faster that could be done outside of this and
44 so it would really be your choice.

45
46 Now, the language that was put forward by the South Atlantic
47 Council for Alternatives 2 and 3 says in the Exclusive Economic
48 Zone of the Gulf and the South Atlantic and so if this is meant

1 only to apply to Monroe County, then that should be amended to
2 say in federal waters adjacent to Monroe County, but this is
3 just the language that I got from --

4
5 **MR. WILLIAMS:** I am betting that that's what they meant though,
6 because the subject -- The title of it says in the federal
7 waters adjacent to Monroe County.

8
9 **MR. RINDONE:** This is also -- We can -- This is something that
10 we can make that change, but adding in those alternatives is
11 something that we do need a motion from you guys on and you can
12 change that language to be what you think the South Atlantic
13 Council meant, unless Ben has something else that he wants to
14 weigh in on for that.

15
16 **MR. WILLIAMS:** Personally, I don't have any problem with this as
17 long as it's understood that we're trying to fix Monroe County
18 and that's it. We're not trying to do anything else.

19
20 **MR. PERRET:** Look. We are now talking about separate rules,
21 potentially separate rules, and regulations for a specific
22 county and where are going? It seems to me that we're
23 complicating law enforcement.

24
25 How in the world is law enforcement going to be able to enforce
26 different rules and different whatever in one county when they
27 are different in the other counties right on the side? I am all
28 for trying to help south Florida and we've been trying to help
29 south Florida for two hours and we're floundering, in my
30 opinion, but now getting to a specific county rules and
31 regulations? I am not sure that's the direction I want to go.

32
33 I mean this is a federal EEZ and federal fishery management plan
34 and now we're in the waters off a specific county and if it's a
35 problem and something is broke, let's try and fix it, but trying
36 to fix it by a county-by-county basis I think is -- That doesn't
37 seem to be a good approach, in my opinion.

38
39 **EXECUTIVE DIRECTOR GREGORY:** Now, Corky, you're messing with the
40 conch republic. You know they're special.

41
42 **MR. PERRET:** I have been messing with them for thirty years, but
43 my gosh. I thought Florida got away from county rules and
44 regulations in fishery management twenty years ago and we're
45 going right back to where they were?

46
47 **EXECUTIVE DIRECTOR GREGORY:** Now let me explain. The
48 jurisdictional boundary between the Gulf and the South Atlantic

1 Councils --

2

3 **MR. PERRET:** Was litigated years ago.

4

5 **EXECUTIVE DIRECTOR GREGORY:** It was litigated and it was decided
6 that it would split the Florida Keys in half and what we have is
7 a 120-mile long boundary that is extensively fished
8 recreationally and commercially.

9

10 What's being proposed with this short point line, which is not
11 quite the Monroe/Collier County line, but that is an area where
12 -- Okay. Let me step back a minute. Right now, the State of
13 Florida says that if you fish out of Monroe County in state
14 waters that you have to abide by the stricter of the two
15 councils. Now, that sounds good, but you can go outside of --
16 Well, okay.

17

18 **MR. PERRET:** Now we've got a difference of --

19

20 **EXECUTIVE DIRECTOR GREGORY:** You can go outside of state
21 boundaries and abide by the federal law and come in and land
22 catch that's in violation of the state waters and so what this
23 Shark Point line does, it's far enough north of the Florida
24 Keys, where 99 percent of the recreational fishermen will never
25 go that far north, and so the entire Florida Keys region will be
26 under one management jurisdiction of regulations, so that it
27 will reduce the confusion.

28

29 The best example of the confusion is that come January -- On
30 January 1 of this year, red grouper closed on the Atlantic side
31 of the Keys and opened on the Gulf side of the Keys and that's
32 the sort of thing that is driving the fishermen down there crazy
33 and so what we're trying to do is find a way of managing this
34 fishery to reduce the confusion and the regulatory conflicts
35 over this 120-mile long line, where we have very intensive
36 fishing pressure. The concept that we're trying to deal with is
37 valid and it's not just a county. It's a problem that affects a
38 lot of people.

39

40 **MR. PERRET:** My response is any time you draw lines, you are
41 impacting and affecting people. We've got boundary lines
42 between states and a state season in one state opens on a
43 certain date and may close on the other. That happens all the
44 time in various fisheries, but anyway.

45

46 **CHAIRMAN GREENE:** Okay, Mr. Rindone.

47

48 **MR. RINDONE:** Thank you, Mr. Chairman. Anything else for Action

1 12, such as including Alternatives 2 and 3?

2
3 **CHAIRMAN GREENE:** Okay. We have a request by the South Atlantic
4 to add Alternatives 2 and 3 and is there any desire to do so
5 under Action 12?

6
7 **MS. BADEMAN:** I am not totally sure, and I'm with Roy, that I
8 understand what they're trying to do. I mean the way I read it,
9 it was the whole Gulf and the whole South Atlantic, but the
10 action is about Monroe County and so I don't understand what it
11 is and so I don't want to add it.

12
13 **MR. WILLIAMS:** Can Ben help? Does he have any idea what they
14 did?

15
16 **MR. HARTIG:** Yes, don't add it.

17
18 **MS. BADEMAN:** There you have it. Let's move on.

19
20 **CHAIRMAN GREENE:** Hearing no desire to do that, we will move on.
21 Mr. Rindone.

22
23 **MR. RINDONE:** So noted, Mr. Chairman. Action 13 is our last one
24 and I know Corky is smiling now that we're coming towards the
25 end. Action 13 deals with changes to the circle hook
26 requirements in the Gulf and the Atlantic jurisdictional waters
27 and currently, just to give you guys a frame of reference, when
28 fishing with natural bait in the Gulf for reef fish, of course
29 you have to use circle hooks.

30
31 Then in the South Atlantic, if you are north of 28 degrees North
32 and using natural bait, you have to use circle hooks and if
33 you're south of that line, you do not.

34
35 The conflict with this comes down to the Keys, where on one side
36 of the highway you don't have to use circle hooks for reef fish
37 and on the other side you do and so that creates a little bit of
38 a confusion issue for fishermen and Steven can contribute any
39 discussion that the Law Enforcement AP had on that once we move
40 through some of these options.

41
42 Alternative 2 would remove the requirement to use circle hooks
43 when fishing with natural bait only for yellowtail snapper in
44 the EEZ and the Gulf and you have options here for the
45 recreational or the commercial fishing sector.

46
47 Now, the commercial fishing sector fishes for yellowtail snapper
48 in such a way that they chum behind the boats and they bring the

1 fish up right behind the boats and they use what is equivalent
2 to cane poles and very small j-hooks with very small slivers of
3 bait to catch the fish.

4
5 I asked one of the law enforcement guys whether he thought this
6 would be an issue and he said that it's -- It's another
7 different gear regulation, but he didn't think that it was
8 unenforceable and he didn't think that it would be much of a
9 problem and having gone out on one of these trips, they seem to
10 be pretty good at being able to target just yellowtail snapper
11 and if another fish happens to come by, they can very easily
12 avoid such a fish.

13
14 Alternative 3 would remove the requirement to use circle hooks
15 when fishing with natural bait for yellowtail snapper south of
16 28 degrees North in the Exclusive Economic Zone in the Gulf and
17 then you have recreational and commercial options.

18
19 The difference here is that with Alternative 2, that requirement
20 would be removed for yellowtail for the entire Gulf and for
21 Alternative 3, it would just be south of 28 degrees North, which
22 happens to split the area in Texas where they're starting to
23 catch some yellowtail snapper and so north of that line and
24 south of that line you would have differing regulations, similar
25 to what the State of Florida has off of Volusia County.

26
27 Alternative 4 would require the use of circle hooks when fishing
28 with natural bait for all snapper grouper species south of 28
29 degrees North in the EEZ in the South Atlantic and you have
30 options for a recreational and commercial fishing sectors for
31 this alternative and so this would rescind their current
32 management, which does not require circle hooks for that area
33 for those species. You will notice that some of these are just
34 alternatives of each other and that's a NEPA thing.

35
36 Alternative 5 would remove the requirement to use circle hooks
37 when fishing with natural bait for all species in the snapper
38 grouper complex north of 28 degrees North latitude in the EEZ
39 and the South Atlantic and this might be one of those
40 alternatives that is outside of the south Florida purview, but
41 it is something that the South Atlantic had indicated they
42 wanted to leave in there and stop me at any point.

43
44 We only have one more alternative for me to read out and
45 Alternative 6 would remove the requirement to use circle hooks
46 when fishing with natural bait for yellowtail snapper in federal
47 waters from the Dade/Monroe County line in the east to Shark
48 Point in the west and then, again, options for the recreational

1 and commercial sectors. This would remove that requirement just
2 for that area of Monroe County. Mr. Chair.

3
4 **CHAIRMAN GREENE:** Any desire to do anything here? Seeing none,
5 okay. Does that complete your portion of it, Mr. Rindone?

6
7 **MR. RINDONE:** Steven has got something.

8
9 **CHAIRMAN GREENE:** Okay and Mr. Atran will go through the next
10 part.

11
12 **MR. ATRAN:** I already mentioned what the law enforcement comment
13 was on circle hooks with species-specific exemptions. They
14 indicated that is an enforceable situation. However, they also
15 added that this action -- When talking about a gear restriction,
16 they felt that an education program is more productive than
17 enforcement of a gear restriction.

18
19 As an example, they pointed to venting tools. A few years ago,
20 the council removed its requirement that venting tools be
21 possessed and used on reef fish and instead, embarked on an
22 education program.

23
24 Venting tools are very good when the situation is appropriate
25 for them, but it's not always an appropriate situation and I
26 think that's the way they were viewing the use of circle hooks.

27
28 **CHAIRMAN GREENE:** Okay and is that it for this? We are behind
29 and so we're going to keep on working. If you need to take a
30 break, do so at your own leisure, but we're going to move on.

31
32 I had one question for Dr. Patterson. It was my understanding
33 yesterday, Dr. Patterson, that you are not going to be here
34 tomorrow and is that correct?

35
36 **DR. PATTERSON:** No, I will have to be here tomorrow as well.

37
38 **CHAIRMAN GREENE:** Okay. Thank you. We are going to move back
39 to where we were prior and we're going to pick up on Item Number
40 VI, which is Options Paper Framework Action to Adjust Gag ACL
41 and Season, Tab B, Number 6, and Mr. Atran will lead us through
42 that.

43
44 **OPTIONS PAPER FRAMEWORK ACTION TO ADJUST GAG ACL AND SEASON**

45
46 **MR. ATRAN:** Thank you. First of all, I want to apologize for
47 the length of the History of Management section. This is a
48 twenty-one-page document and fifteen pages of that ended up

1 being the history of management. I promise I will shorten it
2 for the next version of this.

3
4 We have got two actions in here and as you may recall, the
5 SEDAR-33 benchmark stock assessment on gag was conducted last
6 year and the stock is no longer overfished or experiencing
7 overfishing and it is fully rebuilt. However, there were some
8 concerns about what impact last year's red tide event may have
9 been having on the gag stock.

10
11 Some additional analysis of the red tide event that was done by
12 the Florida Fish and Wildlife Research Institute revealed that
13 their model showed that the red tide event was not as toxic as
14 the one in 2005 and it was a much shorter-lived event and
15 essentially the red tide impacts in 2014 were no worse than in a
16 normal year and so the SSC came back and they revised what had
17 been a very conservative ABC recommendation to coming up with
18 the full ABC that's recommended under the ABC control rule.

19
20 This would, for 2015 at least, result in about a 67 percent
21 increase over what the current ABC is and so we've got two
22 actions in here. One action is for alternatives to modify the
23 annual catch limit and the annual catch targets for gag and then
24 the other option is to modify the closed seasons for gag on the
25 recreational sector and so Action 1, which is on page 16 of the
26 options paper, has four alternatives in it.

27
28 Alternative 1 is the no action alternative and it would maintain
29 the catch limit and catch targets at the existing levels. This
30 is an increase from 2014 that was already built into the
31 codified regulations, but it's only a small increase. We went
32 from a 2.82-million-pound ABC in 2014 to a 3.12-million-pound
33 ABC in 2015.

34
35 One feature that's in place right now that we are not proposing
36 to continue is on the commercial side, at the time that the
37 previous stock assessment was done for gag, the very restrictive
38 quotas had just been put into place and there was concern that
39 on the commercial side, because of inadequate IFQ shares to
40 retain gag, it would be additional gag discards and discard
41 mortality that wasn't being taken into account in the stock
42 assessment.

43
44 We established an ACT on the commercial side, even though it's
45 an IFQ stock. We don't normally do that, but because of the
46 concern about this additional mortality, we established what I
47 believe was about a 14 percent buffer below the ACL and so we
48 had an ACT which ended up being the quota.

1
2 The latest stock assessment does consider discard mortalities
3 within the IFQ program and so it's no longer necessary to put a
4 buffer in place and so in all of the alternatives other than the
5 no action, we are proposing to have no commercial ACT and the
6 quota would be set to the commercial ACL.

7
8 On the recreational side, there is an ACT, based upon the
9 ACT/ACL control rule, that recommended that we have an 8 percent
10 buffer and so all of the alternatives for the recreational side
11 would set the ACT 8 percent below the ACL for that sector.

12
13 Alternative 2 would set -- The SSC recommended three years of
14 yields, 2015, 2016, and 2017. In actual practice, we are
15 planning to bring back a document for final action in June, but
16 it's very iffy whether or not it will be able to be approved and
17 put in place in time for the 2015 season. If it does, it will
18 come very late in the season and so chances are that increase
19 for 2015 will not be able to be harvested by either the
20 commercial or the recreational sector.

21
22 Alternative 2 would set the overall ACL at the ABCs recommended
23 by the SSC for those three years and this is a declining
24 sequence of ABCs, which we've also seen with red snapper. In
25 2015, we would have a 5.12-million-pound ACL and that would drop
26 to 4.75 million pounds in 2016 and then 4.57 million pounds in
27 2017.

28
29 On the recreational side, you can read the whole thing and so
30 I'm not going to do the whole thing, but it's just in 2015, the
31 ACL, which is 61 percent of the total ACL, would be 3.18 million
32 pounds. With the 8 percent buffer, the ACT would be 2.93
33 million pounds.

34
35 On the commercial side, the ACL, which is 39 percent of the
36 total ACL, would be 2.03 million pounds and that would become
37 the commercial quota and then there's a declining sequence,
38 which you can see up on the screen and I don't think I need to
39 read those in.

40
41 Alternative 3 and Alternative 4 would apply a constant catch ACL
42 and ACT. This is if you wish to avoid having to reduce the
43 catch limits over time. In order to go with the constant ACL
44 and ACT, since we cannot exceed ABC in any of these three years,
45 we would have to go with the minimum, the smallest, ACL for
46 those three years, which is the 4.57 million pounds from 2017.

47
48 Alternative 3 would set a constant catch ACL, overall ACL, of

1 4.57 million pounds. On the recreational side, that would
2 result in a recreational ACL of 2.79 million pounds and a
3 recreational ACT of 2.57 million pounds. On the commercial
4 side, it would be a commercial quota, an ACL, of 1.78 million
5 pounds.

6
7 Alternative 4 is also a constant catch, but it looks at what the
8 equilibrium optimum yield would be. Optimum yield is our
9 ultimate goal that we want to get to eventually and according to
10 the stock assessment, the projections said that optimum yield
11 would reach equilibrium at 4.46 million pounds and so
12 theoretically we should be able to set an ACL at 4.46 million
13 pounds and never have to alter it again. Of course, that's
14 theoretical and who knows what the next stock assessment will
15 say.

16
17 That would break down into a recreational ACL of 2.72 million
18 pounds with a recreational ACT of 2.5 million pounds and the
19 commercial quota and ACL would be 1.74 million pounds and so
20 that was to provide what we felt would be a suitable range of
21 alternatives for the council to consider and are there
22 questions?

23
24 **MR. DIAZ:** Did the SSC have any discussions or concerns about
25 the low percentage of males in the population? That will make a
26 difference in how I vote on this.

27
28 **MR. ATRAN:** There was some discussion on whether or not there
29 was some recruitment limitations. However, although the most
30 recent two years for which the recruitment indices were
31 available are among the lowest on record. Going back over the
32 recent years, not the two years immediately prior, but I think
33 two years before that, were among the highest on record and so
34 even with the low levels of males, there seemed to be a lot of
35 recruitment, depending upon some other factors, and the SSC
36 didn't feel that the male limitation was causing the low
37 recruitment.

38
39 **CHAIRMAN GREENE:** Thank you. Are we looking for preferreds at
40 this time?

41
42 **MR. ATRAN:** You don't need preferreds at this time unless you
43 want, but if this looks like a reasonable range of options, we
44 will come back with these as the formal options for the
45 framework action.

46
47 **CHAIRMAN GREENE:** Okay.

48

1 **MR. ATRAN:** The next action is Action 2, modifications for the
2 recreational gag grouper fishing season. We are going to need
3 some guidance from the council on some of the alternatives in
4 here. Right now, the recreational season for gag is July 1
5 until December 3.

6
7 We have a fixed closed season that runs December 3 to December
8 31. That is really no longer needed and so the no action
9 alternative would leave the current seasons in place.
10 Alternative 2 would eliminate that December 3 to 31 closed
11 season.

12
13 When it was put in place, the original intent was that there
14 would be a floating closure and that NMFS would reevaluate how
15 long the recreational sector was taking to fill its ACT and
16 adjust the closed season accordingly, but the first year that
17 they did that, they determined that December 3 was when it would
18 be reached and they ended up implementing that as a fixed closed
19 season rather than a floating one.

20
21 Right now, if we don't change the starting date of the opening
22 of the season, I can guarantee you that we can go to December 31
23 and the recreational sector will not have filled its allocation
24 and so this fixed closed season in December, there is really no
25 reason to have it anymore and so we have an alternative to
26 eliminate that.

27
28 That can be an alternative plus one of the other alternatives.
29 Alternatives 3 and 4 would adjust when the season opens and
30 Alternative 3 is based upon having a single continuous
31 recreational season and Alternative 4 is based on having a split
32 season.

33
34 Alternative 3 would retain the single season that would last
35 until the ACT is projected to be reached. If that involves
36 moving the starting date up to the point where it falls
37 somewhere in the February or March period, that February/March
38 closed season in waters deeper than twenty fathoms would still
39 be in effect and so for that period of time, we would only be
40 opening the gag stock in waters shallower than twenty fathoms.

41
42 The proposal in Alternative 3 is to try to keep the season open
43 through the end of the year and in order to do that, we would
44 project backwards. If we close the season on December 31, when
45 would the appropriate opening date be so that we reach the ACT
46 on the 31?

47
48 We don't have the decision document yet to be able to calculate

1 that, but the NMFS Regional Office analysts have done decision
2 spreadsheets in the past and I'm sure they can do it again that
3 would help us evaluate the season lengths.

4
5 The question here would be what level of catch to use for
6 calculating that and Option 3a would use the ACT that's proposed
7 for 2016 if we were to do the three-year variable ACTs of 2.67
8 million pounds. That would give us the longest season.
9 However, since the ACT goes down in subsequent years, there is a
10 possibility that we could see a closure near the end of the year
11 in those subsequent years.

12
13 Option 3c would use the smallest ACT that's being considered,
14 which is 2.5 million pounds on the recreational side. That
15 would be the smallest number of days for the recreational
16 sector, but it would be much less likely that we would run into
17 an ACT closure late in the year and then Option 3b uses the 2017
18 ACT, which is in between those two.

19
20 Alternative 4 would implement a split season. We would have
21 perhaps a spring season or a winter season and then maybe a fall
22 season. One important thing is to try to have enough separation
23 so that we could get time to get the MRIP data and get an
24 estimate of what the catch is during the first season, so we
25 would know how much quota is left over for the second season.

26
27 We would like to get -- If we leave this alternative in place,
28 if you want to consider split seasons, we would like to get some
29 guidance from the council as to what opening dates you would
30 like us to look at.

31
32 The other thing is whether or not to establish the first closed
33 season as a fixed number of days or a fixed percentage of the
34 catch. If we were to say it's going to be a fixed number of
35 days, say sixty days, then regardless of how much is caught, you
36 would have a sixty-day season, unless you catch the entire quote
37 in less time. Then, once we have the estimates of the catch
38 during that period, the length of the second season could be
39 calculated.

40
41 The other way to go would be to have a fixed percentage. Say,
42 for example, we want to have 50 percent of the recreational
43 quota caught during season one and then we would have to
44 calculate a projection of how long it would take to reach 50
45 percent during season one and that means that the season length
46 would float from year to year. Again, when the season ends, we
47 would have to get data on what was actually caught and then
48 calculate how long the second season would be.

1
2 The two things we're seeking some guidance on is if we go with
3 split seasons, what time periods in the calendar year do you
4 want to consider those two seasons and do you want the first
5 season to be based on a fixed number of days or a fixed
6 percentage of the quota?

7
8 **MS. BADEMAN:** I have lots of things to say about this one. My
9 first thing I will say is with Alternative 3, how you have the
10 floating opening date, I guess my question is for Steve. Is
11 that going to give you guys enough time to look at the MRIP data
12 from the previous year and come up with a projection and have an
13 opening date? I am a little bit concerned about that one.

14
15 It seems like a lot of times we don't have final MRIP data from
16 the previous year until March and if the season is going to open
17 potentially in the spring, and I don't know when this would
18 happen, it just seems like it might be setting you up for some
19 tight turnarounds.

20
21 **DR. CRABTREE:** I agree with you that it's a problem and it would
22 make more sense, to me, to just back up the opening date by some
23 fixed period of time and then start fishing then.

24
25 **MS. BADEMAN:** I think I would rather see, for a continuous
26 season option, a fixed opening and closing and that closing
27 could be December 31 and I think that's fine, but just something
28 fixed in time, where we're not trying to rush and get these
29 calculations in every year. I don't know when that opening
30 would be, because I guess it depends on what we choose in Action
31 1, but I would rather see a fixed opening and a fixed closing,
32 if we can do it. That makes it a lot easier from a state
33 perspective, for consistency purposes.

34
35 **CHAIRMAN GREENE:** I agree with you on that. Does anybody else
36 have any comments? Okay. All right, Mr. Atran.

37
38 **MR. ATRAN:** I will carry that comment back to the IPT. If we
39 decide to just use options for set fixed opening dates, I don't
40 think we can do a fixed closing date, because you're still going
41 to be subject to an ACT, but we can try to get some analysis as
42 to what opening date in 2016 would get us through to December 31
43 and use that as a continuous fixed date until subsequently
44 changed and maybe give a couple of options above and below that.

45
46 One thing I don't think I mentioned is we're not going to be
47 able to move the July 1 opening date this year. There simply
48 isn't time to get a framework action in place. We might be able

1 to get rid of the December closed season, but we can't move the
2 July 1 opening season until 2016.

3

4 **CHAIRMAN GREENE:** Okay. Good point. Any other questions?

5

6 **MS. BADEMAN:** I guess I will comment on Alternative 4, because
7 Steven was looking for some guidance on if we had a split season
8 when to open. I think we would like to see opening in the
9 spring and I don't know if that's March or April, something like
10 that. Again, I guess it depends on what happens in Action 1 and
11 the number of days we have, but fall also is something that we
12 hear about a lot. I know that summer is important too and so
13 it's hard to say, but some combination of spring, summer, and
14 fall are pretty important.

15

16 **CHAIRMAN GREENE:** I think that's pretty well understood. Any
17 other comments, Mr. Atran, or anything else or are you finished
18 with this portion?

19

20 **MR. ATRAN:** No, I am finished. You might want to think about
21 that and if you can give us a little bit more guidance at full
22 council, I would appreciate it, but I think the IPT can probably
23 work with what you have suggested.

24

25 **MS. BADEMAN:** I mean once we have some numbers in front of us,
26 if we have a pretty long season that would be continuous, we can
27 probably drop the split season option, in my opinion, but it's
28 hard for me to recommend something without having some data to
29 go off of.

30

31 **CHAIRMAN GREENE:** I agree with you. All right. We're going to
32 move on to the next agenda item, which will be Final Action
33 Framework Action for Modifications to Greater Amberjack
34 Allowable Harvest and Management. Item Number a is Review of
35 Framework Action, Tab B, Number 7(a), and Dr. Froeschke.

36

37 **FRAMEWORK ACTION FOR MODIFICATION TO GREATER AMBERJACK HARVEST**
38 **AND MANAGEMENT**
39 **REVIEW OF FRAMEWORK ACTION**

40

41 **DR. JOHN FROESCHKE:** Good afternoon. I hope you guys have your
42 decision-making hats on and are ready to pick some options. The
43 last time we looked at the document, we agreed that we would
44 bring a document back to you that was complete, which we have
45 done, minus some editorial things.

46

47 What we did not do last time was select preferred alternatives,
48 which are necessary to complete the document, and then

1 ultimately take final action during full council, if you want.
2

3 A brief overview of the document, we are adjusting the ACL and
4 considering changes to the recreational size limit and potential
5 closed season and considering changes to the commercial trip
6 limit.
7

8 Action 1 is the first thing we need to discuss and that's the
9 modifications to the annual catch limits and annual catch
10 targets. There are four alternatives. Alternatives 2 and 3
11 have some suboptions for your consideration and I guess I will
12 open it up here, unless you want me to go over them first.
13

14 **CHAIRMAN GREENE:** Unless someone has the desire to go ahead and
15 make a preferred, I would just go ahead and --
16

17 **DR. FROESCHKE:** We are on Action 1, modifications to the ACL and
18 ACT.
19

20 **MS. LEVY:** This is on the agenda for final action. My
21 suggestion would be to talk about what your preferred would be
22 for -- We talked about this at the last meeting and I think we
23 heard public testimony and we're talking about it again.
24

25 At some point we've got to pick preferreds here and you need to
26 give people an indication of what you're thinking about doing
27 and with respect to the things in Action 1, the ACLs, et cetera,
28 I would think about this in the context of the fact that we have
29 a species that we had a rebuilding plan for that ended, but it's
30 still showing it's undergoing overfishing and overfished and so
31 my recommendation would be to be conservative, but at least talk
32 about what these alternatives are and talk about -- Pick one and
33 why you picked it.
34

35 **DR. CRABTREE:** We have been struggling with amberjack for a long
36 time and it seems like with almost every assessment we get these
37 projections that show the TAC can go up very rapidly and then
38 when we get the new assessment, we find out that we are still
39 overfished and overfishing.
40

41 I guess this time I would be inclined to take a lesson from the
42 past and go with Alternative 3, either a or b, and just set the
43 TAC at a level and leave it there and then come back in and do
44 an update or a new stock assessment, but these scenarios that
45 show the quotas going up so rapidly just worry me, because it
46 just doesn't seem to ever work out that way. At least it hasn't
47 in the past and I would hate to see us get ourselves in a
48 position where several years from now we are stuck with even

1 deeper cuts than what we're looking at right now.

2

3 **MR. DIAZ:** Is that in the form of a motion, Dr. Crabtree?

4

5 **DR. CRABTREE:** I will make a motion that we select Alternative
6 **3, Option a as the preferred.**

7

8 **MR. DIAZ:** I will second for discussion.

9

10 **CHAIRMAN GREENE:** She is getting on the board and it has been
11 seconded by Mr. Diaz for discussion. It would be Action 1,
12 Alternative 3a and is that correct, Dr. Crabtree? In Action 1,
13 it would be to have Alternative 3a?

14

15 **DR. CRABTREE:** Yes, a.

16

17 **CHAIRMAN GREENE:** That would be the preferred alternative and is
18 that correct?

19

20 **DR. CRABTREE:** That is correct.

21

22 **CHAIRMAN GREENE:** Mr. Diaz has seconded it and is there any
23 discussion about this particular item? I think Dr. Crabtree
24 laid it out pretty well with that and is there anybody that
25 objects to this motion?

26

27 **MR. DIAZ:** I don't know if I'm objecting, but I guess I was
28 going to put some of my thoughts on the record. I do agree that
29 we we've got a fishery here that's overfished and it's
30 undergoing overfishing and both the commercial sector and the
31 recreational sector have been over their allowable catch for
32 four years in a row and I agree with Dr. Crabtree that we have
33 to do anything.

34

35 My initial thought was to implement a buffer and do Alternative
36 2, Option b. I am listening to Dr. Crabtree's comments and the
37 first year, the ACT is not much different than what we're
38 looking at and so in the spirit of knowing that we have to act
39 on this species and it is something that is way outside the
40 bounds of what we're trying to do, I will support the motion.

41

42 **CHAIRMAN GREENE:** Okay. Any further comments? We will go ahead
43 and vote it up or down. **Is there anybody in opposition to this**
44 **motion? Seeing none, the motion carries.** We will move on to
45 the next item, Dr. Froeschke.

46

47 **DR. FROESCHKE:** Action 2, there are two parts of this. These
48 are regarding recreational management measures and so let's do

1 Action 2.1 first and this is consideration of modifying the
2 minimum size limits for the recreational greater amberjack.

3
4 For those of you that have been on the council for a while, you
5 have done this before in Amendment 30A, as well as Amendment 35.
6 Last time we considered this, you took no action and, again, we
7 are here and the rationale, at least for considering this, is
8 illustrated pretty well in Figures 2.2.2 and Table 2.2.1, with
9 the idea that thirty inches, which is the current size limit,
10 the vast majority of females are not reproductively mature at
11 this time and so a good rule of thumb is 50 percent of the
12 individuals and it will give them at least one change to spawn
13 before they reproduce.

14
15 The management measure alternatives that we have, thirty-two,
16 thirty-four, and thirty-six, would achieve that or at least
17 thirty-two would be about 45 percent and thirty-four would be 85
18 and thirty-six is 97 percent, based on the science we have
19 today.

20
21 **CHAIRMAN GREENE:** Thank you. Does anybody want to move a
22 preferred alternative on Action 2?

23
24 **MS. BADEMAN:** I will throw one out there. **I will make a motion**
25 **to, in Action 2.1, make Alternative 3 the preferred alternative.**
26 That's thirty-four inches.

27
28 **MR. MATENS:** Second.

29
30 **CHAIRMAN GREENE:** It's been moved and seconded by Camp Matens
31 and let's get the motion up on the board. While we're doing
32 that, Dr. Froeschke.

33
34 **DR. FROESCHKE:** One thing maybe is a bit out of order, but Emily
35 wasn't able to attend and we received three public comments and
36 at some point I guess I should probably just cover those and not
37 in great depth, but is now an okay time to do that?

38
39 **CHAIRMAN GREENE:** Absolutely.

40
41 **WRITTEN COMMENTS RECEIVED**

42
43 **DR. FROESCHKE:** We received three and one, I will just briefly -
44 - Increase the size limit to a thirty-four-inch fork length and
45 a commercial trip limit to remain at 2,000. A second one
46 suggested a thirty-two-inch fork length for the catch and a
47 1,500-pound trip limit. A third one was more broad and it was
48 essentially to implement measures to immediately end overfishing

1 and to identify rebuilding dates so that the council can select
2 catch limits and act immediately to implement measures necessary
3 to achieve rebuilding in the shortest time possible. That's the
4 comment we've received so far.

5
6 **CHAIRMAN GREENE:** Thank you for those comments. We had a motion
7 on the board that we were working with that had been moved and
8 seconded and I want to make sure it's correct. It's in Action
9 2.1 to have Alternative 3, which is thirty-four inches for those
10 of you not looking at a document, and it has been seconded. Any
11 further discussion?

12
13 **MS. BADEMAN:** I was just going to say I think we've heard from
14 the public a lot about this and I think there's been a fair
15 amount of support for thirty-four inches as the minimum size.
16 Also, if you look in the document, this gets us to a point where
17 80 percent of females are reproductively mature before they are
18 entering the fishery and so that's a good thing.

19
20 **MR. DIAZ:** I just want to get on the record and say that I have
21 talked to several people in Mississippi and asked for their
22 input on size limits and, for the most part, they are split
23 between thirty-four and thirty-six and they can accept either
24 one of those and so that's the feedback from the people that
25 I've talked to and that includes a few charter boat fishermen
26 and a few private recreational.

27
28 **MR. FISCHER:** Some of what I'm going to say is just a recap, but
29 similar to what Dale said, I spoke to charter boats and I spoke
30 to private recreational and they are content with either. Of
31 course, if they could get many more days or go without a
32 closure, they would go to thirty-six inches, but I think we know
33 that's not realistic.

34
35 Thirty-six inches is the commercial size limit and so thirty-
36 four inches doesn't exactly match commercial, but maybe there's
37 a little more release mortality on the recreational side than
38 the commercial side. We are content either way. The object is,
39 as everyone is saying, that we have to get above that 50 percent
40 spawning figure and if this pushes us up in the eighties -- I
41 don't know if there's a big difference being in the eighties or
42 being up in the nineties on the amount of mature fish before you
43 harvest them. It's all going to help and so whatever the motion
44 was, thirty-four or thirty-six, I think we're good with it.

45
46 I do understand south of Apalachicola that there may be a
47 problem with a much higher size limit and I think we will have
48 people come to the podium and they may express either way,

1 meaning not to go to thirty-six inches. It may be a great
2 compromise.

3
4 **CHAIRMAN GREENE:** Thank you for your comments. I've got a
5 motion on the board and it's been seconded and we've had
6 discussion and we might as well keep going. **Any opposition to**
7 **the motion on the board? Seeing none, the motion carries.** Dr.
8 Froeschke.

9
10 **DR. FROESCHKE:** Action 2.2 considers modifying the recreational
11 closed seasons for greater amberjack. Just a quick overview is
12 the commercial has a March to May closure that is thought to
13 coincide with the period of maximum reproductive activity.

14
15 The recreational currently has a June 1 through July 31 closed
16 season that we implemented a couple of years ago and the idea
17 was to provide a closure to extend the season outside of the
18 timing of the red snapper season, which that's about what it was
19 when we did it. Given that that is a different world now, we
20 did present some options if you want to reconsider that.

21
22 **CHAIRMAN GREENE:** Okay. Thank you. Action 2.2, does anybody
23 want to move a preferred at this time?

24
25 **MR. DIAZ:** I will throw one out there for discussion. **I will**
26 **make a motion that we make Alternative 3 the preferred in Action**
27 **2.2.**

28
29 **CHAIRMAN GREENE:** We have a motion on the floor in Action 2.2 to
30 select Alternative 3, which will be to modify the recreational
31 season closure to March 1 through May 31. Mr. Fischer seconds
32 it. Is there any discussion on this?

33
34 **MR. BOYD:** Just refresh my memory. When is the spawning season
35 for these fish? Is it the March timeframe? Thank you.

36
37 **MR. DIAZ:** I would just like to provide a little bit of
38 rationale. Last May, May of 2014, the Mississippi Department of
39 Marine Resources held a Red Snapper Summit and one of the things
40 that had a good majority of support from the fishermen that
41 attended the summit was they were asking for multiple species to
42 harvest whenever red snapper season was open.

43
44 Backing up this closed timeframe from March 1 to the 31 would
45 accomplish that. It also closes the fishery during the peak
46 spawning seasons and, again, from personal conversations that
47 I've had with fishermen along the Mississippi coast, they all
48 agreed that this was a good alternative.

1
2 **DR. CRABTREE:** The only thing I would point out is that you are
3 going to close quite a bit earlier, I think, if you make this
4 shift, because most of these fish are being caught during the
5 summer. You are potentially closed by July or so and I think if
6 you look at -- There is a Table 2.2.2 and you don't get as many
7 days if your closure is March 1 to May 31 as you do June 1
8 through July. I agree it has the benefit of spawning season and
9 that kind of thing, but just be aware that that will be one of
10 the impacts of it.

11
12 **MR. FISCHER:** Echoing what Dale said, one of the other is the
13 compatibility with the commercial closure for enforcement
14 reasons. That way, recreational and commercial would be closed
15 together and I do understand what Roy says when you look at the
16 total amount of dates.

17
18 I think that what we're getting from our fishermen is not number
19 of days, but number of quality days and they would like to see
20 the summer months open and I think looking at the amount of
21 dates we would have open on the chart, this could get us through
22 the summer and they were not satisfied. We were reminded many
23 times they were not satisfied with the summer closures.

24
25 **CHAIRMAN GREENE:** Okay. Any further discussion? We have a
26 motion on the board in Action 2.2 to select Alternative 3 to be
27 the preferred alternative. The motion has been seconded. **Any**
28 **opposition to this motion? Seeing none, the motion carries.**
29 Dr. Froeschke.

30
31 **DR. FROESCHKE:** Moving along, Action 3 concerns the commercial
32 management measures and if you recall, this is the one that we
33 talked about a lot last time and much of the discussion regarded
34 the usage of whole weight and gutted weight and last time, you
35 had asked that, for the action alternatives at least, that we
36 redo them in terms of gutted weight, since that's how they're
37 actually landed, and so that's what we've done.

38
39 Alternatives 2, 3, 4, and 5 are now 1,500 pounds gutted weight,
40 1,000, 750, and 500. The Alternative 1 is the no action and we
41 left that the same. We converted it in the wording, but it's a
42 2,000 pound whole weight, which is equivalent to the 1,923 pound
43 gutted weight. The current regulations are specified in whole
44 weight. This would be one way to slow the harvest of the
45 commercial fishery and so it's open for discussion.

46
47 **CHAIRMAN GREENE:** Is there discussion on Action 3, the
48 commercial? Does anybody want to move a preferred at this time?

1
2 **MR. PEARCE:** I am not on your committee, Johnny, but the 2,000
3 pound whole weight and 1,923 pound gutted weight has worked very
4 well for the commercial fishery and I think I would like to see
5 it stay that way, but, of course, I'm not on the committee and
6 so if anyone on the committee would make a motion, that would be
7 preferable to the commercial industry in Louisiana.

8
9 **CHAIRMAN GREENE:** Thank you for your comments. Anybody else?

10
11 **MR. WALKER:** I would move Alternative 1, 1,923 gutted and 2,000
12 pound whole weight.

13
14 **CHAIRMAN GREENE:** Action 3 --

15
16 **MR. WALKER:** Yes, Action 3 and it's Alternative 1 and is that
17 right?

18
19 **CHAIRMAN GREENE:** Yes and it should read: In Action 3 that
20 Alternative 1 be the preferred. There's a motion on the board
21 and we just need to clean it up and it's Action 3. There is a
22 motion on the board and it has been seconded. Discussion?

23
24 **MS. BADEMAN:** I am not so sure about this one. I seem to be
25 remembering that there were some people that were in favor of
26 the 1,000 pound gutted weight limit, just so they could get some
27 more spread out harvest a little bit. I will reserve judgment
28 until full council, but --

29
30 **MR. WALKER:** I heard a lot of 1,500 pounds. We're just trying
31 to pick a preferred alternative right not and then maybe when we
32 get some testimony, we can decide if we want to move it to 1,500
33 or 1,000, but most of what I heard from industry is 1,500 to
34 2,000.

35
36 **MR. DIAZ:** I look forward to hearing some public testimony also,
37 but before the meeting when I read through this document, on
38 Action 1, I was kind of thinking that we would implement a 20
39 percent buffer or a bigger buffer than what we have.

40
41 Right now, we are really not doing anything different for the
42 commercial and the commercial has went over the amount it could
43 harvest four years in a row and so that's my concern with going
44 with Alternative 1.

45
46 I do think we have to do something to try to make sure that we
47 don't go over on the commercial side and I'm not sure we're
48 addressing that where we're at right now. Thank you.

1
2 **CHAIRMAN GREENE:** Good point. Any further discussion? We will
3 go back to the motion on the board in Action 3 to select
4 Alternative 1 to be the preferred alternative. **Any opposition**
5 **to this motion? Seeing opposition, we have got three opposed.**
6 **All those in favor of this please raise your hand. The motion**
7 **fails three to six. I did ask for opposition first, because we**
8 **were on the string of that and so that is correct and the motion**
9 **did pass six to three.**

10
11 I did ask for opposition first. That's the way we've done it
12 all day and so I figured we would just keep going and I was
13 going to just go right on through it. All right. The motion
14 did pass and there is anybody that wants to reconsider because
15 they were confused? Seeing none, we're going to move on, Dr.
16 Froeschke.

17
18 **DRAFT CODIFIED REGULATIONS**
19

20 **DR. FROESCHKE:** We do have codified text, draft codified text.
21 It's obviously somewhat incomplete in that we didn't select
22 preferred alternatives until just now, but they are here for
23 your review.

24
25 I will let you know the document is complete, minus the sections
26 that we can't complete until the preferreds, and then there is
27 some editorial things that need to happen in the effects
28 sections. If you are comfortable in recommending this for final
29 action, we can take a motion to do that or I guess we could push
30 it off until a different time.

31
32 **CHAIRMAN GREENE:** What's the pleasure of the committee? Seeing
33 none, I guess we will pick it up at full council. Just looking
34 back at the agenda, is there any other written comments received
35 by Emily or did you take care of all those earlier, Dr.
36 Froeschke?

37
38 **DR. FROESCHKE:** I did. I think we could look at the Reef Fish
39 AP. I think they may have had some.

40
41 **CHAIRMAN GREENE:** Okay. Are there Reef Fish AP comments?
42 Seeing no one jumping up over that one, the Draft Codified
43 Regulations, we just discussed that we're going to pick that up
44 at full council and are there any further committee
45 recommendations for amberjack before we leave? All right. Now
46 we are going to move into Scoping Summaries of Amendment 36, Red
47 Snapper IFQ Modifications, a review of the scoping document, Tab
48 B, Number 8(a), and Dr. Lasseter.

1
2 **SCOPING SUMMARIES AMENDMENT 36 RED SNAPPER IFQ MODIFICATIONS**
3 **SCOPING SUMMARIES**
4

5 **DR. LASSETER:** Thank you very much, Mr. Chairman. Here we go
6 and as Mr. Greene just said, this is Tab B, Number 8(a),
7 Modifications to the Red Snapper IFQ Program, Reef Fish
8 Amendment 36.
9

10 This is just a version for committee discussion. I did want to
11 go over all the scoping comments. I am concerned, in the
12 interest of time -- I am going to make this a little briefer
13 than I was expecting.
14

15 I want to say a few words about scoping. At your June meeting
16 last year, June 2014 meeting last year, the council passed a
17 motion in the Outreach and Education Committee to revamp the
18 scoping process and so this was our first time holding this new
19 form of scoping meetings.
20

21 If anybody attended the RAP sessions last year, the Recreational
22 Angler Participation sessions, these scoping workshops were
23 modeled very much on those. They are more participatory and we
24 would have group discussions about each of the items or issues,
25 in contrast with having an initial presentation followed by
26 individuals giving public testimony.
27

28 In this way, we engaged, I think, the audience much more
29 directly with the issue that we were addressing and I would be
30 happy to talk with anybody more about how they went, in the
31 interest of time, afterwards.
32

33 You have also received two versions of the scoping comments. In
34 the briefing book are individual summaries from each of the
35 seven locations that we went to. In this presentation I'm about
36 to go through here, I have aggregated all of the comments around
37 each issue from all of the locations together, so that we can
38 look at each issue in order. A version of that just stand-alone
39 has been emailed to you just a couple of hours ago as well and
40 we're going to put those two together and they will be
41 incorporated in the final document.
42

43 When I do go through the scoping comments further in the
44 document, you can see these little abbreviations and I have
45 identified from where each comment was made and a lot of them
46 will be repeated.
47

48 You will see several of the locations identified and this little

1 key is also in the email that you received and then a word about
2 the written and online comments. We did only receive three
3 comments from the beginning of this year and I have appended a
4 summary of those at the very end of these comment summaries,
5 because they did not necessarily mesh as much with the
6 discussions that we had in person.

7
8 Let's take a look at the purpose and need right here. This is
9 located on page 5 of your document and I wanted to say a couple
10 of words about the purpose and need as we move forward from the
11 scoping process and so right now we have -- The IPT has put the
12 purpose of this action is to consider modifications to improve
13 the performance of the red snapper IFQ program.

14
15 Something to keep in mind as we are evaluating the items for
16 consideration here is that any action that we take must be
17 consistent with the purpose and need, goals of the program, as
18 well as other applicable law.

19
20 If one or the other of these needs to be changed, we need to
21 come back and discuss the purpose and need and I am going to
22 point out one thing. We started this process some time ago and
23 so some of the issues as we go through them may not be as
24 applicable today. They may not be as pressing issues as they
25 might -- As they were perceived to be a couple of years ago.

26
27 Finally, in relation to the purpose and need, we want to be
28 focusing on what is the problem or issue that we are trying to
29 address and also be thinking about how to execute what it is
30 that we want to do. The vocabulary in the program is very
31 specific. The structure of the program and that way that people
32 move allocation between accounts, whatever you may wish to do
33 with the program, we have to figure out how we could actually
34 execute and operationalize any of those ideas.

35
36 Here is our scope of potential actions and just as a reminder,
37 these were brought to you previously and they came from three
38 sources: from previous council discussions, the conclusions and
39 recommendations of the five-year review, and from the
40 recommendations from the Ad Hoc Red Snapper IFQ AP.

41
42 I am going to go first through all of the items briefly, just as
43 an overview of what we were scoping, and then we'll go through
44 the comments for each one of them.

45
46 We took this big list that you had and kind of chunked them up
47 into themes, just to make it easier to organize feedback. The
48 first one we're talking about is program eligibility

1 requirements and this pertains mostly with possession of a
2 commercial reef fish permit and what you can and cannot do and
3 participation in the program whether or not you have a permit.
4

5 The second group of considerations concern inactive accounts and
6 the redistribution of IFQ shares to address regulatory discards
7 and these address those accounts, shareholder accounts, in the
8 program that have never been active to date and what we should
9 do about those and then there are a couple of possible issues to
10 address, regulatory discards, small shareholders, and new
11 entrants.
12

13 Here is the full retention requirement that Mr. Williams brought
14 up earlier. We did scope this one and so we will have some
15 comments. People spoke about both removing the commercial red
16 snapper minimum size limit completely and the idea of a full
17 retention fishery.
18

19 Caps on the use or possession of IFQ shares and allocation and
20 these were framed in terms of caps on how much allocation an
21 entity could hold, how much allocation could be landed by a
22 single vessel, or how much shares and/or allocation accounts
23 with or without a commercial reef fish permit could possess.
24

25 The next one is requirements for the use of shares and
26 allocation and these are similar. Items under Number 4 are
27 addressing National Standard 4 in terms of having consolidation,
28 over consolidation, of shares and in 5, we are looking more at
29 how people use the shares and allocation.
30

31 The first item was to establish use-it-or-lose-it provisions,
32 placing restrictions on the sale of IFQ allocations and shares,
33 adopting a rollover provision for unused IFQ allocation, and
34 considering a lease-to-own type of provision.
35

36 While I have both of these on the board, I want to just bring up
37 two definitions real quick in the IFQ program, to make sure that
38 we're all using the same language. When they talk about the IFQ
39 shares, those are in proportions and so a shareholder's shares
40 is a proportion of the entire quota. Allocation in the program
41 refers to the pounds for one year that result from the amount,
42 that proportion, of quota given the quota and so your shares
43 relates to a poundage of shares that you will have, a poundage
44 of allocation that you will have, for that year, depending on
45 the size of the quota.
46

47 Your shares may stay the same, but depending on the size of the
48 quota, the amount of allocation you have from one year to the

1 next could differ. When you hear the term "leasing", which a
2 lot of the fishermen use, leasing is selling allocation and so
3 allocation can be transferred within accounts with or without
4 charging a fee and so related accounts could transfer allocation
5 or it can be sold and bought, but when we talk about leasing,
6 what you will see in there, we refer to it as selling allocation
7 or buying allocation and that's a one-time purchase, a one-time
8 exchange.

9
10 Let's move down to 6. Now we get real short. Some of those
11 earlier ones, we had several items in there and these will be
12 real quick to get through and so midyear quota changes, this is
13 the idea that in the event a midyear quota reduction is
14 expected, to withhold some proportion of shareholder's
15 allocation at the beginning of the year, and, finally, extending
16 the hail-in requirement to all commercial reef fish vessels,
17 whether or not they are landing IFQ species, which promotes
18 enforcement for all the fleet.

19
20 Then, finally, we left this additional issues to address open
21 and we did get a couple of items in there, but I will also just
22 include all of the suggestions and comments made by the
23 attendees at the scoping meetings.

24
25 The first one was the program eligibility requirements and this
26 came up even when Amendment 26 was under development. At the
27 time it was implemented, for the first five years of the
28 program, the only people who could buy and sell shares were
29 those who had a commercial reef fish permit.

30
31 After five years of the program, as of January 1, 2012, any U.S.
32 citizen or resident alien could buy shares, could open an
33 account and buy shares. Before 2012, there was a lot of concern
34 about what might happen once this date came and now that that
35 has come and passed and we have some idea of how many accounts
36 have come in, it's up to the council to determine whether or not
37 this is still an issue to address.

38
39 As of October 2014 from the beginning of 2012, and so for two
40 full years, only fourteen new accounts were created, public
41 participant accounts that had never been part of the program,
42 and according to the IFQ program personnel, the majority of
43 these accounts have been opened by dealers and they are using
44 them to move fish around for vessels that are coming and landing
45 with them. As of February 10, 2015, fourteen accounts have been
46 created.

47
48 If we scroll down just a little bit to look at this Table 2,

1 this provides you an overview, by year, of the number of
2 accounts and the corresponding proportion of shares with a
3 permit and without a commercial reef fish permit, so we can kind
4 of examine the trends in the fishery.

5
6 Moving down to our questions, the first item was to consider
7 restricting the future transfer of shares to only shareholder
8 accounts that had a valid commercial reef fish permit, as was
9 the case for the first five years of the program.

10
11 Generally, and you do have all of this written and so I won't go
12 through all of these, but the majority of the feedback we got
13 from the public was no, they did not support this. They
14 expressed that this did originate from a previous concern for a
15 problem that has not yet materialized.

16
17 Fishermen were concerned that non-industry shareholders would
18 sit on fish and not allow allocation to be caught and that would
19 prevent attainment of optimum yield. Other comments were that
20 we are not concerned about it anymore and the program is working
21 well and let's let it go. We did have a lot of people
22 commenting that red snapper is a public resource and let the
23 public buy shares and participate in the IFQ program.

24
25 We also had some support though for requiring the commercial
26 reef fish permit to buy shares, catch, and land fish. Another
27 person felt that this would help to reduce overcapacity, which
28 is a goal of the program.

29
30 This was to allow accounts with shares, but without a commercial
31 reef fish permit, to harvest the allocation associated with
32 those shares and we did not hear any support for this from the
33 public. Comments ranged from this would allow more
34 participation, anybody landing commercial fish should have the
35 requirements of a commercial vessel, enforcement complications,
36 and I will just add that the council has expressed its
37 indication that it does not intend to pursue intersector trading
38 and so we may want to consider that alongside this item as well.

39
40 The next one is to restrict the ability for shareholders not
41 actively fishing to transfer their shares and allocation to
42 other shareholders and we also did not get anything but no to
43 this, with the reasons being fish houses needed to secure
44 allocation for bycatch and small shareholders and if you require
45 people to fish their allocation, then they will do so and that
46 could prevent other people from being able to acquire allocation
47 that they need. They felt that this would then increase dead
48 discards.

1
2 Finally, businesses have built stable business plans and people
3 were concerned that if you start restricting a component of it
4 that you could affect their business plans.

5
6 Let's move on to Section 2. This is inactive accounts and the
7 redistribution of shares in those accounts and I will note that,
8 like the first item, the problems that people were concerned
9 about, they felt that they had not materialized.

10
11 In the five-year review, it was noted that the unused allocation
12 in inactive accounts totaled about 1.5 percent of the quota. By
13 the beginning of October of 2014, we're down to less than 1
14 percent of the quota and the table that's included there, Table
15 5, you can see year-by-year the number of inactive accounts and
16 the remaining quota in those accounts has been decreasing, from
17 173 in 2007 to ninety-six in 2013. Now, in 2014, we're down to
18 eighty-five. We also may want to consider, in doing something
19 with this, how big of a problem is it and what would you like to
20 do with those shares?

21
22 The first item, if we could scroll down just a little, is to
23 allow the closure of accounts and redistribution of shares in
24 accounts that have never been activated if the accounts are not
25 active by a specified date.

26
27 There was mostly support for this as long as there was a
28 substantial amount of time. Up until now seemed acceptable to
29 some people and other people mentioned a full decade, which will
30 be very soon. There was a comment that a 1 percent margin is
31 great for any program and just leave it as it is.

32
33 The next item was to redistribute shares from inactive accounts
34 to those with no or small shares or to new entrants and there
35 was not much support for distributing shares to small
36 shareholders or new entrants. Attendees at scoping meetings
37 preferred that shares be redistributed to people in the program
38 today, historical participants, people who had been actively
39 fishing, or even to grouper/tilefish IFQ shareholders. It was
40 suggested that a NMFS permit bank be used to sell the allocation
41 associated with those inactive shares.

42
43 There was some support and some people did want shares from
44 inactive accounts to be made available for public purchase and
45 so to address increasing access for small shareholders and new
46 entrants, attendees at the scoping meetings had several ideas.

47
48 They did make it clear that they did not feel that redistributed

1 shares should be given away. They did not want them given away,
2 but that new entrants could buy shares from current shareholders
3 and there was a lot of talk about implementing a federally-
4 backed loan program so that new entrants could get a loan for
5 IFQ share purchases.

6
7 The Pacific Northwest may have a similar program to this and
8 also the idea of a quota bank that's possibly not associated
9 with NMFS could be considered, which leads us to the next item,
10 which is to redistribute shares from inactive accounts using
11 permit banks or NMFS administration. There were several ideas
12 of support for how a program like that could look.

13
14 Then, finally, if we go down just a little more, in the event of
15 future increases to the quota, alternatives to redistribute the
16 quota to new entrants and small shareholders, there was not
17 support for this by attendees. They felt that increases in
18 quota should benefit the current shareholders.

19
20 Let's go down to the next page and full retention. There was a
21 lot of discussion about this and what it really came down to was
22 people liked the idea, but there was concern about how you would
23 do it and have allocation be available for all of the fish that
24 are being caught and that that would really be the obstacle and
25 so both the pros and the cons here kind of get around that
26 issue.

27
28 We did have a couple of comments of people that felt that it
29 wasn't even a problem worth addressing and that commercial
30 fishermen will move away from the fish that they don't want to
31 catch and they are not concerned about it being a biological
32 issue.

33
34 I will stop there for just a moment and see if Mr. Williams had
35 any further questions about the full retention, because we
36 brought that up earlier. No? Okay. Great.

37
38 Let's move on to Number 4. This is caps on the use or
39 possession of IFQ shares and allocation and there is a table up
40 here provided for you that gives you a breakdown of small,
41 medium, and large shareholders by year and the number each year.

42
43 Then the questions we were investigating was were people
44 interested in establishing caps on the amount of allocation that
45 could be held by an entity or by a single vessel or to limit the
46 amount of shares and allocation accounts that are not associated
47 with a reef fish permit could hold.

48

1 Again, all of these caps are getting to the issue of ensuring
2 that we do not have over consolidation of the fishery and any
3 one entity obtaining market power and so for all three of these,
4 we did not get support for any additional caps or to limit caps
5 on annual allocation for vessels or a single entity.

6
7 People felt that the current share cap is working fine and it
8 was also pointed out that caps can be circumvented and caps do
9 not promote conservation and it was expressed that different
10 caps should not be established for whether a shareholder is
11 associated with a reef fish permit or not. They felt that both
12 groups should be treated the same.

13
14 There was no support for caps by the scoping attendees and let's
15 move on to the next section. This one is the long one and so I
16 am going to have to just skip over a lot of the comments and
17 kind of talk about some of the issues.

18
19 This section was originally titled "Use-It-Or-Lose-It
20 Provisions" and we are having a problem. We are going to need
21 to define use-it-or-lose-it or just not use this terminology.
22 Use-it-or-lose-it was considered in the original Amendment 26
23 and at that time, the alternatives that were considered were
24 that a shareholder had to use, over a three or five-year moving
25 average period -- They could not use less than 30 percent or 50
26 percent, but the intention here was to ensure that allocation
27 was being landed and so use-it-or-lose-it then was in terms of
28 achieving optimum yield.

29
30 When you do have a chance to read through some of these longer
31 comments, you will see that different people are understanding
32 use-it-or-lose-it in different ways and they are using it in
33 different ways and so I feel we should maybe talk about what is
34 the problem that each of us are wanting to address if we think
35 of use-it-or-lose-it. Is it shareholders actually ensuring that
36 they use the fish themselves and not transferring it or is it
37 just the concern that all allocation is being used, because we
38 have very different -- We are addressing very different issues
39 between the two of those.

40
41 Let's move down and the next one was consider placing
42 restrictions on the sale of IFQ allocations or shares and this
43 would be a form of a use-it-or-lose-it and so this is kind of an
44 example of replacing use-it-or-lose-it with something a little
45 more specific about what it is that you're wanting to do.

46
47 There was not any support for putting restrictions on the sale
48 of IFQ allocations or shares. Fishermen talked about that they

1 needed to be able to sell allocation, transfer allocation, when
2 other people needed it and that they had developed a lot of
3 relationships. They also noted that selling allocation means
4 the fish still get caught.

5
6 They have also talked about investment in the program has been
7 heavy and they were concerned that such restrictions could
8 restrict new entrants and also the issues of entities -- An
9 individual may have more than one account, maybe associated with
10 a business and have an individual account, and so such
11 restrictions could affect their ability to transfer allocation
12 between related accounts.

13
14 Let's just move to the next one and it's consider adopting a
15 rollover provision for unused IFQ allocation and there was great
16 support for this and some of the ideas were concern for smaller
17 shareholders and allowing a rollover could allow for end-of-the-
18 year emergencies or difficulties and there was also a suggestion
19 for people who regularly buy allocation, who lease, to have some
20 kind of a buffer on their onboard poundage that they could then
21 account for later. I will add that I am not sure how this would
22 work very well for NMFS in the quota.

23
24 **MR. WILLIAMS:** By rollover, you are talking about carrying
25 allocation or quota from one fishing year to the next fishing
26 year? Okay.

27
28 **DR. LASSETER:** My sense is that that would be an issue that NMFS
29 would have to determine if that could work or not as well and
30 then the last one, I believe, Mr. Williams, you suggested this
31 one, consider adopting a lease-to-own provision.

32
33 This is an idea that if an entity in the program is regularly
34 selling their allocation then allowing whoever is buying that
35 allocation to begin to earn credit towards owning those shares
36 and we heard both support and opposition for this idea and we
37 had some alternatives to this kind of an idea as well.

38
39 Those opposed to it felt that it would reduce availability to
40 quota, because if fishermen know that they could eventually lose
41 their shares, they would be less inclined to sell that
42 allocation.

43
44 Those supporting it felt that they should be able to get credit
45 when they were repeatedly buying the allocation and then some of
46 the alternatives were the loan program, again. This was
47 mentioned several times throughout here, was to have a federal
48 loan program to allow people to acquire this quota, rather than

1 a lease-to-own.

2
3 That was our longest section and this one goes short. It's
4 midyear quota changes. This is the idea that in the event a
5 midyear quota reduction is expected, and it would be only under
6 those terms, to withhold some portion of a shareholder's
7 allocation in the beginning of the year.

8
9 There was no support for this. Several people expressed
10 opposition and a lot of the comments specified that they wanted
11 any quota increase or decrease to only occur at the beginning of
12 the year and this was for reasons of stability in the market and
13 for the commercial sector having additional quota released --
14 Especially I think the October release did cause a market glut
15 and so it's better for the fishermen's businesses if they know
16 what kind of quota they are going to have for the entire year.

17
18 Then let's move down to our final issue before we get to the
19 additions and that's enforcement of all reef fish landings and
20 so this would be to require all commercial reef fish permitted
21 vessels -- All of them have VMS now and so they all have the
22 capability of hailing in and hailing out and the proposal here
23 is to require all reef fish commercial vessels to hail in prior
24 to landing, even if they are not in possession of IFQ species.
25 There was mostly support for this.

26
27 It was a good enforcement tool and people felt that it would
28 protect IFQ fishermen, by ensuring that other people are not
29 illegally landing IFQ species, and then there was some ideas for
30 how it could be done in there as well and that perhaps only a
31 simple landing notification without saying what species they
32 have and then do random checks and a person noted that this
33 keeps honest people honest and less honest people a little less
34 dishonest. There are some other ideas in there too, which you
35 will have a chance to read.

36
37 Let's go on to the additional and so we had lots of just general
38 comments, but two items did come out that were potential
39 additions to the document and one was setting price caps on
40 selling allocation and now we had both support for this and
41 opposition for this and so the support was to establish a cap on
42 the price of allocation, and this is lease price, and this
43 person proposed of not more than 50 percent of the ex-vessel
44 price.

45
46 Those in opposition to it talked about the system being based on
47 the free market and that the prices, lease prices, would only be
48 supported by what the lessee is willing to pay and people talked

1 about the price controls being easily circumvented and so we had
2 support and opposition on the idea of putting caps on the prices
3 of selling allocation.

4
5 Let's go down just a little bit to grace period. This was
6 another one that came out from a couple of locations and it was
7 if fishermen are bringing in red snapper, but they do not have
8 sufficient allocation in their account, allow a grace period for
9 those vessels to acquire that allocation to cover those fish and
10 then they have some proposals, some ideas, of what the penalties
11 could be that would be included in there as well.

12
13 Generally, the general comments and suggestions, people were
14 generally happy with the program and they felt it was working
15 and did not need to be changed. They talked about that the
16 discard problem was due to there being too many red snapper in
17 the eastern Gulf and other people talked about the discard
18 problem being a quota availability issue.

19
20 An issue that came out and is also noted in the document is that
21 to do many of these changes, NMFS would need to be able to
22 identify related accounts in order to identify who is actively
23 involved in fishing and who are the investors and we would need
24 to know how these accounts are related to each other and there
25 would probably need to be some changes to the structure of the
26 reporting system as well.

27
28 Some other comments in here, the water weight percentage was
29 brought up and a final comment was somebody noted that
30 intersector trading should not be allowed and so those were the
31 general comments.

32
33 If we scroll down just a little bit more, these are the written
34 comments we received, which were more or less similar. They
35 weren't as detailed and so we had just support for, yes,
36 establish use-it-or-lose-it provisions, consider placing
37 restrictions on the sale of IFQ allocations and shares, but not
38 really giving us more feedback as to how to do those, but those
39 comments are there and available for you as well.

40
41 That's the summary of the comments that we have received to date
42 and I guess I would like to turn it over maybe for discussion
43 and talk about what you would like to do next and I will ask,
44 actually, Charlotte to go back up to the list of all of the
45 items, if we could just have that up there.

46
47 **CHAIRMAN GREENE:** Thank you. I guess that takes care of
48 everything and okay, guys, how do you all want to proceed from

1 here? We've got a lot of ideas and we need to give them some
2 directions on which way to go.

3
4 **MR. WALKER:** I guess we're running short of time here today and
5 I would like to hear some of the testimony from commercial
6 fishermen in the audience that's going to be here and start
7 working from there.

8
9 **CHAIRMAN GREENE:** So noted. Anyone else want to take a jab at
10 it? Seeing none, I guess, Dr. Lasseter, that wraps up
11 everything.

12
13 **MR. ANSON:** Mara, refresh my memory. I think we discussed this
14 a couple of meetings ago, but resource rent, any chance of
15 looking at resource rent relative to IFQ revisions? Would that
16 require a referendum vote or go back out?

17
18 **MS. LEVY:** Are you talking about an auction?

19
20 **MR. ANSON:** An auction could be a way, yes.

21
22 **MS. LEVY:** Right and so that was the provision in the Magnuson
23 Act that talked about in establishing an IFQ program you could -
24 - You need to consider and could do an auction and so that was
25 very specific in establishing, which we felt would then push it
26 into creating a new IFQ, because you would actually have to be
27 establishing it to actually do the auction.

28
29 **MR. ANSON:** What about just establishing a cost, say for the
30 amount of pounds that are issued, just a 1 percent or 2 percent
31 recovery cost? Is that something that would require a
32 referendum?

33
34 **MS. LEVY:** We have a requirement in the Act that the 3 percent
35 recovery -- That's already a part of this. I mean that's a
36 requirement in establishing these plans.

37
38 **MR. ANSON:** Right, but can an additional -- Can that be raised
39 or how could that be addressed?

40
41 **MS. LEVY:** The Act caps it at 3 percent.

42
43 **DR. CRABTREE:** Are we finishing? Are we moving Amendment 28 to
44 full council or what are we doing there?

45
46 **CHAIRMAN GREENE:** I was just trying to work through this
47 document and see where we were from there. Certainly they are
48 all important to everybody in some shape, form, or fashion and

1 so it's up to you guys on how we go from here. Any direction
2 from the committee?

3
4 **DR. LASSETER:** In the interests of time, perhaps I could bring
5 this back up in full council and it will give everybody a chance
6 to kind of read through the comments and look through the items
7 and give it some consideration and if we have time in full
8 council, maybe we will discuss it again. Mr. Walker mentioned
9 hearing some testimony from the public.

10
11 **MR. BOYD:** Dr. Lasseter, just a -- What was the makeup, if you
12 can remember, of the scoping meetings? Was it primarily
13 commercial or was there a mix of the public?

14
15 **DR. LASSETER:** It was almost all commercial and several dual-
16 permitted charter/commercial guys and some charter only. There
17 were a couple of recreational here and there that did not
18 contribute comments, largely, and I would say most of the people
19 -- In the full document, it lists who attended each meeting and
20 they're a lot of our familiar people that are here now that we
21 will hear from.

22
23 **CHAIRMAN GREENE:** Okay. Anybody else?

24
25 **MS. BOSARGE:** I just have a question for Ava. As we're going
26 back through this before full council and we're trying to
27 collect our thoughts, do we need to come up with specific
28 motions as to what we want to see in an options paper? Is that
29 what you need from us or --

30
31 **DR. LASSETER:** Great question. What we would like to do next is
32 an options paper and we would like to refine this list and
33 either make some of them more specific -- Use-it-or-lose-it, we
34 need to definitely clarify that, either scrap it or change the
35 words. Remove some and add others and tweak them, so that we
36 have a sense of which ones you do want to flesh out in an
37 options paper. Staff is thinking we could bring you an options
38 paper in August. That is our tentative goal.

39
40 **CHAIRMAN GREENE:** Okay. Sounds good to me. Anybody got
41 anything else? Okay, Dr. Lasseter, does that complete your
42 portion?

43
44 I guess we will go on into the next item and we've got thirty
45 minutes to go and I guess we'll make an attempt at 28 and unless
46 the Chairman or Executive Director tells me otherwise, we will
47 move on to Revised Draft of Amendment 28, Red Snapper
48 Allocation, Tab B, Number 9, and Dr. Digne.

1
2 **REVISED DRAFT AMENDMENT 28 RED SNAPPER IFQ MODIFICATIONS**
3

4 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. As you mentioned, the
5 allocation amendment, Amendment 28, is in Tab B, Number 9. We
6 also have a presentation which is Tab B, Number 9(a) and I will
7 spend most of my time using that.
8

9 **CHAIRMAN GREENE:** This presentation was emailed yesterday.

10
11 **DR. DIAGNE:** Thank you and essentially we would like to spend
12 time discussing the management alternatives included in the
13 amendment and we will conclude by discussing potential
14 timelines.
15

16 In our document, at least the PDF version, the management
17 alternative section starts on page 7, for those who would like
18 to follow from the PDF version of the document that you received
19 in the briefing book.
20

21 We wanted to take this opportunity to detail how the quotas,
22 commercial and recreational quota, were computed for each one of
23 the alternatives, to make sure that we are all on the same page
24 when it comes to the percentages and the amount of pounds
25 allocated to each sector and so I will use this short
26 presentation to detail the quotas, commercial and recreational,
27 for each one of the alternatives.
28

29 Essentially we have alternatives of a different structure, and
30 we will talk about that shortly, and look at the commercial and
31 recreational allocation and in this short presentation, for 2015
32 only. I used 2015, as it is written in the document, specifying
33 that it would correspond to a 14.3-million-pound quota, meaning
34 the first line in all the alternatives in the text.
35

36 The quotas for all alternatives and for all the years are
37 included in the amendment, but in the interests of time, we will
38 not cover those.
39

40 Again, our status quo allocation is 51 percent to the commercial
41 sector and 49 percent to the recreational sector. With a 14.3-
42 million-pound quota, that will correspond to those poundages
43 shown in the slide, roughly 7.2 for the commercial and seven for
44 the recreational sector.
45

46 In terms of alternatives, in the document we have essentially
47 three types of alternatives. The first set would take a fixed
48 percentage and shift the allocation from the commercial to the

1 recreational sector and those would be Alternatives 2, 3, and 4.

2
3 The second set would be what we call here alternatives that are
4 based on a quota increase beyond a certain threshold value and
5 these would be your current Preferred Alternative 5 as well as
6 Alternative 6 and 7 and the final set of alternatives are
7 Alternatives 8 and 9 and essentially they were derived following
8 the motions that you passed during the last council meeting and
9 so we will go through these alternatives and, again, just for
10 one year, to illustrate how we computed the quotas for the
11 commercial and recreational sectors.

12
13 Let us start with Alternative 2. Alternative 2 or, actually, 2,
14 3, and 4, the first set, these are shifting fixed percentages,
15 respectively 3, 5, and 10 percent. The corresponding
16 allocations, in percentage and in pounds, are indicated here,
17 again for the first year. The first year refers to a quota of
18 14.3 million pounds.

19
20 For example, Alternative 4, which would increase the
21 recreational quota by 10 percent, would then yield a commercial
22 allocation of 41 percent of the quota and consequently, 59
23 percent to the recreational sector and the corresponding pounds
24 are also indicated here.

25
26 In terms of the second set of alternatives, these are based on
27 reallocating amounts of quota in excess of a certain threshold.
28 For the first two, meaning Alternative 5, which is your
29 preferred, and 6, the threshold that you selected is 9.12
30 million pounds.

31
32 For example, the Preferred Alternative 5, currently, states that
33 if the quota is less than or equal to 9.12 million pounds that
34 we stay at status quo, but if the quota exceeds this threshold,
35 the allocation then would take 75 percent of the amount in
36 excess and give it to the recreational sector and 25 percent of
37 the amount to the commercial sector.

38
39 For a quota of 14.3 million pounds, the amount in excess would
40 be 5.18 million pounds and, consequently, 75 percent of that
41 would be 3.8 million pounds. Then the recreational allocation
42 would be 49 percent of 9.12 million pounds plus the 75 percent
43 that we just indicated.

44
45 The corresponding percentages and quota amounts for both sectors
46 are given at the bottom and roughly 41.6 percent to the
47 commercial sector and 58.4 to the recreational sector.

1 Alternative 6 does the same thing, meaning allocate above a
2 certain threshold and, here, 9.12 million pounds, but for this
3 alternative, 100 percent of the amount in excess of 9.12 million
4 pounds would be allocated to the recreational sector and
5 therefore, the resulting allocations, in percentage, would be
6 67.5 percent to the recreational sector and consequently, the
7 remainder, 32.5, to the commercial sector.

8
9 We have one more alternative built along the same lines, but
10 here, the threshold value is ten-million pounds. It's ten-
11 million pounds and essentially, amount in excess of the
12 threshold would be allocated 75 percent/25 percent to the
13 recreational and commercial sectors, respectively.

14
15 With a 14.3-million-pound quota, based on this structure, the
16 resulting allocations, in percentage, would be 56.8 to the
17 recreational sector and 43.2 percent to the commercial sector
18 and the associated amount of quota are also indicated on the
19 slides.

20
21 We have two additional alternatives that were derived from the
22 motions that you passed during the last council meeting and
23 essentially those motions directed us to craft alternatives that
24 would allocate changes in quota, if you would, due to changes in
25 the recreational data and let's put it that way for now. Those
26 changes that were discussed included changes due to the MRIP
27 recalibration of the catch estimate on one side and, second, due
28 to the change in size selectivity in the recreational fishery.

29
30 After the meeting, we requested from the Science Center an
31 analysis and asking them to provide projections and this is just
32 an excerpt of the report that they provided and it is in
33 Appendix 2, this amendment, and essentially if we look at this
34 table here, we have the years and we have a base set of
35 projections and these projections, the base that is, would
36 include everything. That is where our current quota would come
37 from, the 14.3 million pounds, meaning it would account for the
38 MRIP recalibration and it would also account for the change in
39 selectivity.

40
41 The two additional columns, the second one is labeled "Pre-MRIP
42 Recalibration" and it means that these projections, namely, for
43 example, 13.63, does not account for the change due to the MRIP
44 recalibration, that value that I just mentioned, 13.63.

45
46 The last value, 11.97 million pounds, is labeled "Pre-MRIP
47 Calibration and No Selectivity", meaning that this would have
48 been the quota if the projections didn't account for MRIP

1 recalibration and didn't account for the change in selectivity
2 and because we are only using one year to illustrate the quota,
3 commercial and recreational, the first line here, 14.29, 13.63,
4 and 11.97, are the values that we are going to use going
5 forward.

6
7 The first alternative, Alternative 8, would essentially allocate
8 quota amounts attributable to the recalibration of MRIP catch
9 estimates to the recreational sector. Based on those values
10 that we just highlighted in the table, the base quota is 14.3
11 million pounds and the pre-MRIP quota is 13.63 million pounds
12 and, hence, the difference would be 0.67 million, if you would,
13 and so that difference would be allocated to the recreational
14 sector.

15
16 Everything else would be used and allocated according to status
17 quo, which, as we know, is 51 percent and 49 percent.
18 Consequently, the resulting percentages for the commercial and
19 recreational sector would be 51.4 for the recreational sector
20 and 48.6, in percent, for the commercial sector.

21
22 The last alternative that was derived from your motions during
23 the previous council meeting indicated that amounts due to the
24 MRIP recalibration of catch estimates and amounts due to the
25 change in selectivity would be allocated to the recreational
26 sector.

27
28 Again, if we recall, our base quota is 14.3 million pounds. The
29 pre-MRIP, no selectivity quota is 11.97 million pounds and,
30 hence, a difference of 2.3 million pounds. Everything else
31 would be allocated according to the status quo, 51 percent/49
32 percent. The resulting allocation, in percentage, would be 42.7
33 to the commercial sector and 57.3 percent to the recreational
34 sector.

35
36 These are the nine alternatives that are considered in this
37 allocation amendment and one point perhaps that we would like to
38 make is that for the first set of alternatives, 2, 3, and 4, the
39 percentages will be fixed. Essentially, a sector could have,
40 let's say, for example, 59 percent to the recreational and 41
41 percent to the commercial sector, if you shifted 10 percent of
42 the quota, and those would be fixed and the number of pounds
43 would be adjusted depending on the quota.

44
45 For everything else, the percentage, as well as the amount, will
46 fluctuate maybe on an annual basis, depending on, for example,
47 the quota, if you have a threshold alternative, or depending on
48 the difference that one would think is due to MRIP recalibration

1 or the difference that one would think is due to the change in
2 selectivity.

3
4 For those other alternatives, meaning from 5 onward, the
5 percentage allocated to each sector, as well as actually the
6 number of pounds, would fluctuate on a, I guess, perhaps
7 sometimes yearly basis, depending on which one of those
8 parameters would change.

9
10 For all of the years that we discussed, meaning for 2015 to
11 2017, the three years for which we have now a quota, a red
12 snapper quota, the percentages, as well as the number of pounds,
13 are indicated in the amendment and that would be on page 14 in
14 the management alternative section, on page 14 of the PDF
15 version of the amendment. Mr. Chair, in a nutshell, that is a
16 quick overview of the alternatives in the document and your
17 current preferred alternative is Alternative 5. I will pause
18 here and perhaps discuss potential timelines afterwards.

19
20 **CHAIRMAN GREENE:** Thank you. That's an interesting
21 presentation. All right, committee, what do you all want to do?
22 Any comments? I am not seeing anything.

23
24 **MR. WILLIAMS:** I have a question and I am not -- It's a question
25 and comment, I guess, but it's probably directed at Roy
26 Crabtree. Roy, are we -- I am at least partially persuaded
27 about this change in selectivities.

28
29 The way we're managing red snapper now with a -- Where we're
30 controlling catch, as opposed to directly controlling fishing
31 mortality, are we penalizing the recreational sector? Aren't
32 we, in effect, penalizing the recreational sector for increasing
33 their yield per recruit? As they have gone to catching larger
34 fish over the last several years, we are controlling them and so
35 they are improving their yield per recruit, but aren't we, in
36 effect, penalizing them for that by using -- By controlling
37 catch as opposed to trying, in some manner, to directly control
38 their rate of harvest, their rate of F?

39
40 **DR. CRABTREE:** Well, because the selectivity has shifted and
41 they are catching bigger fish, they are catching their quota
42 more quickly and aside -- A byproduct of catching those bigger
43 fish is that the quotas can go up and so if the quotas go up
44 because they are catching bigger fish, one way to compensate for
45 their catching bigger fish, so that their season doesn't get
46 shorter, is to increase their quotas by that, but the way things
47 are set up now, of that increase, it's going to go 51 percent to
48 the commercial fishery.

1
2 I guess you could make the argument that it's not fully
3 offsetting the bigger fish they're catching, if that's what
4 you're getting at.

5
6 **MR. WILLIAMS:** Going to a larger fish, deliberately or
7 indeliberately, increasing your yield per recruit, is a good
8 thing, is it not? I mean you are, in effect, lowering your rate
9 of fishing by increasing the size of fish you are targeting or
10 catching and am I right on that?

11
12 **DR. CRABTREE:** I think, in general, we would view increasing
13 yield per recruit as a good thing. That in part depends on the
14 discard structures and the rest of it that come with it, but
15 generally, yes, I would say increasing yield per recruit is a
16 good thing.

17
18 The other thing you have here is the calibration impact and so
19 our view of the historical time series of the recreational catch
20 has changed and we think they have been catching more fish than
21 we thought, because of improvements in the data collection. The
22 historical allocation is, in part, based on what our perception
23 of that historical mix in the fishery is.

24
25 When we have had other instances where there was recalibration
26 that caused one sector's catches to go up or down, and it's the
27 recreational sector that would change, of course, we have
28 changed the allocation to reflect that.

29
30 **MR. WILLIAMS:** In this case, the greater effect though is the
31 change in selectivities.

32
33 **DR. CRABTREE:** That is correct in this case.

34
35 **MS. BOSARGE:** I am not on your committee, but another way, Roy,
36 of thinking about what you are looking at, and this is the way
37 that I see it, from the commercial aspect, is essentially the
38 way I see this size selectivity is there is a specific way that
39 the recreational sector is fishing right now and that is
40 harvesting these bigger fish.

41
42 That specific way of fishing is contributing to rebuilding,
43 which is giving us these higher quotas, and Alternative 9 is
44 allocating all of that benefit for that specific way of fishing,
45 all of that rebuilding benefit, to the recreational sector,
46 right? That's what it's trying to do.

47
48 Well, in 2007, there was a specific way of fishing in the

1 commercial sector that contributed to rebuilding and when that
2 happened, and you can go back and look at the difference between
3 2006 and 2007, overages and no overages on the commercial side,
4 when that rebuilding happened, it was split 51/49 and it didn't
5 go all to the commercial.

6
7 We didn't say, oh, well, it rebuilt by -- This much of that
8 rebuilding is attributable to your specific way of fishing now
9 and therefore, we're going to give that completely to you. It
10 was shared and so I see a precedent there and to say that it's
11 right for one group, but not for the other to share in the
12 rebuilding, it kind of -- I don't know. That's a tough pill to
13 swallow.

14
15 **MR. PERRET:** Roy and Roy, yes, the yield per recruit has
16 increased and that's certainly a good thing, a healthier stock,
17 but here is the other factor. We've got an IFQ program in the
18 commercial industry and we know every pound they take.

19
20 We've got a moratorium on the federal permitted guys, the
21 charter guys, and we've got open access. If it would be in the
22 commercial fishery, it would be overcapitalization and I am just
23 looking at the table in the document.

24
25 From 1986 to 2013, what is the percent or what is the number of
26 increase in saltwater angling licenses in the Gulf of Mexico? I
27 suspect it's probably substantial and we can't continue to have
28 more and more access and think we're going to have longer
29 seasons. It's just not doable. Fish size has increased and
30 poundage has increased and we've got more people fishing and so
31 that's a double-whammy.

32
33 **MR. DIAZ:** It's good discussion so far and I was hoping we would
34 have a good discussion on this part. I am trying to think about
35 Roy Williams's comments. When I first read the document, I tend
36 to support Alternative 8 and think that's a reasonable approach.

37
38 Alternative 9 though makes me pause, because you know we've got
39 different regulations on the commercial and recreational folks.
40 We've got a lower size limit that's available to the commercial
41 people and a higher size limit for regulations for the
42 recreational folks.

43
44 I think the mindset is different. I believe most recreational
45 people would like to go out and catch the bigger fish that they
46 can catch, a trophy fish if they can, where I think the
47 commercial mindset is they would like to catch the fish that's
48 the most marketable and that has the highest value.

1
2 Anyway, I will look forward to hearing some more discussion, but
3 I am not totally comfortable with -- I am not comfortable with
4 Alternative 9 at this point, because there is some substantial
5 differences that I don't know that either group had control
6 over. Thank you.

7
8 **MR. WILLIAMS:** Dale, but if we gave the commercial fishery
9 fifty-one fish and we gave the recreational fishery forty-nine
10 fish and told them to catch whatever they wanted to catch and
11 they could do it anyway they wanted, the commercial fishery, I
12 think, is going to continue to fish for the smaller fish,
13 because that's where their market is.

14
15 The recreational fishery, on the other hand, is going to target
16 a bigger fish and from that, I think they're going to end up
17 with closer to a total of -- The recreational fishery is going
18 to end up with more like 57 percent of the total harvest in
19 terms of weight, even though they are still catching 49 percent
20 in terms of numbers.

21
22 I mean it seems, to me, and I am sort of leaning towards
23 Alternative 9 as being the logical way to proceed here. I think
24 that's the effect of us controlling harvest in pounds rather
25 than harvest in numbers and it's leading to this 57/43
26 distribution between commercial and recreational. If we
27 directly controlled numbers, I think we would be at the 51/49,
28 but because we're controlling by weight, this is where we're
29 ending up.

30
31 **MR. PEARCE:** I am not on your committee, but, again, great
32 discussion and I listened to Dale and I listened to Roy and I
33 see what's going on with those things and I've got to go back to
34 when I looked at this Headboat Collaborative and how well it did
35 and how many fishermen it added into the fishery than before.

36
37 The Headboat Collaborative went to 60,000 individual fishermen
38 versus 28,000 before that, before we had the collaborative. The
39 headboat, the way that was done, gave more access to the
40 citizens of this country than they had before and so when I look
41 at that, I see that possibly there's a way that, because we're
42 giving more access in that respect, that I could maybe lean to
43 8, but not to 9, to Alternative 9, because I am giving some
44 ground there on the commercial harvest side and I am doing that
45 because I see that we're getting more access to the fishermen
46 that don't have boats because of some of the processes we're
47 going through with the headboats and some of the processes we're
48 going to probably go through with the charter for-hire guys.

1
2 I can't go to Number 9, but I think that I can maybe give a
3 little bit of ground going to 8, because I see -- My main
4 concern is access to the fishery by the citizens of this country
5 that own that fish and the more I give access to those people,
6 the better I am going to -- The more comfortable I am going to
7 feel that I am doing my job and this council is doing its job.
8 Thank you.

9
10 **DR. CRABTREE:** I think you almost have to adjust the allocation
11 to reflect the calibration. I have thought about that a lot and
12 it does seem to me that you almost have to do that. The
13 selectivities, there are lots of different ways to look at it, I
14 guess, and people have made good points.

15
16 There were a number of changes that happened in the fishery in
17 2007 when we put the IFQ in place and that did keep the
18 commercial guys from going over. We also lowered their size
19 limit down to thirteen inches at that time, which may have
20 affected yield per recruit in that.

21
22 I think there was pretty broad support in the commercial fishery
23 for doing that, but one of the reasons that we did that was
24 because the release mortality, based on the observer data we
25 had, was 80 plus percent or maybe even higher than that. That
26 was because they were fishing these fifteen or twenty-hook
27 arrays and the handling time on the fish was great.

28
29 I think the calibration thing is hard to get around and I think
30 in other fisheries where we've had a calibration impact that we
31 have adjusted it. The selectivity, I think there are lots of
32 arguments there you can make and it's an interesting case, but I
33 think that certainly the calibration you need to adjust based
34 on.

35
36 **CHAIRMAN GREENE:** Thank you for those comments. Does anybody
37 else want to weigh in?

38
39 **MR. WALKER:** None of the alternatives are justified and none
40 provide stability and none provide long-term management benefit.
41 At this point, I feel like 28 is just a solution looking for a
42 problem.

43
44 The science-based management, the economic panel has said that
45 instead of looking at allocation, they need to be looking at
46 improving recreational fishery management and I think that's
47 what we ought to be looking at.

48

1 **CHAIRMAN GREENE:** Anyone else?
2

3 **DR. CRABTREE:** There is one more part of this, Assane, that --
4 So there were a set of projections done that looked at the
5 impact of the allocation shifts on the total allowable catch and
6 were you planning to go through that at all?
7

8 **DR. DIAGNE:** Yes, but for that part, I think we will wait until
9 the SSC goes over it and then, in a subsequent meeting, we will
10 have something for the council.
11

12 **CHAIRMAN GREENE:** Okay. It sounds like we're coming to an end
13 on 28 and is there any more discussion? I have talked to
14 Chairman Anson and he gave me the green light to go until 5:30
15 and so I certainly don't want anyone to think we're rushing
16 through this. We will work until midnight and I don't care, as
17 long as we're making progress, but regardless of that, anything
18 else before we leave 28?
19

20 **MR. FISCHER:** Mr. Chair, what's the timeline on 28?
21

22 **DR. CRABTREE:** That's something you need to think about. I
23 doubt you can get to final action before the August meeting and
24 that means we probably could not get to a final rule before the
25 end of the year, but I think if you get in that situation and it
26 is your intent to have whatever allocation change you make
27 effective in 2016, after talking to Mara, I think you could come
28 in and do a framework action, the purpose of which would give
29 the Fisheries Service the authority to only release some portion
30 of the TAC at the end of the year and hold enough back in case
31 Amendment 28 is approved.
32

33 I think if you could bring in a framework action, and you are
34 going to need to decide this quickly, but you would need to
35 bring in a framework action to look at doing that at the June
36 council meeting.
37

38 I think there is the possibility that you could have an
39 allocation shift in place by next year, but you're going to have
40 to take some steps to enable that to happen.
41

42 **MR. FISCHER:** One more, Roy. On the change in poundage on
43 selectivity, is that an empirical number or is there options you
44 could look at on the causes, where we might have a range of
45 numbers to look at?
46

47 **DR. CRABTREE:** My understanding is that's a change that is
48 estimated within the model and then leads to this change in the

1 TAC and so I think it's empirically a calculated number and
2 that's really the -- That's what sets Alternatives 8 and 9 apart
3 from the other alternatives in the document right now.

4
5 Alternatives 8 and 9 are the two alternatives you have where you
6 can point to an analysis and say this is how we got to and
7 calculated this. The others are much more judgment calls, in my
8 estimation.

9
10 **MR. DIAZ:** From hearing the discussion at the table, and this is
11 just my sense and I could be wrong, I think there may be enough
12 support to move Alternative 8. I am going to make a motion that
13 we add Alternative 8 as an additional preferred and if I get a
14 second, I will give a little bit more rationale.

15
16 **MS. LEVY:** You can't have two preferreds and so if you want to
17 change the preferred from what you have now to Alternative 8,
18 that's fine and you can make a motion to change the preferred,
19 but adding it as a second preferred doesn't do anything. We
20 need one preferred alternative. Otherwise, just take away
21 having 5 as a preferred and have none of them as a preferred,
22 but you can't have two preferreds.

23
24 **MR. DIAZ:** In that case, I withdraw. My thinking was I wanted
25 to put it out there so we could get some public comments, but
26 based on what our legal counsel says, I change my mind on that.

27
28 **MR. FISCHER:** I was told never to go against the counsel, but I
29 would not agree with that. I think one preferred would be based
30 on the MRIP calibration and the other preferred could be based
31 on other criteria.

32
33 **MS. LEVY:** To me, if you have two preferreds, you are saying you
34 want to do them both, meaning you want to somehow do Alternative
35 5's reallocation plus you want to do whatever is in Alternative
36 8. If that's what you're thinking, that really you want to do
37 both of these things together and you're going to explain why
38 that's fair and equitable and all those other things, then okay,
39 maybe they are not mutually exclusive, but if that's not the
40 intent, to actually pick them both and implement them both and
41 get some final allocation out of it, then I don't think that
42 it's possible to have two preferreds.

43
44 **MR. WILLIAMS:** I will move Alternative 8 as the preferred
45 alternative.

46
47 **CHAIRMAN GREENE:** We have a motion to move Alternative 8 as the
48 preferred alternative and is there a second for this motion?

1 Mr. Boyd.

2
3 **MR. BOYD:** I just wanted to echo what Myron said. I am not sure
4 why you couldn't have two alternatives.

5
6 **CHAIRMAN GREENE:** Hold on. We had a motion on the floor and I
7 thought you were seconding the motion. Is that correct? Are
8 you seconding this motion? Okay. We have a motion on the floor
9 and is there a second for this motion? Dr. Crabtree seconds the
10 motion. Any further discussion?

11
12 **MR. BOYD:** I would just like to go back. I do have a comment.
13 I agree with Myron that I think we could have two alternatives
14 here that we select. We have done it in other amendments and if
15 we have two calibrations in that, then we have two calibrations.

16
17 **MS. LEVY:** I think what I said still applies. If the intent is
18 to implement both preferreds together and come up with
19 something, whatever those two equal, to be the allocation, then
20 okay, maybe they are not mutually exclusive, but if the decision
21 is it's going to be either this one or this one and the intent
22 isn't to implement them together, then to me they are mutually
23 exclusive and picking two is not feasible. You have to have
24 one.

25
26 If you want to add Alternative 8 as the preferred with the
27 understanding that it would be implemented with your current
28 preferred of Alternative 5 and that would be some unspecified
29 allocation decision that we would need to calculate before full
30 council or something like that, then okay, I guess you could do
31 that, but that didn't seem to be what was being proposed.

32
33 It was kind of like we want to throw these two things out there
34 and eventually we will pick one. That's where I was coming
35 from, but if I misunderstood that and you actually wanted to
36 implement both of them together, then I guess you could do that.

37
38 **DR. CRABTREE:** But I think at that point you're talking a whole
39 new alternative. I mean Alternative 5 says the allocation is,
40 for 2016, 42 percent and 58 percent. Alternative 8 says the
41 allocation would be 48.5 and 51.5 and those numbers aren't the
42 same and so I don't see how you could do that. I would point
43 out that Alternative 9 results in, effectively, almost the same
44 allocation as your current preferred and so it comes out about
45 the same, but I think if you want to somehow combine these in
46 some way, that's kind of a new alternative and I am not quite
47 sure how that works.

48

1 **MR. PEARCE:** I am not on your committee, but I support this idea
2 and I like what Dale was saying before. I want to hear public
3 testimony and this gives us an option to see what they really
4 think about where we're going and what direction we're headed
5 and I would support this motion for that reason. I think I am
6 really interested in public testimony on this one, because this
7 is a pretty deep issue. Thank you.

8
9 **CHAIRMAN GREENE:** Any more comments by the committee?

10
11 **MR. BOYD:** I would offer a substitute motion. We don't have a
12 second on that one yet, do we? We do? Okay. **I would offer a**
13 **substitute motion to make Alternative 9 the preferred.**

14
15 **CHAIRMAN GREENE:** We have a substitute motion to move
16 Alternative 9 as the preferred and is there a second for this
17 motion?

18
19 **MR. MATENS:** Second.

20
21 **CHAIRMAN GREENE:** It's seconded by Mr. Matens. Any discussion?
22 Okay. Seeing no more -- Mr. Atran is suggesting "to make" and
23 that's correct. Mr. Boyd, is your substitute motion on the
24 board correct?

25
26 **MR. BOYD:** It is correct and I would just refer back to Mr.
27 Williams's comments and Dr. Crabtree's comments about the
28 selectivity.

29
30 **CHAIRMAN GREENE:** **All those in favor raise your hand; all those**
31 **opposed raise your hand. The motion carries five to three.**
32 Okay. Anything else on 28? Then I guess we will carry on until
33 5:30, as Chairman Anson suggested. With that, we have already
34 taken care of Amendment 39 and we have already taken care of --

35
36 **DR. DIAGNE:** Mr. Chair, just perhaps a question. Dr. Crabtree
37 mentioned the need for a framework action that would grant the
38 authority of withholding quota and in the event that a
39 reallocation occurs sometime in 2016. I was just wondering
40 whether the committee has any direction for us regarding that
41 matter.

42
43 **CHAIRMAN GREENE:** Thank you for that. I let that slip by me and
44 my apologies. Okay, committee, we have a recommendation for a
45 framework and does anyone want to act on that at this time?
46 Seeing no one choosing to act, Dr. Diagne, does that conclude
47 everything?

1 **DR. DIAGNE:** Just perhaps one final point. When we look at the
2 alternatives, we have years of 2015, 2016, and 2017. In all
3 likelihood, this amendment would be implemented and effective in
4 2016 and so essentially it was just to note that next time you
5 see this document, we will update it and the only years that you
6 would see here would be 2016 and 2017, because it seems to me
7 that we are past the point to have a 2015 quota, if you would,
8 reallocated. Thank you.

9
10 **CHAIRMAN GREENE:** Good point and thank you. I saw a hand on
11 that side of the table. Mr. Boyd.

12
13 **MR. BOYD:** I didn't make a motion or anything based on a
14 framework action because I would like to know a little more from
15 Dr. Crabtree and maybe tomorrow we can do that. I would like to
16 understand the framework action a little more and what the
17 details would be.

18
19 **CHAIRMAN GREENE:** Dr. Crabtree, do you want to reply and let's
20 get it done today?

21
22 **DR. CRABTREE:** That's fine, but the gist of it is is if we vote
23 this up at the August meeting, we can't have a final rule
24 effective by the end of the year and that means we will have
25 released all the quota to the IFQ fishery and there is no real
26 way to get it back and so the allocation adjustment couldn't
27 happen until 2017.

28
29 What the framework would do would be allow us to hold back a
30 portion of the commercial quota so that the allocation change
31 could be made when it became effective after January 1 and we
32 could hold back whatever amount it takes, depending on whatever
33 preferred, where you guys end up with it. Then we could release
34 whatever quota was left and the rest of it that was reallocated
35 would then be available to the recreational fishery. That's the
36 only way I see to get this done in time for the 2016
37 recreational season.

38
39 **MS. BADEMAN:** So we would take final action on that presumably
40 in August, when we took final action on Amendment 28? Is that
41 right? Like approving Amendment 28 and then do the same thing
42 with the framework?

43
44 **DR. CRABTREE:** Yes and I would think we could vote that
45 framework in August up and then, with shorter comment periods
46 and all, we could have that done by the end of the year.

47
48 **MR. DIAZ:** I will see if I get a second. **I will make a motion**

1 that we move this framework action forward. Somebody will have
2 to help me with the wordsmithing on that. If I get a second, I
3 will give some rationale.

4
5 **CHAIRMAN GREENE:** We will be working on your motion. Ms. Levy
6 looks like she has something she wants to share.

7
8 **MS. LEVY:** You might want to make it to direct staff to develop
9 a framework action to allow NMFS to hold back a portion of the
10 commercial quota for 2016. It's a longstanding -- Get rid of
11 the "2016". In anticipation of future regulatory changes. I am
12 taking that language from the framework, what it says we can do.
13 Then staff could develop an action with some alternatives about
14 maybe how much -- Your decision point about how much of the
15 quota could be retained and maybe some dates about when it would
16 have to be released, et cetera. You could have some decision
17 points there, but that should give enough information for staff
18 to develop that.

19
20 **CHAIRMAN GREENE:** Mr. Diaz, is that your motion on the board?

21
22 **MR. DIAZ:** Yes, it is. Thank you, Mara.

23
24 **MR. BOYD:** I second it.

25
26 **CHAIRMAN GREENE:** It's seconded by Mr. Boyd. Any more
27 discussion?

28
29 **MR. DIAZ:** I just want to give some rationale. Reading through
30 this, in preparation for this meeting, we have been working on
31 this document since 2009. From the discussion that we had at
32 the table here today, I don't see any reason why we're going to
33 be better off pushing this back until August than we are in June
34 and I just think that it's time for us to go ahead and vote this
35 up or down and put this to rest, where folks that have business
36 plans and different things that they're trying to depend on will
37 know which way this is going to go, one way or the other.

38
39 **MR. WALKER:** I would just speak against it. I mean this whole
40 Amendment 28 is all one-sided. It's about what we can do for
41 the recreational sector and it's not about what we can do for
42 everyone. It's supposed to be the net benefit of the nation and
43 the science has said that you need to work on your recreational
44 fishery management plan. It didn't say you need to work on your
45 allocation plan.

46
47 Everything is about taking away from the super majority of the
48 people in this country who do not fish or are consumers. I am

1 just appalled. I mean this whole thing, there is not one
2 alternative in this document, not one alternative, that looks at
3 -- I thought, from what Roy has said before, this is about
4 looking at allocation between sectors and it looks to me like
5 it's only looking at allocation to one sector.

6
7 **CHAIRMAN GREENE:** Thank you, Mr. Walker. Anyone else? We have
8 a motion on the floor and it's been seconded. **All those in**
9 **favor please raise your hand; all those opposed please raise**
10 **your hand. The motion carries seven to one.**

11
12 Anything else before we leave this? All right. Dr. Diagne has
13 indicated he is good with everything and so we will move on down
14 the agenda and the next item we have not tackled is Item XII,
15 Charge of the Reef Fish Headboat AP. Dr. Diagne, we are coming
16 back to you. This will be Tab B, Number 12.

17
18 **CHARGE TO THE REEF FISH HEADBOAT AP**

19
20 **DR. DIAGNE:** Thank you, Mr. Chair. On that tab number, Tab B,
21 Number 12, there is a draft charge for your consideration. It's
22 on the board, but I am not sure that everyone can read it. She
23 is increasing the font to allow you to read it, but essentially
24 the charge to the Headboat AP on this draft is to make
25 recommendations to the council relative to the design and
26 implementation of flexible management measures for the headboat
27 component of the for-hire sector.

28
29 This is just for the council's consideration or the committee.
30 You can modify it or propose a different charge or come back to
31 it at a later date if you so decide. Thank you.

32
33 **CHAIRMAN GREENE:** Thank you, Dr. Diagne. As it states in Tab B,
34 Number 12, and I will just read it, the charge of the Reef Fish
35 Headboat AP is to make recommendation to the council relative to
36 the design and implementation of flexible measures for the
37 management of reef fish for the headboat component of the for-
38 hire sector. Is there any committee member that would like to
39 weigh in and make comment or changes? I am not seeing anybody.

40
41 **MS. BADEMAN:** Do you need a motion? **I will make a motion to**
42 **accept the charge as written.**

43
44 **CHAIRMAN GREENE:** Thank you, Ms. Bademan. Do we have a second?
45 Mr. Fischer seconds the motion. **All those in favor raise your**
46 **hand; all those opposed raise your hand. The motion carries**
47 **eight to nothing.** That takes care of that item. Last, but not
48 least, would be Other SSC Business, Tab B, Number 13, and Dr.

1 Patterson.

2

3

OTHER SSC BUSINESS

4

5 **DR. PATTERSON:** Thank you, Mr. Chair. There was another item on
6 the agenda here about hogfish and are we not going to touch on
7 that? As far as the SSC meeting is concerned, we don't actually
8 have anything on hogfish. There was a miscommunication and the
9 FWRI representative who was supposed to be at the meeting to
10 talk about the projections did not attend and so we actually
11 didn't get to hogfish. I noticed it was on the agenda and so
12 that's really all I have to say about hogfish.

13

14

FWC MUTTON SNAPPER UPDATE ASSESSMENT

15

16 We also did talk about mutton snapper, the mutton snapper
17 assessment update. The SSC did not have a quorum present.
18 However, the committee voted to accept the 2015 SEDAR update
19 assessment of mutton snapper as representing the best available
20 science and suitable for management advice. This motion passed
21 unanimously, but, again, there was not a quorum present.

22

23 The figure that you see on the screen here, this is a series of
24 MCMC runs, where you can see that this is the distribution here.
25 All of the yellow circles are the distribution of model outputs
26 and then the red circle in the center of the distribution is the
27 deterministic run from the model.

28

29 Basically, the model output, the base model, there is a low
30 probability of overfishing having occurred in the most recent
31 year and a very low probability that the stock is currently
32 overfished.

33

34 However, most of the discussion from the SSC that ensued had to
35 deal with the fact that the base model that was selected was --
36 The age composition was derived by applying age/length keys to
37 size distributions of landings and so that was -- The age/length
38 keys were applied to the size distribution to estimate the catch
39 at age matrix and so there was discussion within the SSC of
40 whether that was more or less appropriate than direct aging,
41 using the direct age estimates, from animals sampled at the
42 dock, as we do in many assessments for which there is
43 significant or substantial aging, direct aging, information.

44

45 Joe O'Hop, who is the chief analyst for the assessment,
46 indicated that direct aging was not utilized because the panel
47 felt, especially in the early years, there were few aging
48 samples with which to actually run the model. The SSC just --

1 We didn't have the diagnostics in front of us and that's one
2 thing that we asked, for the diagnostics to actually examine
3 this. The phase plot that you see on the board here, or on the
4 screen -- Would it be possible to actually expand that to full
5 size?
6

7 This phase diagram that you see, the base model run is down here
8 in the bottom right, which is the deterministic run here shows
9 that the stock is below the maximum fishing mortality threshold,
10 which is the horizontal line, and the biomass is estimated to be
11 well above BMSY.
12

13 However, the direct aging model, the deterministic run, is up
14 here in this top left quadrant. There were over eighty
15 sensitivity runs that were produced in this assessment and there
16 were a couple of clusters of points and unfortunately the direct
17 aging was in this quadrant in the top left, which is where you
18 don't want to be.
19

20 That was a request for Joe O'Hop to prepare some of the
21 diagnostics and so that will be revisited and I know the South
22 Atlantic is working on mutton as well. It's my understanding
23 that about 15 percent of the landings come from the Gulf and so
24 the fact that we didn't have a quorum and the South Atlantic SSC
25 is also taking up this issue, we didn't spend a great deal of
26 time discussing mutton.
27

28 DISCUSSION OF MSST OPTIONS

29
30 Also under Other Business, the SSC reviewed this options paper
31 of proposed changes to the minimum stock size threshold
32 definition and so currently, when defined, the MSST is typically
33 the default recommended by Restrepo et al. from 1998, which is
34 the minimum stock size threshold, the MSST, is one minus M,
35 natural mortality, times BMSY.
36

37 In particular, the reef fish stocks for which MSST is defined,
38 this is the definition and so the council asked us to examine
39 the options, the different alternatives, within this document
40 and basically the purpose and need that was indicated is that
41 for stocks that have a low natural mortality, the buffer between
42 MSST and BMSY would therefore be low.
43

44 For example, if you had an M of 0.1, the MSST would be 90
45 percent of the BMSY and so the thinking, the rationale,
46 presented to us was that then you would have sometimes the stock
47 biomass estimate that would be below MSST, just due to natural
48 fluctuations, and so you would conclude either a depleted stock

1 or an overfished stock, when in fact it was just due to natural
2 variability.

3
4 There was an analysis that was performed by Clay Porch, who is
5 the Director of the Sustainable Fisheries Division at the
6 Southeast Fisheries Science Center, and so Clay examined the
7 likelihood of overfished status occurring due to natural
8 fluctuations in productivity.

9
10 What Clay did, the analysis was he did long-term, 150-year,
11 stochastic projections and we talk about the different
12 parameters that were allowed to vary in these stochastic
13 projections in the report, but basically, we had some parameters
14 varying and these projections were produced to equilibrium and
15 all of the three stocks that were examined, bluefin tuna, gray
16 triggerfish, and vermilion snapper, all reached equilibrium
17 within this timeframe.

18
19 They had different parameters or different definitions of the
20 maximum fishing mortality threshold, the MFMT, and so bluefin
21 tuna this was FMSY and for yellowfin snapper, it was Fmax and
22 for gray triggerfish, it was F 30 percent SPR.

23
24 You can see among these the lowest M value was for bluefin tuna,
25 which was 0.14. In these distributions, you can see that there
26 is a vertical line that appears on the left-hand side of each of
27 these distributions and this corresponds to the -- Basically, if
28 we follow it over to the Y-axis, this would be the probability
29 that a stock was below, or estimated to be below, MSST, when in
30 fact the stock was not depleted or overfished.

31
32 For each of these examples, the conclusion was there is a low
33 probability of this issue actually occurring, at least for these
34 three species with their stock dynamics. As we move forward,
35 another analysis was done in which Dr. Porch examined vermilion
36 snapper and so all stock dynamics are based on vermilion snapper
37 with its longevity. However, the one thing that was varied
38 among the models was the estimate of natural mortality and so
39 0.05, 0.1, and then 0.5.

40
41 Basically, what he concluded from these model runs was that the
42 probability of classifying a stock as overfished, when MSST is
43 defined as one minus M times the biomass when fished at the
44 maximum fishing mortality threshold, is inversely related to M,
45 but the SSC questioned the utility of this approach, because,
46 for one, in the previous slide that I showed you, the fish with
47 the lowest natural mortality that was examined was bluefin tuna
48 at 0.14.

1
2 When you use words like "low" and "high" and "medium", they are
3 qualitative. When we examine the distribution of natural
4 mortality estimates among the fishes in the reef fish fishery,
5 there are only two fish that have M greater than 0.25, but in
6 the options paper, 0.25 is sort of this threshold value and we
7 have several fishes that have M less than 0.1, but in this
8 example that Clay utilized, he simply altered the M for
9 vermilion, when instead we thought it probably would have been a
10 better approach to examine something like yellowedge grouper or
11 red snapper, that part of its life history was having this low
12 M, so the stock dynamics that you're projecting to equilibrium
13 would reflect the entire life history of the fish and not just
14 altering the M value.

15
16 The take-home message from Clay's analysis, and is reported in
17 that document, is that yes, you do increase the probability of
18 declaring something overfished when in fact it's not, with using
19 this -- The lower your M value is, using this approach.
20 However, in the real-world examples that were examined, this
21 didn't appear to be a huge issue.

22
23 Proposed changes to the MSST definition, SSC members suggested
24 that the analysis be conducted again for species that actually
25 are estimated to have a very low M, such as yellowedge grouper
26 and red snapper.

27
28 It was pointed out that in setting MSST that the council needs
29 to consider the costs associated with different levels of MSST.
30 For example, if MSST is only slightly below the biomass when
31 fishing at the maximum fishing mortality threshold, there is a
32 risk of unnecessarily having to implement a rebuilding plan if
33 the stock fluctuates below MSST, but may recover on its own.
34 This is really the purpose and need that was discussed earlier.

35
36 On the other hand, if MSST is far below the biomass at the
37 maximum fishing mortality threshold, the likelihood of
38 unnecessarily implementing a rebuilding plan is reduced, but the
39 cost of rebuilding when an overfished condition actually exists
40 is greater and so, really, this is the rationale for one minus M
41 to begin, is that if you have something that's long-lived, then
42 the cost of rebuilding and the timeline for rebuilding is also
43 greater and so that's a buffer for having to actually recover
44 something that has a life history that makes it difficult, and
45 we've seen this obviously in this region, with animals that live
46 a long time and have, therefore, long recovery plans when
47 severely overfished.

48

1 SSC members felt that options for low M in the current MSST
2 options paper were not actually very low. For example, only two
3 reef fish stocks have an estimated M greater than 0.25. Many of
4 the reef fishes, in fact, have M's that are around 0.1 and so
5 that's actually the mode. It's not low for these stocks and
6 it's actually pretty common. That concludes what we discussed
7 under Other Business.

8
9 **MS. BOSARGE:** I didn't want to stop you in the middle, but the
10 second bullet, when you're talking about the cost, the long-term
11 cost that you were talking about, I didn't quite grasp that and
12 can you go over that one more time?

13
14 **DR. PATTERSON:** The two sides of this issue are if the stock, in
15 fact, is just fluctuating naturally and because of natural
16 productivity the biomass estimate is below the MSST, that would
17 require a rebuilding plan and so there are costs associated with
18 that.

19
20 One of the tradeoffs then, by using the one minus M times BMSY
21 to estimate MSST, is that you run the risk of having to put in a
22 rebuilding plan when the stock is just responding to natural
23 fluctuations.

24
25 On the other side -- There was no analysis to examine the other
26 side of the issue. On the other side of the issue is that if
27 you actually have a stock with low natural mortality -- For
28 example, one of the options is to have MSST defined as 0.75
29 times BMSY.

30
31 Then you would allow the stock to actually drop to a lower level
32 than if MSST was set at one minus M for a stock that, let's say,
33 for example, had an M of 0.09, like red snapper. You would
34 actually allow it to be at 75 percent instead of 91 percent of
35 the BMSY before a rebuilding plan was required.

36
37 Because of that, it would take a longer time for it to recover
38 and so that's basically the tradeoff that we discussed. We
39 don't have data quantitatively to evaluate that tradeoff or
40 analysis performed, but qualitatively, that's basically the
41 counter to the other side of the issue.

42
43 **DR. CRABTREE:** Yes, except we're not allowed to allow
44 overfishing anymore and so presumably even if the rebuilding
45 plan wasn't put in place, we would end the overfishing and the
46 stock wouldn't go down anyway. I mean a lot of the stocks we
47 have that are in trouble, like red snapper, were results of
48 decades of overfishing and that just isn't going to happen under

1 current law and so I think you have to balance that into it.

2
3 The other thing is you tried to look at just recruitment
4 fluctuation, but one of my concerns has just been are our
5 assessments precise enough to even be able to distinguish
6 between being at 90 percent of BMSY or at BMSY or at 110 percent
7 of BMSY?

8
9 I think there's a great deal of uncertainty in these assessments
10 that's more than just the recruitment fluctuation. It's just
11 all the cumulative things that we don't know and I really
12 question whether we're even able to tell, when we're that close
13 to BMSY, whether we're there or not. I think that adds on to
14 all of this as a problem.

15
16 **DR. PATTERSON:** Both of those issues were actually discussed and
17 that was one of the early points that Roy just made, is all of
18 this just sort of moot? I had a couple of offline conversations
19 with council members earlier today about that very point.

20
21 The issue is that under the reauthorized Act, and presumably the
22 soon-to-be reauthorized, reauthorized Act, that overfishing is
23 not going to be allowed to occur. We have OFL and then a buffer
24 and a buffer away from OFL and if you look at the recent
25 performance in assessments that have been done since 2007, the F
26 estimates are well below FMSY and so that's a point well taken,
27 Roy, and we actually did talk about that quite a bit in the
28 panel itself. The second issue -- Actually, I forgot what your
29 second comment was and can you remind me?

30
31 **DR. CRABTREE:** The uncertainty of the assessments.

32
33 **DR. PATTERSON:** Yes, the uncertainty of the assessments. We
34 didn't spend as much time on the uncertainty of the assessments,
35 but the way that the Act is currently written, uncertainty
36 doesn't lead you toward less conservative and it leads you
37 towards more conservative and so that was kind of what we
38 discussed there.

39
40 **DR. CRABTREE:** Well, except I believe if you Google the word
41 "uncertainty" in the statute, I don't think you will find it.

42
43 **DR. PATTERSON:** You don't find "target" either and we talked
44 about that earlier.

45
46 **CHAIRMAN GREENE:** Okay. It's getting late in the afternoon and
47 are there any other comments for Dr. Patterson? Okay. I
48 believe that wraps us up. I didn't have anything down for Other

Tab B, No. 2

1 Business and is there any other business to come before the Reef
2 Fish Committee? Come on. Nobody? We will stand adjourned.

3

4 (Whereupon, the meeting adjourned at 5:30 p.m., March 31, 2015.)

5

6

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7

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3 PAGE 56: Motion to add an alternative to Action 6, Apportioning
4 the Recreational Quota among Regions, to apportion the
5 recreational quota among the regions selected in Action 3 based
6 on 50 percent of the average historical landings formula used in
7 Reef Fish Amendment 40 (50 percent from 1986 to 2013 and 50
8 percent from 2006 to 2013), and 50 percent based on the regional
9 biogeographical differences in the stock used in the stock
10 assessments. The motion carried on page 58.
11
12 PAGE 60: Motion to move to considered but rejected the action
13 for for-hire federal permit restrictions. The motion carried on
14 page 60.
15
16 PAGE 77: Motion to add Options 5a and 5b into Action 6. The
17 motion carried on page 78.
18
19 PAGE 83: Motion to add Options 5a and 5b into Action 9. The
20 motion carried on page 83.
21
22 PAGE 84: Motion in Action 10 to remove Alternative 2b to the
23 considered but rejected appendix. The motion carried on page
24 85.
25
26 PAGE 91: Motion that Alternative 5 in Action 10 be moved to
27 considered but rejected. The motion carried on page 91.
28
29 PAGE 94: Motion that Alternative 6 in Action 11 be moved to
30 considered but rejected. The motion carried on page 95.
31
32 PAGE 96: Motion to remove Suboption 8c from Action 11,
33 Alternative 8. The motion carried on page 96.
34
35 PAGE 112: Motion in Action 1 to select Alternative 3, Option a
36 as the preferred alternative. The motion carried on page 112.
37
38 PAGE 113: Motion in Action 2.1 to make Alternative 3 the
39 preferred alternative. The motion carried on page 115.
40
41 PAGE 115: Motion to make Alternative 3 the preferred in Action
42 2.2. The motion carried on page 116.
43
44 PAGE 117: Motion in Action 3 to select Alternative 1 to be the
45 preferred alternative. The motion carried on page 118.
46
47 PAGE 142: Motion to make Alternative 9 the preferred
48 alternative in Amendment 28. The motion carried on page 144.

1
2 PAGE 145: Motion to direct staff to develop a framework action
3 to allow NMFS to hold back a portion of the commercial quota in
4 anticipation of future regulatory changes. The motion carried
5 on page 147.

6
7 PAGE 147: Motion to accept the charge of the Reef Fish Headboat
8 AP. The motion carried on page 147.

9
10 - - -

11

Reef Fish Committee: Action Schedule for Tab B (revised 5/28/2015)

Agenda Item IV: Options Paper – Joint South Florida Management

Timeline Status: Review and provide guidance to staff on major decision points

Council Input and Next Steps: The committee will review a presentation from the State of Florida that will provide background information about South Florida management issues. Staff will review the Joint Options Paper on South Florida management issues and the IPT proposed restructured and consolidated actions and alternatives.

The Committee should make recommendations in preparation for the Joint Councils meeting on Thursday. For example, Actions 9-11 overlap and are not structured for comparative analysis. The Committee needs to provide guidance to staff on objectives of the actions and attempt to consolidate alternatives based on some of the following major decision points.

- One major decision in the document is delegating yellowtail snapper, mutton snapper, and recreational management of black grouper to the State of Florida.

Another is determining whether the Gulf Council wants to proceed with establishing sector annual catch limits (ACLs) for yellowtail snapper, mutton snapper, and black grouper. In the Gulf of Mexico the recreational and commercial ACLs are undefined because it is included in the shallow-water grouper complex for both sectors.

Agenda Item V: SSC Review of Alternative Red Snapper MSY Proxies

Timeline Status: Information

Council Input and Next Steps: The SSC representative will review an analysis of possible FMSY proxies for red snapper from 40% SPR to 20% SPR and possibly lower, including the pros and cons of the alternative proxies as biological reference points. Based on the analysis, the Committee should decide whether to recommend that staff proceed with development of plan amendment to revise the MSY and FMSY proxy for red snapper

Agenda Item VI: SSC Review of the effect of recalibrated recreational removals and recreational selectivity on estimates of OFL, ABC, and MSY for Gulf Red Snapper

Timeline Status: Information

Council Input and Next Steps: The SSC representative will review analysis by the SEFSC that was requested by the Amendment 28 IPT, consisting of:

1. Sensitivity runs to evaluate the effect of recalibrated recreational removals and recreational selectivity on estimates of OFL, ABC, and MSY for Gulf red snapper, and using pre-MRIP recalibrated estimates; and,
2. The effect of alternative allocations for the recreational and commercial red snapper fisheries in the U.S. Gulf of Mexico.

The Council should consider the results of these analyses and determine whether it will be warranted to ask the SSC to reevaluate red snapper OFL and ABC once the Council selects a preferred alternative for allocation.

Agenda Item VII: Options Paper – Framework Action to set Gag ACL and Recreational Season

Timeline Status: Draft Framework Options paper; Final Action (August 2015)

Council Input and Next Steps: The SSC representative will review an analysis of recent trends in gag CPUE indices that was requested by Council staff in response to anecdotal information that the stock is not doing as well as suggested by the SEDAR 33 stock assessment. Council staff will present a revised options paper that includes projected recreational season dates under various ACLs, and the decision tool (spreadsheet) used to calculate those seasons. Council should be aware that the projected dates are preliminary and subject to change. The Committee should review the alternatives and determine if they provide a reasonable range of alternatives, or if some other alternatives should be considered. Based on Council input, staff will prepare a framework action for final action at the August Council meeting. Any changes to the gag ACL, ACT and recreational season will take effect in 2016.

Agenda Item VIII: Hogfish and Mutton Snapper OFL and ABC

Timeline Status: Approval of ABC and initiation of framework actions to adjust ACL/ACT

Council Input and Next Steps: The SSC previously reviewed and accepted the SEDAR 37 hogfish assessment and SEDAR 15A mutton snapper update assessment prepared by Florida FWC. There are three hogfish stocks, a West Florida shelf stock, a Florida Keys/Eastern Florida stock which extends into Gulf waters, and a Georgia through North Carolina stock. Mutton snapper is a single stock that crosses the South Atlantic/Gulf jurisdictions. At its May 20, 2015 meeting the SSC reviewed OFL and ABC projections for these stocks. The SSC representative will review the ABC recommendations made by the SSC for the West Florida hogfish stock. The SSC also reviewed the OFL/ABC decision made by the South Atlantic SSC for the Florida Keys/Eastern Florida stock and the mutton snapper stock, to determine if it concurs with their recommendations. The Committee should recommend whether to direct staff to begin work on a framework action to adjust ACL and ACT for these stocks. The Committee should also consider how to best coordinate management with the South Atlantic Council for the overfished Florida Keys/Eastern Florida hogfish stock.

Agenda Item IX: Updated Draft Amendment 28 – Red Snapper Allocation

Timeline Status: Revised Public Hearing Draft

Council Input and Next Steps: The Committee will review a revised public hearing draft including the Council’s new preferred alternative. In addition, the Committee is expected to consider a timeline for final action.

Agenda Item X: Draft Framework Action to Allow NMFS to Withhold a Portion of the Commercial Red Snapper Quota in 2016

Timeline Status: Options Paper

Council Input and Next Steps: The Committee will review management alternatives to withhold a portion of the 2016 commercial quota. The Committee is expected to consider a timeline for final action.

Agenda Item XI: Revised Alternatives – Amendment 39 – Regional Management of Recreational Red Snapper

Timeline Status: Revised Actions and Alternatives

Council Input and Next Steps: Staff will review the revised actions and alternatives which were presented at the March/April Council meeting. In Action 6, the resulting allocation proportions for the new Alternative 8 are provided for Committee discussion. Finally, the Committee should review all preferred alternatives and discuss their intended direction and timeline for the amendment.

Agenda Item XII: Scoping Summaries – Amendment 36 – Red Snapper IFQ Modifications

Timeline Status: Scoping workshops completed

Council Input and Next Steps: Staff presented the Scoping Workshop summaries at the April 2015 meeting, but due to a lack of time, the Committee was unable to thoroughly address this agenda item. The scoping document and scoping workshop summaries are provided in the briefing book for the Committee’s information. Staff will review the items included for potential modification in Amendment 36, and the Committee should provide further direction as to the removal, retention, or further clarification for each of the items. If appropriate, the Committee should request the modified list of items be developed into an options paper.

Agenda Item XIII: Grouper/Tilefish IFQ 5-Year Review

Timeline Status: Information

Council Input and Next Steps: The Committee will be briefed on the studies and surveys scheduled to be included in the 5-year review of the grouper/tilefish IFQ program. If warranted, The Committee could suggest additional studies to include in the review.

Agenda Item XIV: Report of the Ad Hoc Red Snapper Charter For-Hire AP

Timeline Status: AP recommendations for Amendment 41

Council Input and Next Steps: Staff will present the summary report from the AP meeting, including AP recommendations as to the design and implementation of flexible measures for the management of red snapper by the charter for-hire fleet. The Committee should discuss the potential management measures to be included in Amendment 41. The Committee is also expected to consider a timeline for Amendment 41.

Agenda Item XV: Report of the Ad Hoc Reef Fish Headboat AP

Timeline Status: AP recommendations for Amendment 42

Council Input and Next Steps: Staff will summarize the recommendations made by Headboat AP during its May 2015 meeting. The Committee will discuss potential management measures to be included in Amendment 42. The Committee is also expected to consider a timeline for Amendment 42.



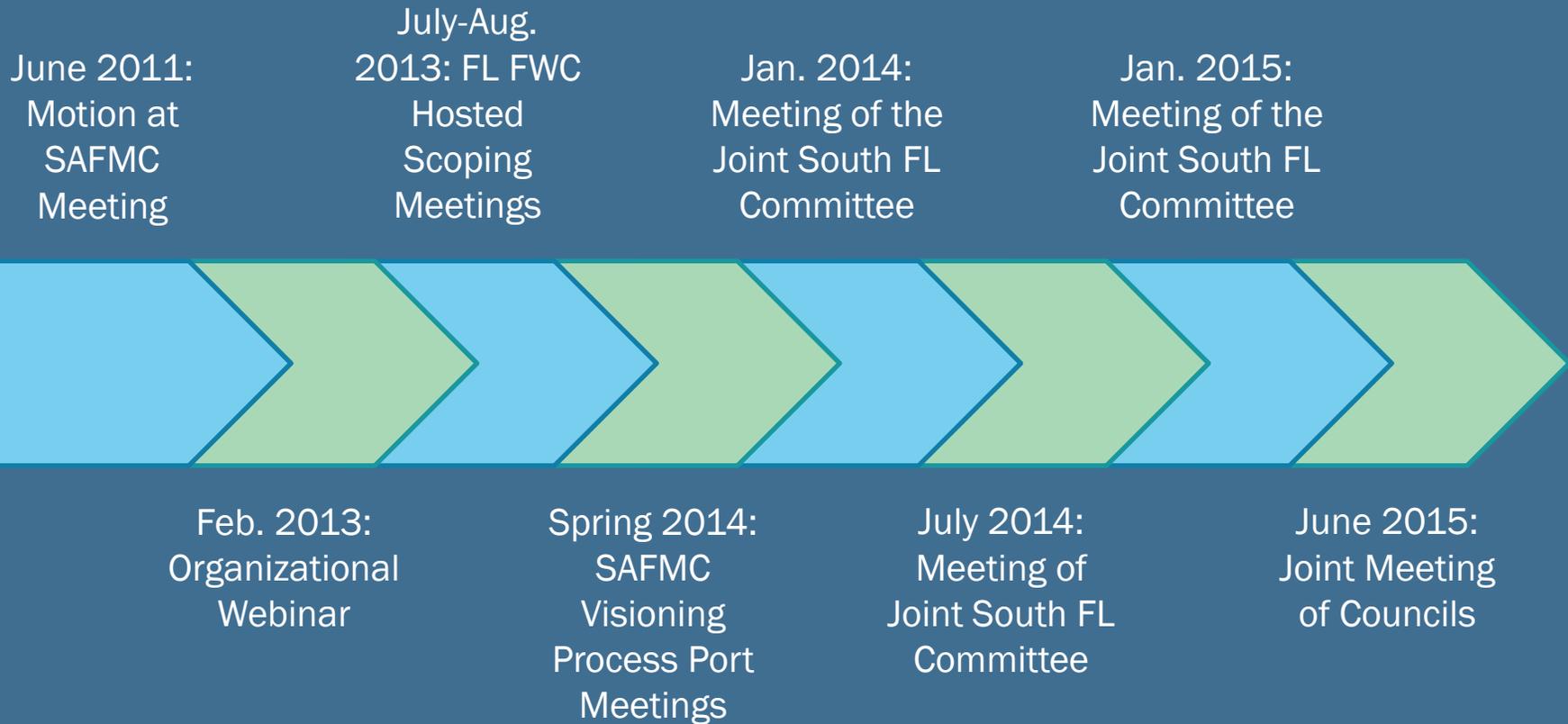
Addressing Fisheries Management in the South Florida Region

Catalyst for Action

Motion at the June 2011 South Atlantic Council Meeting:

Send a letter to the Gulf Council and the NMFS requesting the formation of an ad hoc joint committee (South Atlantic and Gulf councils) to consider the development of a joint management plan for south Florida fisheries. The ad hoc committee would also discuss with the State of Florida delegation of management for some species to the State of Florida.

Timeline



Rationale

From South Atlantic Council Meeting in June 2011:

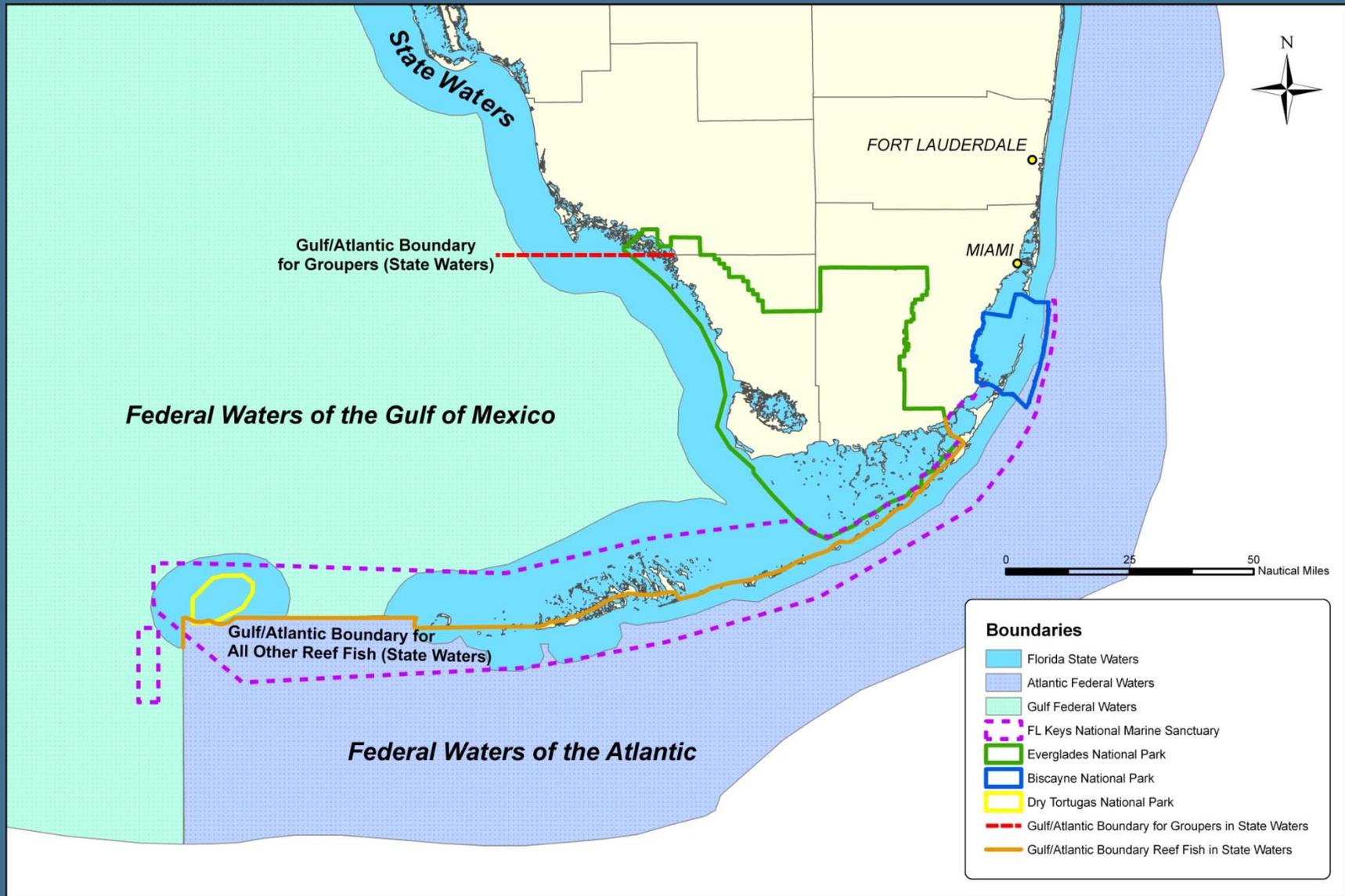
- Fishermen consistently express confusion and frustration with the multiple jurisdictional boundaries and regulations in the Florida Keys

From FWC-hosted Scoping Meetings:

- Consistency between state and federal rules is needed
- South Florida's ecosystem and fisheries are unique

From South Atlantic Council Visioning Process Port Meetings:

- Fishermen express concern over inconsistent regulations between Florida state waters, Gulf federal waters, and Atlantic federal waters (e.g., size limits, bag limits, and seasons)



Strategy Suggestions from FWC/Council Scoping Workshops

- Develop regional management for species common to south Florida
- Create a regional management council for the Keys or south Florida
- Develop a regional FMP modeled after Caribbean “Island” FMPs
- Place all of the Keys under the jurisdiction of either the South Atlantic or Gulf Council
- Manage fisheries based on species not on boundary lines
- Species that were specifically addressed
 - Yellowtail snapper
 - Mutton snapper
 - Mangrove snapper
 - Red snapper
 - Snowy grouper
 - Groupers (general)
 - Hogfish
 - Jacks
 - Lobster

Yellowtail Snapper Comments

- Manage the stock as a single unit in Atlantic and Gulf with one quota
- Transfer management authority to Florida FWC
- Change the fishing year to minimize disruptions to the fishery when quotas are met
- Implement a spawning season closure during the summer
- Circle hook requirement
 - Exempt the fishery from the requirement in the Gulf
 - Maintain the requirement



Mutton Snapper Comments

- Protect spawning fish by:
 - Implementing a spawning season closure
 - Lowering bag limits



Grouper Comments

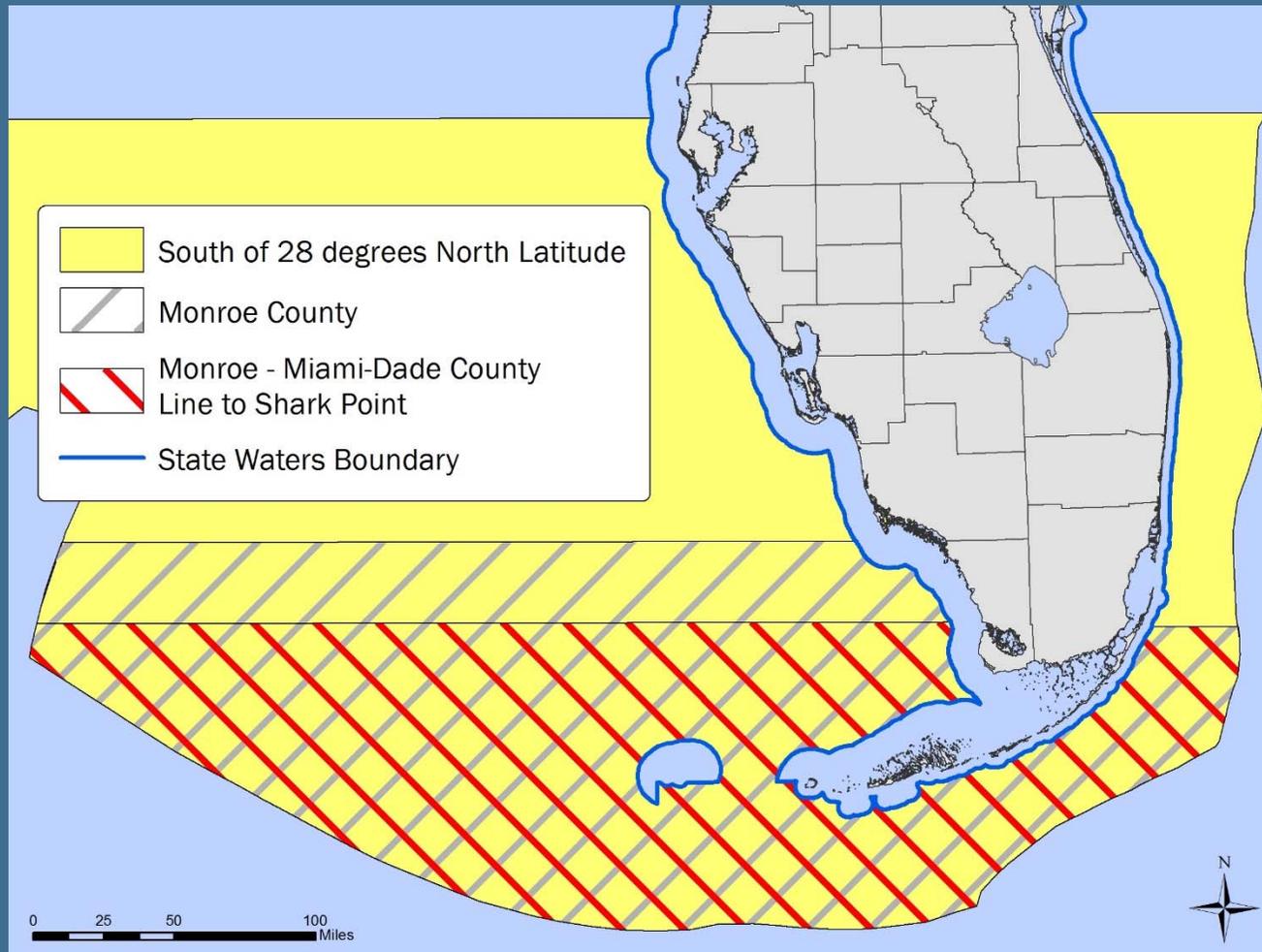
- Develop consistent regulations between Atlantic and Gulf waters
- The Atlantic shallow-water grouper closure:
 - Unnecessary because there are few gag grouper in south Florida
 - Shift the closure from Jan-Apr to Mar-May

How Has the Committee Proposed Addressing these Concerns?

- Delegate authority over specific management items in federal waters off Florida to the State of Florida for yellowtail snapper, mutton snapper, and black grouper
- Jointly set the ABC and ACL for yellowtail snapper, mutton snapper, and black grouper
- Modify recreational bag limit and commercial trip limit for mutton snapper in federal waters
- Modify the shallow-water grouper species compositions, seasonal closures, bag limits, and size limits in federal waters
- Modify the black grouper seasonal closure and bag limits in federal waters
- Change the circle hook requirements
- Set uniform accountability measures for yellowtail snapper, mutton snapper, and black grouper

What Constitutes South Florida?

Some proposed actions are being considered to apply only to a sub-area off south Florida:



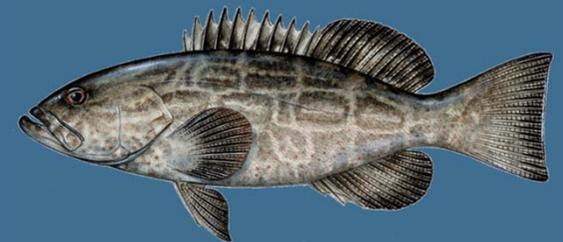
How Each Council's Approach has Differed

South Atlantic Council:

- This amendment can be an opportunity to address broader issues in management of snapper and grouper species throughout the Council's jurisdiction:
 - e.g., Seasonal closures for shallow-water groupers
 - Modifications on seasonal closures in south Florida could have a cascading effect throughout the Council's jurisdiction

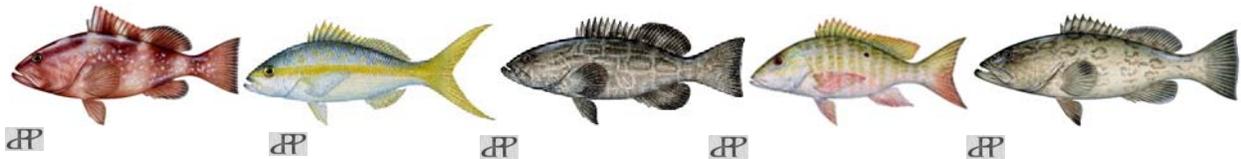
Gulf Council:

- Keep the focus of the amendment solely on issues pertinent to south Florida area



5/20/2015

Modifications to Gulf Reef Fish and South Atlantic Snapper Grouper Fishery Management Plans



Draft Joint Generic Amendment on South Florida Management Issues

June 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA15NMF4410011.

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COVER SHEET

Name of Action

Draft Joint Generic Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico and to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

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CHAPTER 1. INTRODUCTION

1.1 Background

Currently, some recreational and commercial fishing regulations for south Florida species differ between the Gulf and South Atlantic Council waters and in some cases, state and adjacent federal waters (**Tables 1** and **2**). This makes it difficult for fishermen to abide by different regulations in the south Florida area, particularly the Florida Keys, where anglers can fish in multiple jurisdictions on a single trip (**Figure 1**). The goal of the of this document and the Joint Council Committee on South Florida Management Issues (Joint Council Committee) is to provide guidance in determining the best solutions for fisheries management issues that are unique to south Florida, ultimately leading to similar regulations across the south Florida region.

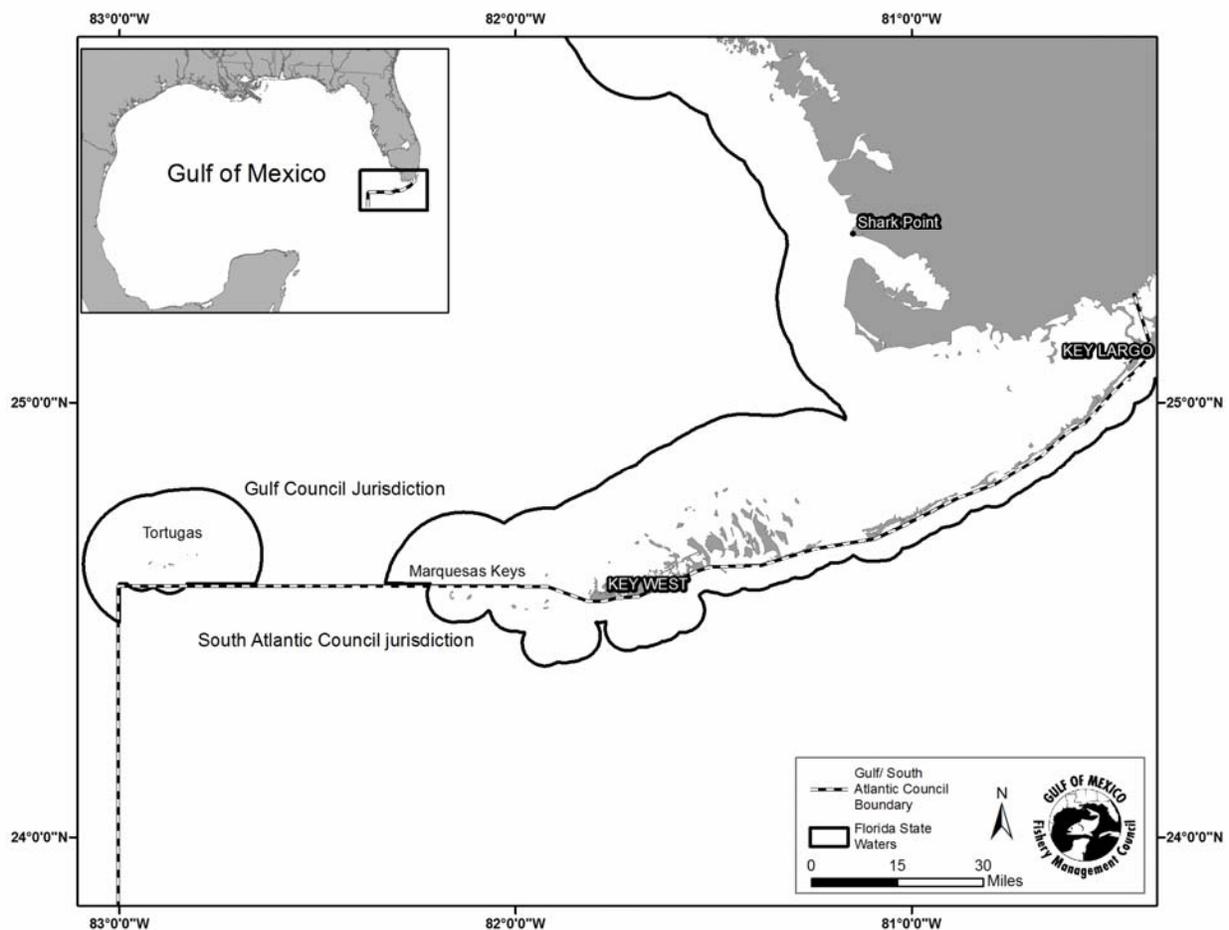


Figure 1. Inter-Council jurisdiction boundary in southern Florida, Florida Keys and Monroe County between the Gulf of Mexico and South Atlantic Councils. A full description of the inter-Council boundary can be found: 61 FR 32540, June 24, 1996, as amended at 63 FR 7075, February 12, 1998 or (CFR 600.105).

Table 1. Recreational fishing regulations for reef fish species in State waters of the Gulf/South Atlantic and federal waters of the Gulf of Mexico and South Atlantic. Minimum size limits are all in total length (TL); bag limits are per person per day; “S-G” stands for “Snapper-Grouper”.

Species	Recreational Regulations	Florida State Waters	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16” TL		
	Bag Limit	10 snapper aggregate		
	Closed season	None		
Yellowtail Snapper	Size Limit	12” TL		
	Bag Limit	10 snapper aggregate	20 S-G aggregate	
	Closed season	None		
Black Grouper	Size Limit	Atlantic: 24” TL / Gulf: 22” TL	22” TL	24” TL
	Bag Limit	1 gag or black	4 grouper aggregate	1 gag or black
	Closed season	Jan 1-Apr 30	Feb 1-Mar 31 seaward 20 fathoms	Jan 1-Apr 30
Gag	Size Limit	Atlantic: 24” TL / Gulf: 22” TL	22” TL	24” TL
	Bag Limit	1 gag or black	2 person within 4 grouper aggregate	1 gag or black
	Closed season	Jan 1-Apr 30	Jul 1-Dec 2	Jan 1-Apr 30
Red Grouper	Size Limit	20” TL		
	Bag Limit	3 per person within grouper aggregate	2 per person within 4 grouper aggregate	3 per person within grouper aggregate
	Closed season	Jan 1-Apr 30	Feb 1-Mar 31 seaward 20 fathoms	Jan 1-Apr 30
Scamp	Size Limit	Atlantic: 20” TL / Gulf: 16” TL	16” TL	20” TL
	Bag Limit	Atlantic: 3 / Gulf: 4, per person	4 per person within grouper aggregate	3 per person within grouper aggregate
	Closed season	Jan 1-Apr 30	Feb 1-Mar 31 seaward 20 fathoms	Jan 1-Apr 30
Yellowfin Grouper	Size Limit	20” TL		
	Bag Limit	Atlantic: 3 / Gulf: 4, per person	4 per person within grouper aggregate	3 grouper/person grouper aggregate
	Closed season	Jan 1-Apr 30	Feb 1-Mar 31 seaward 20 fathoms	Jan 1-Apr 30
Yellowmouth Grouper	Size Limit	20” TL	None	20” TL
	Bag Limit	Atlantic: 3 / Gulf: 4, per person	4 per person within grouper aggregate	3 grouper/person grouper aggregate
	Closed season	Jan 1-Apr 30	Feb 1-Mar 31 seaward 20 fathoms	Jan 1-Apr 30

Table 2. Commercial fishing regulations for reef fish species in State waters of the Gulf/South Atlantic and federal waters of the Gulf of Mexico and South Atlantic. Minimum size limits are all in total length (TL).

Species	Commercial Regulations	Florida Gulf/South Atlantic State Waters	Federal Waters Gulf of Mexico*	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Trip Limit	None		
	Closed season	None		
	Bag Limit	May-June: Restricted to 10 fish/person/day or trip (most restrictive)	None	May-June: Restricted to 10 fish/person/day or trip (most restrictive)
Yellowtail Snapper	Size Limit	12" TL		
	Trip Limit	None		
	Closed season	None		
Black Grouper	Size Limit	24" TL		
	Trip Limit	None		
	Closed season	Jan 1-Apr 30**	None	Jan 1-Apr 30
Gag	Size Limit	24" TL		
	Trip Limit	None		1,000 lbs gw
	Closed season	Jan 1-Apr 30**	None	Jan 1-Apr 30
Red Grouper	Size Limit	18" TL / 20" TL	18" TL	20" TL
	Trip Limit	None		
	Closed season	Jan 1-Apr 30**	None	Jan 1-Apr 30
Scamp	Size Limit	16" TL / 20" TL	16" TL	20" TL
	Trip Limit	None		
	Closed season	Jan 1-Apr 30**	None	Jan 1-Apr 30
Yellowfin Grouper	Size Limit	20" TL		
	Trip Limit	None		
	Closed season	Jan 1-Apr 30**	None	Jan 1-Apr 30
Yellowmouth Grouper	Size Limit	20" TL	None	20" TL
	Trip Limit	None		
	Closed season	Jan 1-Apr 30**	None	Jan 1-Apr 30

*All shallow-water grouper species in federal waters of the Gulf of Mexico are managed under an Individual Fishing Quota (IFQ) system, and do not have trip limits or closed seasons. **This closure applies only to South Atlantic state waters and Monroe County.

History of Gulf of Mexico and South Atlantic Councils Efforts

The Joint Council Committee was formed in response to a South Atlantic Fishery Management Council (South Atlantic Council) motion in June 2011 and the Gulf of Mexico Fishery Management Council (Gulf Council) agreeing to work together on this effort. The group was first convened in January of 2014 to begin discussing management needs of south Florida species, which refers to those areas adjacent to the Floridian peninsula and primarily south of 28° North latitude. The actions and alternatives currently considered in this document are recommendations from the Joint Council Committee. The Joint Council Committee has met three times and over the course of these meetings several actions and alternatives have been moved to the considered, but rejected section (Appendix A). The Gulf and South Atlantic Councils have only reviewed and made recommendations regarding this document during their respective March 2015 meetings.

The Gulf and South Atlantic Councils and Florida Fish and Wildlife Conservation Commission (Florida FWC) are responding to various suggestions for addressing the inconsistencies in management across the three jurisdictions (Gulf Council, South Atlantic Council, and State of Florida) in south Florida. The Joint Council Committee is currently considering a suite of management alternatives to address stakeholder concerns, and to more efficiently respond to necessary regulatory changes as they arise. One of the major changes to management structure that the Joint Council Committee is considering is delegation of management to Florida FWC for yellowtail snapper, mutton snapper, and recreational management of black grouper. These species are primarily caught and landed off the State of Florida. Because the Gulf Council currently manages commercial black grouper via the Individual Fishing Quota (IFQ) program, delegation to Florida FWC is only currently being considered for recreational management. The Joint Council Committee has also added actions and alternatives to consider addressing differences in grouper regulations in the south Florida region including species compositions, seasonal closures, bag limits, and minimum size limits. For differences in recreational and commercial regulations for grouper and snapper species see Tables 1 and 2 respectively.

Prior to the Joint Council Committee meetings Florida FWC held a series of South Florida workshops in August of 2013. Some of the ideas proffered by the public that the Joint Council Committee is not currently considered are listed below. The complete summary of these workshops can be found in Appendix C.

Separate South Florida Council

Establishing a separate Council for South Florida would be time consuming, expensive, and duplicate already existing management authority. Requirements would include congressional establishment of a new Council, appointment of staff, office space, equipment needs, etc. Also, this would introduce yet a fourth management body with which affected fishermen and the general public would need to work. The Councils concluded this is was not an efficient or effective approach.

Secession by Florida from the Gulf and South Atlantic Councils

Similar to creating a separate “South Florida Council”, a change such as this approach would require legislation to enact, and would require a significant amount of time and resources. If the

State of Florida was successful in this effort, then a commensurate set of regulations would still have to be developed and fishermen would still be operating under three management jurisdictions. The Councils concluded this was not an efficient or effective approach.

Streamlining management measures in South Florida

During the spring of 2014, the South Atlantic Council held port meetings in south Florida as part of their visioning project to develop a long-term vision and strategic plan for the snapper-grouper fishery. Stakeholder input received at these meetings echoed the sentiment heard during the Joint South Florida Issues workshops held by Florida FWC in August 2013. Stakeholder concerns during the port meetings included, but were not limited to: inconsistent regulations between Florida and the two federal jurisdictions (size limits, bag limits, and seasons); spawning season closures; circle hook requirements; and species specific concerns about black grouper, yellowtail snapper, and mutton snapper. Based upon growing stakeholder concern and feedback, the Joint Committee moved forward with development of an amendment that would address the aforementioned concerns.

Delegation Requirements and Considerations

Delegation to Florida FWC would require their agreement to accept responsibility of management of various species throughout their range, or species management could be limited to waters off the State of Florida, if other Gulf and South Atlantic States prefer to manage those species in federal waters. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the fishery management plan (FMP; Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If NMFS determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

Structure of the Current Document

During the second meeting, the Joint Council Committee reviewed a draft document organized by type of action with sub-alternatives for each species involved (management-oriented actions), but found this approach to be unnecessarily complicated. The Joint Council Committee then changed their approach to the discussions and organized the actions by species and addressed each type of action that applied to that particular species. The Joint Council Committee directed

staff to further develop the actions/alternatives using species-oriented structure. This structure facilitates the development of specific management alternatives for each species throughout the south Florida region.

The organizational structure was again discussed during the third meeting. NOAA General Counsel thought the document would be improved if the actions/alternatives were organized by type of action with sub-alternatives for each species (management-oriented actions). However, the Joint Council Committee was more comfortable with the current structure organized by species and also thought the public would better understand the proposed alternatives with this structure. The Joint Council Committee directed staff to maintain the current structure (species-oriented actions).

The Joint Council Committee has pursued the approaches outlined in this document in an effort to harmonize fisheries regulations, where possible, throughout the south Florida region and in some cases even throughout the Gulf and South Atlantic Council jurisdictions. Several species occurring in this region do not occur in comparable abundance elsewhere in Gulf or South Atlantic waters. This regional concentration of socially and economically important species creates an opportunity for the Councils to develop consistent recreational and commercial regulations. Current regulations for yellowtail snapper, mutton snapper, and shallow-water grouper complexes in the Gulf and South Atlantic are being considered in this amendment and proposed management alternatives aim to simplify existing fishing regulations across jurisdictions.

1.2 Purpose and Need

The wording shown for Purpose and Need is new proposed language from the IPT.

The purpose for this amendment is to simplify fisheries management issues unique to reef fish species in the south Florida region, which are currently managed by different regulatory agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters.

The need for this amendment is to decrease the public's burden of compliance with differing regulations based on separate regulatory agencies across adjacent bodies of water (i.e., Gulf of Mexico, South Atlantic, and State of Florida waters). This action would decrease administrative burdens with respect to geographical and temporal law enforcement concerns, and would improve the efficacy with which fishery resources in the south Florida region are managed.

COUNCIL ACTION

- Option 1. Consider approving the Purpose and Need as shown above or
- Option 2. Consider modifying the wording for the Purpose and Need and approve.

CHAPTER 2. DRAFT MANAGEMENT ALTERNATIVES

Action 1 & 2 pertain exclusively to yellowtail snapper.

Action 1: Partial Delegation of Commercial and/or Recreational Management of Yellowtail Snapper to the State of Florida for Federal Waters Adjacent to the State of Florida

Note: Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Action 2.

Alternative 1: No action. Do not delegate management of yellowtail snapper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively. **(SAFMC SG AP)**

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for yellowtail snapper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for yellowtail snapper:

Option 3a: Size limits

Option 3b: Seasons

Option 3c: Trip limits

Option 3d: Minor modifications to existing allowable gear

IPT Note: To apply the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)) the process for delegating management measures to the State of Florida will need further discussion and clarification. Specifically, the Joint Council Committee recommendation that would require the State of Florida to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils ultimately may not be a required.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d and 3d from Action 1 if the Councils cannot determine what exactly is desired by “minor modifications to existing allowable gear”. Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

Note: South Atlantic Fishery Management Council’s Snapper Grouper AP (SAFMC SG AP) recommendations are in green.

COUNCIL ACTION

Option 1. Consider approving Action 1 alternatives for detailed analyses after staff receives IPT requested clarification.

Option 2. Consider moving Options 2d and 3d to the considered but rejected appendix.

Option 3. Consider the SAFMC SG AP recommendation.

Discussion

This action considers partial delegation of the management of yellowtail snapper to the State of Florida for the recreational (**Alternative 2**) and/or commercial (**Alternative 3**) fisheries. It is the Joint Council Committees’ preference that the Councils remain responsible for establishing and implementing ACLs and AMs. The harvest of yellowtail snapper is almost entirely from waters adjacent to the State of Florida (**Tables 3 and 4**). The Councils would remain responsible for setting acceptable biological catch (ABC) and annual catch limit (ACL) values, and for establishing accountability measures (AMs). Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf of Mexico Fishery Management Council (Gulf Council) and the South Atlantic Fishery Management Council (South Atlantic Council) (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state’s regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state’s regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Councils of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS’ determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of yellowtail snapper would be retained by the Councils. The regulations outlined in **Tables 1 and 2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the yellowtail snapper season opens for both Councils on January 1.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for yellowtail snapper, including: **Option 2a-** size limits; **Option 2b-** seasons; **Option 2c-** bag limits; and **Option 2d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees’

preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Alternative 3 would determine specific commercial management items for delegation to the State of Florida for yellowtail snapper, including: **Option 3a-** size limits; **Option 3b-** seasons; **Option 3c-** tip limits; and **Option 3d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of commercial fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Table 3. Mean percent of recreational landings (lb ww) by species and state, 2009-2013.

Species	FL	AL	GA	LA	MS	NC	SC	TX
yellowtail snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
mutton snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
black grouper	94.8%	5.0%	0.0%	0.0%	0.0%	0.0%	0.01%	0.2%

Table 4. Mean percent of commercial landings (lb ww) by species and state, 2009-2013.

Species	FL	AL	GA	LA	MS	NC	SC	TX
yellowtail snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
mutton snapper	97.5%	0.0%	0.1%	0.0%	0.0%	0.7%	1.7%	0.0%
black grouper	93.2%	0.6%	1.1%	0.6%	0.0%	0.2%	2.1%	2.2%

Action 2: Establish and Consolidate ABCs and ACLs for Yellowtail Snapper

Note: Alternatives in this Action may be selected in conjunction with those in Action 1, meaning delegation to the State of Florida could be selected and yellowtail snapper could be managed with an overall ABC, with or without sector ACLs.

Alternative 1. No action. Maintain the current commercial and recreational ACLs for yellowtail snapper based on the South Atlantic Council's Snapper Grouper Fishery Management Plan and maintain the current total ACL for yellowtail snapper in the Gulf based on the Reef Fish FMP. (SAFMC SG AP)

Alternative 2: Manage yellowtail snapper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:

Option 3a: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3b: Base sector allocations on average landings from 2009-2013

Option 3c: Base sector allocations on average landings from 2004-2013

IPT Note: Staff needs clarification if this action pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions

COUNCIL ACTION

Option 1. Consider approving Action 2 alternatives for detailed analyses after staff receives IPT requested clarification.

Option 2. Consider the SAFMC SG AP recommendation

Discussion

This action considers establishing and combining Gulf and South Atlantic annual catch limits (ACLs) for yellowtail snapper into one Southeastern U.S. acceptable biological catch (ABC) and ACL. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective Scientific and Statistical Committees (SSC) for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for the overfishing limit (OFL) and ABC for yellowtail snapper. Although yellowtail snapper has been managed as two separate stocks for regulatory purposes, the stock assessment considered yellowtail snapper from the Gulf and South Atlantic to be a single biological stock (SEDAR 27 2013). For the purposes of management of yellowtail snapper, the ACL could be set equal to the ABC since the stock is not currently overfished or undergoing overfishing (SEDAR 27 2013). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in

addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council’s SSC agrees to an ABC for yellowtail snapper based on yield projections from the most recent stock assessment (SEDAR 27 2013). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for yellowtail snapper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1993-2008 + 50% of catch history from 2006-2008 resulting in 75% of the ABC going to the South Atlantic, 25% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would use both Councils’ agreed upon ABC for management of yellowtail snapper as a single unit with an overall combined ACL. Currently each Council’s SSC agrees to an ABC for yellowtail snapper from the most recent stock assessment. A similar method would be used for this alternative and for **Alternative 3**. The method of management in **Alternative 2** could still have within it recreational and commercial fishing allocations. However, neither sector would close in a fishing year so long as the overall ACL had not been met, if that accountability measure (AM) was selected as preferred.

Alternative 3 would use both Councils’ agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3a – 3c**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. **Option 3b** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 5** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 6**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council’s jurisdiction. For yellowtail snapper, the respective ACLs were not exceeded; however, in 2012 the commercial sector landed 90% of their ACL. Subsequently a new stock assessment showed that the ABC could be increased permitting an increase in ACLs for both Councils.

Table 5. Sector allocation options for yellowtail snapper for Alternative 3 of Action 2. Percentages were derived from landings in whole weight.

Yellowtail Snapper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	76%	24%
Option 3b	80%	20%
Option 3c	73%	27%

Landings Data Description

The following methods were used to partition landings of yellowtail snapper, mutton snapper, and black grouper between the Gulf and South Atlantic Councils by sector. Commercial landings are assigned to sub-region (Gulf of Mexico or South Atlantic) based on fisher-reported catch area. For example, landings reported north of U.S. 1 are considered to be within the Gulf of Mexico jurisdiction and south of U.S. 1 landings are considered to be within the South Atlantic jurisdiction. Headboats based from Texas to Gulf-based in Monroe County are within the Gulf of Mexico jurisdiction, and headboats from North Carolina to the Florida Keys are within the South Atlantic jurisdiction. Marine Recreational Fisheries Statistics Survey (MRFSS) data was post-stratified to break the Florida Keys out from the Gulf of Mexico landings. The MRFSS landings from the Florida Keys were re-assigned to the South Atlantic Council, because most legal sized yellowtail snapper, black grouper, and mutton snapper are likely caught in South Atlantic waters (GMFMC CL/AM Amendment 2011).

Table 6. Commercial and recreational landings of yellowtail snapper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight. Gulf commercial landings data for 1993 are confidential.

Year	Commercial		Recreational	
	<i>Gulf</i>	<i>South Atlantic</i>	<i>Gulf</i>	<i>South Atlantic</i>
1993	Confidential	1311367	51015	1189637
1994	1344942	860543	11762	880763
1995	591074	1265856	3434	660358
1996	485120	973815	2854	554130
1997	218384	1455496	2008	702997
1998	341479	1183074	4965	487063
1999	601027	1245345	39260	288951
2000	388984	1203154	4781	395845
2001	246849	1174008	7045	328458
2002	341823	1069057	7782	407848
2003	463743	948886	11472	510314
2004	478221	1002309	17937	698058
2005	510437	814899	31176	576247
2006	542237	694958	21477	560320
2007	350079	628608	19726	786399
2008	460569	910323	6056	746313
2009	891925	1085281	19250	348536
2010	569275	1126231	8783	434259
2011	769730	1125220	25560	390998
2012	630984	1439586	5087	493409
2013	728387	1305002	6991	666026

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the yellowtail snapper fishery has historically been dominated by the commercial fishery. It is important to note that during the time periods considered in Alternative 3, neither the commercial nor the recreational sector exceeded their respective ACLs in the South Atlantic waters and the Stock ACL in the Gulf waters.

Actions 3-6 pertain exclusively to mutton snapper

Action 3: Partial Delegation of Commercial and/or Recreational Management of Mutton Snapper to the State of Florida in Federal Waters Adjacent to the State of Florida

Note: Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Actions 4, 5, and 6.

Alternative 1: No action. Retain management of Mutton Snapper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively. **(SAFMC SG AP)**

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for Mutton Snapper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for Mutton Snapper:

Option 3a: Size limits

Option 3b: Seasons

Option 3c: Trip limits

Option 3d: Minor modifications to existing allowable gear

IPT Note: To apply the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)) the process for delegating management measures to the State of Florida will need further discussion and clarification. Specifically, the Joint Council Committee recommendation that would require the State of Florida to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils may ultimately not be a required.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d and 3d from Action 1 if the Councils cannot determine what exactly is desired by “minor modifications to existing allowable gear”. Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

IPT Note: Delegating the setting of bag limits and trip limits under Alternatives 2 and 3 (Options 2c and 3c) in this action seems to duplicate efforts in Actions 5 and 6. If it is the Councils’

desire is to delegate management measures to the State of Florida as outlined in this action, then the Councils' may wish to reconsider the establishment of bag and trip limits for mutton snapper (Actions 5 and 6).

COUNCIL ACTION

Option 1. Consider moving Options 2d and 3d to the considered but rejected appendix.

Option 2. Consider approving Action 3 alternatives for detailed analyses after staff receives IPT requested clarification.

Option 3. Consider the SAFMC SG AP recommendation.

Discussion

This action considers partially delegating the management of mutton snapper to the State of Florida for the recreational (**Alternative 2**) and/or commercial (**Alternative 3**) fisheries. The harvest of mutton snapper is almost entirely from Florida (**Tables 3 and 4**). The Councils would remain responsible for setting ACLs and for establishing AMs. Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. Additionally, prior to implementing any changes in management items delegated herein, the Joint Council Committee recommended that the State of Florida be required to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils. This may not be required based on the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)). The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of mutton snapper would be retained by the Councils. The regulations outlined in **Tables 1 and 2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the mutton snapper season opens for both Councils on January 1.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for mutton snapper, including: **Option 2a-** size limits; **Option 2b-** seasons; **Option 2c-** bag limits; and **Option 2d-** minor modifications to existing gear. Multiple options

may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Alternative 3 would determine specific commercial management items for delegation to the State of Florida for mutton snapper, including: **Option 3a**- size limits; **Option 3b**- seasons; **Option 3c**- trip limits; and **Option 3d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of commercial fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Action 4: Establish and Consolidate ABCs and ACLs for Mutton Snapper

Note: Alternatives in this Action may be selected in conjunction with those in Actions 3, 5, and 6. More than one alternative may be selected as preferred in this action.

Alternative 1. No action. Maintain the current commercial and recreational ACLs for mutton snapper based on the South Atlantic Councils Snapper Grouper Fishery Management Plan and maintain the current total ACL for mutton snapper in the Gulf based on the Reef Fish Resources FMP. (SAFMC SG AP)

Alternative 2: Manage mutton snapper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:

Option 3a: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3b: Base sector allocations for waters off Florida on average landings from 2009-2013

Option 3c: Base sector allocations for waters off Florida on average landings from 2004-2013

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

COUNCIL ACTION

Option 1. Consider approving the Action 4 alternatives for detailed analyses after staff receives IPT requested clarification.

Option 2. Consider the SAFMC SG AP recommendation.

Discussion

This action considers establishing and combining Gulf and South Atlantic ACLs for mutton snapper into one Southeastern U.S. ABC and ACL. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective SSC for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for the OFL and ABC for mutton snapper. Although mutton snapper has been managed as two different stocks for regulatory purposes, the stock assessment (SEDAR 15A 2008) and recent update assessment (2015 SEDAR 15A Update) considers mutton snapper from the Gulf and South Atlantic to be a single biological stock. For the purposes of management the ACL could be equal to the ABC, since mutton snapper are not presently overfished or experiencing overfishing (SEDAR 15A 2008). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering

other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council’s SSC agrees to an ABC for mutton snapper based on yield projections from the most recent stock assessment (SEDAR 15A 2008). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for mutton snapper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1990-2008 + 50% of catch history from 2006-2008 resulting in 79% of the ABC going to the South Atlantic and 21% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would manage mutton snapper as a single unit with an overall combined multijurisdictional ABC and ACL. This method of management could still have within it recreational and commercial fishing allocations. However, neither sector would be closed in a fishing year so long as the overall ACL had not been met, if that accountability measure (AM) was selected as preferred.

Alternative 3 would use both Councils’ agreed upon acceptable biological catch (ABC) for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3a – 3c**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. The current years used for the jurisdictional apportionment for mutton snapper are established by using 50% of catch history from 1990-2008 instead of 1993. The Councils used 50% of the catch history from 1993-2008 for the yellowtail snapper jurisdictional apportionment. **Option 3b** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 7** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 8**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council’s jurisdiction. For mutton snapper, the respective ACLs were not exceeded.

Table 7. Sector allocation options for mutton snapper for Alternative 3 of Action 4. Percentages were derived from landings in whole weight.

Mutton Snapper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	32%	68%
Option 3b	25%	75%
Option 3c	27%	73%

Table 8. Commercial and recreational landings of mutton snapper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight. Gulf commercial landings data for 1993-1996 are confidential. For explanation of landings data see Action 2 discussion.

Year	Commercial		Recreational	
	<i>Gulf</i>	<i>South Atlantic</i>	<i>Gulf</i>	<i>South Atlantic</i>
1993	Confidential	169112	4664	540658
1994	Confidential	176022	4946	399568
1995	Confidential	196265	2767	458726
1996	Confidential	207243	20493	314405
1997	69841	221674	2303	339350
1998	73343	282490	10665	312690
1999	84854	168141	3583	266928
2000	80146	124475	1717	340501
2001	99960	133047	4077	302430
2002	101446	132219	2705	422465
2003	124508	144109	9891	555855
2004	201938	145861	13296	396210
2005	140947	96298	2243	466909
2006	214115	74839	1976	631323
2007	133086	88550	34047	748118
2008	81391	76705	20281	822520
2009	43689	78132	5766	436032
2010	54242	74737	1541	569471
2011	94238	66158	1391	281247
2012	88695	77122	7156	477022
2013	107814	73392	4960	481731

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the mutton snapper fishery has historically been dominated by the recreational fishery. It is important to note that during the time periods considered in **Alternative 3**, neither the commercial nor the recreational sector exceeded their respective ACLs.

Action 5. Modify Mutton Snapper Recreational Bag Limit in Gulf of Mexico and South Atlantic

Note: Alternatives in this Action may be selected in conjunction with those in Actions 3, 4, and 6.

Alternative 1: No action. Mutton snapper is part of the aggregate 10 snapper bag limit in the Gulf of Mexico, the South Atlantic, and the State of Florida. In the Gulf of Mexico, the 10 snapper-per-person aggregate includes all snapper species in the reef fish management unit except red snapper, vermilion snapper, and lane snapper (**Table 9**). In the South Atlantic, the 10 snapper-per-person aggregate includes all snapper species in the snapper grouper management unit except red snapper and vermilion snapper (**Table 9**). Cubera snapper less than 30 inches total length (TL) are included in the 10 fish bag limit. The aggregate 10 snapper bag limit includes a maximum of 2 cubera snapper per person (not to exceed 2 per/vessel) for fish 30 inches TL or larger off Florida.

Alternative 2: Remove mutton snapper from the recreational aggregate bag limit and change the recreational bag limit for mutton snapper during the regular season (July-April) and during the spawning season (May-June).

Option 2a: 10 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Option 2b: 5 fish/person/day in the regular season, 2 fish/person/day during the spawning season (**SAFMC SG AP**)

Option 2c: 4 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Alternative 3: Retain mutton snapper within the aggregate 10 snapper bag limit in the Gulf of Mexico and the South Atlantic, but specify bag limits for mutton snapper within the snapper recreational aggregate bag limit during the regular season (July-April) and during the spawning season (May-June).

Option 3a: Within the aggregate snapper bag limit, no more than 10 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Option 3b: Within the aggregate snapper bag limit, no more than 5 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Option 3c: Within the aggregate snapper bag limit, no more than 4 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

IPT Note: The Councils' may wish to revisit the inclusion of both Options 2b/c and 3b/c, since they differ by only 1 fish per person per day. If the Councils wish to include both options, then additional rationale will help frame subsequent analyses.

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Establishing recreational bag limits in this action seems to duplicate efforts in Action 3. If it is the Councils' desire to establish recreational bag limits for mutton snapper in the manner shown in this action then the Councils may wish to reconsider delegating the establishment and modification of bag limits for mutton snapper to the State of Florida as outlined in Action 3. It would seem to be contradictory to consider delegating the recreational bag limits to the State of Florida in one action, and then to rationalize appropriate bag limit modifications under a Council management strategy in another action.

COUNCIL ACTION

Option 1. Consider approving the Action 5 alternatives for detailed analyses after staff receives IPT requested clarification. Specifically the consideration of Options 2b/c and 3b/c since they differ by 1 fish per person per day.

Option 2. Consider the SAFMC SG AP recommendation.

Discussion

There is concern by the public regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season in the Florida Keys despite the healthy status of the mutton snapper stock. In 2010, the Snapper Grouper Advisory Panel (SGAP) recommended that the South Atlantic Council consider a spawning area closure or a seasonal closure in May and June of each year. Furthermore, the SGAP recommended that the mutton snapper bag limit be reduced to 3 fish per person per day. According to the most recent stock assessment of mutton snapper in the southeastern United States (SEDAR 15A 2008), mutton snapper are neither overfished ($SSB_{2006}/SSB_{30\%SPR} = 1.14$) nor experiencing overfishing ($F_{2006}/F_{30\%SPR} = 0.51$). An update stock assessment of mutton snapper is expected to be made available to the Councils by June 2015. Currently, mutton snapper is part of the 10 snapper aggregate in the Gulf and South Atlantic (**Table 9**). Current regulations for mutton snapper in the Gulf and South Atlantic are shown in **Table 10**.

Table 9. Species composition of the 10 snapper aggregate in the Gulf and South Atlantic.

Gulf of Mexico	South Atlantic
Gray snapper	Gray snapper
Mutton snapper	Mutton snapper
Yellowtail snapper	Yellowtail snapper
Cubera snapper	Cubera snapper
Queen snapper	Queen snapper
Blackfin snapper	Blackfin snapper
Silk snapper	Silk snapper
Wenchman	Dog snapper
	Lane snapper
	Mahogany snapper

Table 10. Current recreational mutton snapper fishing regulations in State waters off Florida, the Gulf of Mexico and the South Atlantic (June 2015).

Species	Regulations	State Waters Gulf and South Atlantic	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Bag Limit (per person/day)	10 snapper aggregate (per person/day)		
	Season	Year round		

The peak of mutton snapper recreational landings occur during the May-June spawning season (Wave 3) in the South Atlantic during 2012 and 2013 (**Table 11**). Impacts of various bag limits for 2011-2013 are shown in **Table 12**. An examination of the recent years of complete data (2011- 2013) revealed there were only 72 trips (0 in Texas, 6 private/charter and 66 headboat trips) in the Gulf of Mexico region that landed mutton snapper. Because there were not enough samples for the Gulf of Mexico region to complete a meaningful analysis, the recreational bag limit analysis for mutton snapper is focused on the South Atlantic region (Appendix D).

The main difference between **Alternatives 2** and **3** is that **Alternative 2** removes mutton snapper from the snapper recreational aggregate bag limit, while **Alternative 3** retains mutton snapper within the snapper recreational aggregate bag limit. Both **Alternatives 2** and **3** establish specific bag limits for mutton snapper during the regular and spawning seasons, respectively. For both alternatives, **Options 2a and 3a** consider maintaining the recreational bag limit of 10 fish/person/day during the July-April regular season, and reducing the recreational bag limit to 2 fish/person/day during the spawning season. **Options 2a and 3a** would be expected to reduce recreational harvest during the May-June (Wave 3) spawning season by 22% for the headboat sector and 20% for the private/charter sector; however, there would be no reduction in recreational harvest during July-April (**Table 12**). **Option 2b and 3b** would specify a 5 fish/person/day for the recreational sector during July-April, and 2 fish/person/day during the May-June spawning season. **Option 2b and 3b** would be expected to reduce recreational harvest during the regular season by 6% for the headboat sector, and 6% for the private/charter sectors. **Options 2c and 3c** would specify a 4 fish/person/day for the recreational sector during July-April, and 2 fish/person/day during the May-June spawning season. **Options 2c and 3c** would be expected to reduce recreational harvest during the regular season by 9% for the headboat sector, and 5% for the private/charter sectors. A 2 fish/person/day spawning season recreational bag limit would be expected to reduce harvest by 22% and 20% for the headboat and private/charter sectors, respectively during the May-June spawning season (**Table 12**). If **Alternative 2** is selected by itself, it could potentially increase the opportunity for the recreational harvest of the snapper species still included as part of the snapper recreational aggregate bag limit.

Table 11. South Atlantic recreational (private, charter, headboat) mutton snapper landings by wave. Source: http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/index.html.

Year	1	2	3	4	5	6	Total
2012	46,282	102,210	182,880	77,015	27,275	34,366	470,028
2013	50,961	36,208	175,774	91,913	90,689	36,186	481,731

Table 12. Percent reductions in landings for various bag limits generated from South Atlantic recreational landings for the years 2011 and 2013. The reductions were calculated in terms of mutton snapper numbers with respect to dataset (MRIP and headboat) and non-spawning (July to April) and spawning (May-June) season.

Bag Limit	MRIP			Headboat		
	Jul-Apr	May-Jun	All Year	Jul-Apr	May-Jun	All Year
10	0.0	0.0	0.0	0.0	0.0	0.0
9	0.2	1.3	0.4	0.3	0.4	0.3
8	0.4	2.5	0.9	0.7	0.8	0.7
7	1.3	3.8	1.8	1.3	2.0	1.5
6	2.3	5.1	2.9	2.9	3.8	3.1
5	3.5	6.3	4.1	5.5	6.2	5.7
4	5.1	8.4	5.8	9.4	9.7	9.5
3	8.5	12.7	9.3	15.3	14.7	15.2
2	14.1	20.3	15.3	25.0	21.7	24.2
1	29.3	34.2	30.3	37.5	32.4	36.3

The distribution of mutton snapper catch-per-angler is shown in **Figure 2**. As can be seen, most anglers catch three or fewer mutton snapper. Furthermore, most of the mutton snapper landings are from the Southeast (**Figure 3**) data collection area which is in the South Atlantic Council jurisdiction.

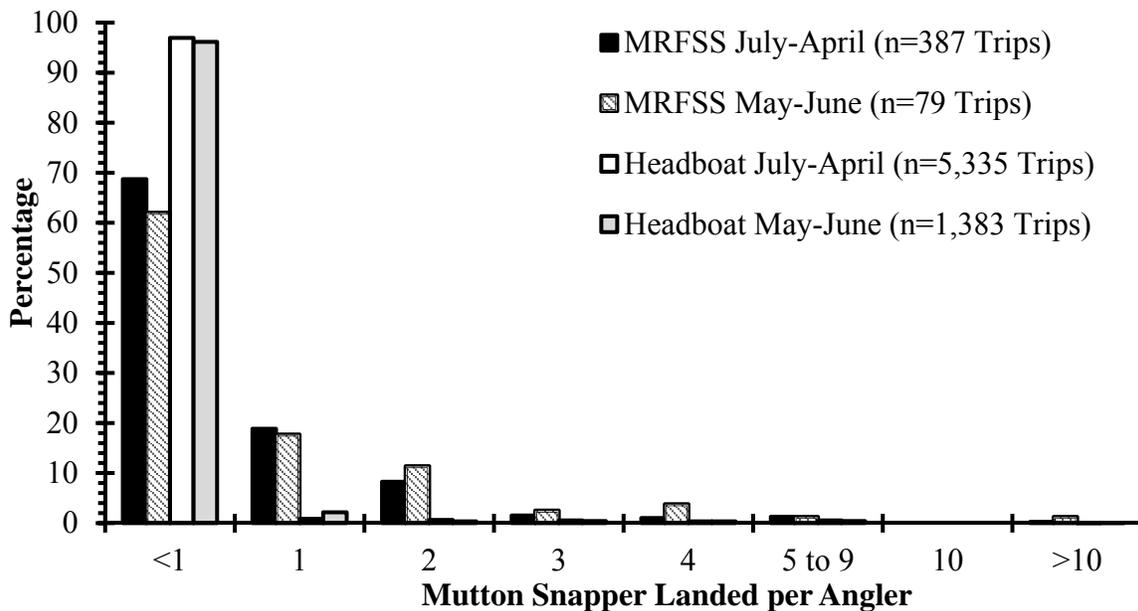


Figure 2. Distribution of South Atlantic mutton snapper landed per angler by season from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. The regular season is from July to August and the spawning season is from May to June.

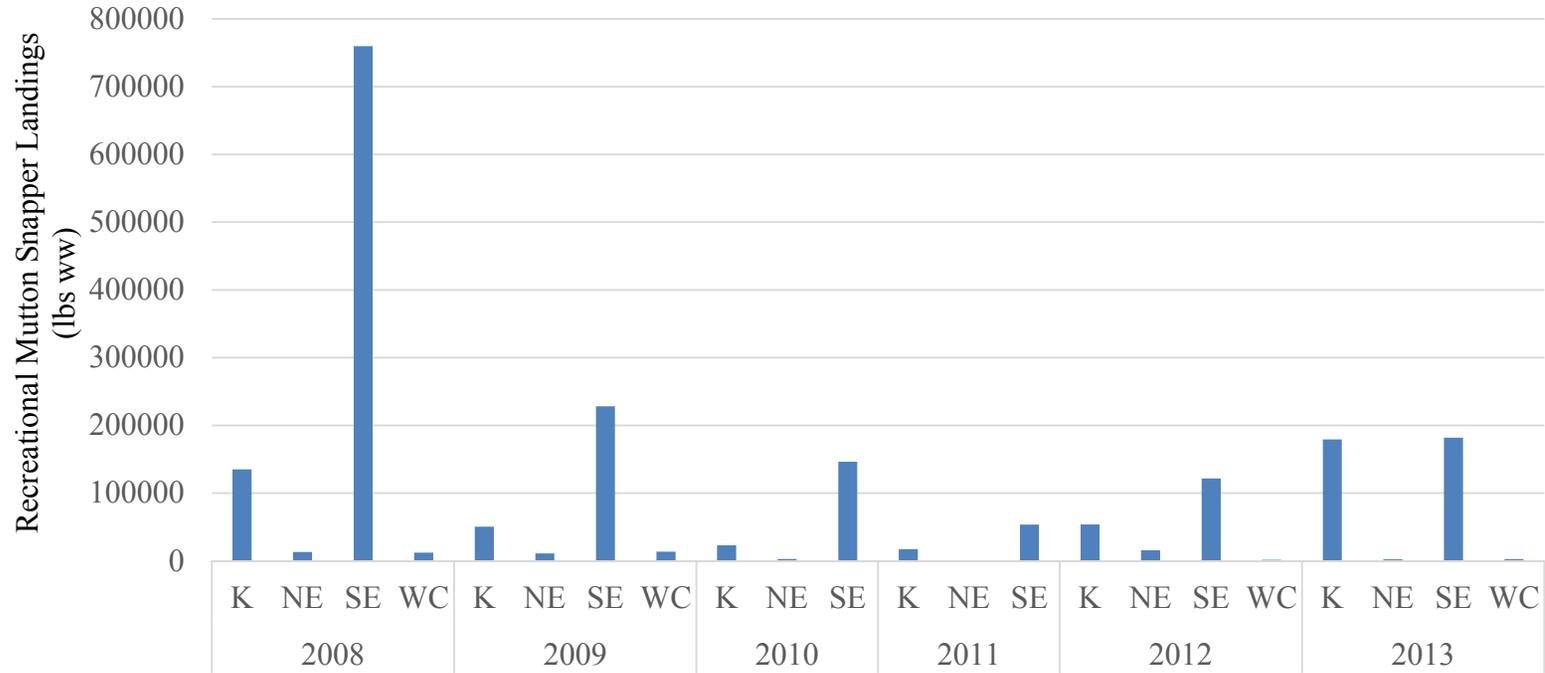


Figure 3. Total recreational landings (lbs ww) of mutton snapper from Florida waters from 2008-2013 by reporting region: K = Keys (Monroe County), NE = Northeast (Nassau County to Brevard County), SE = Southeast (Indian River County to Dade County), WC = West Central (Collier County to Citrus County). The Panhandle of Florida (otherwise denoted as “P”; Levy County to Escambia County) is not represented here due to the absence of mutton snapper landings in the Panhandle region.

Action 6. Modify Mutton Snapper Commercial Trip Limit in the Gulf of Mexico and South Atlantic

Note: Alternatives in this Action may be selected in conjunction with those in Actions 3, 4, and 5.

Alternative 1: No action. During May-June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf or South Atlantic from July through April. **(SAFMC SG AP)**

Alternative 2: Establish a commercial trip limit for mutton snapper during the regular season (July through April) in the Gulf of Mexico and the South Atlantic.

Option 2a: 10 fish/person/day

Option 2b: Some higher bag or trip limit.

Alternative 3: Specify a commercial trip limit for mutton snapper during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 3a: 2 fish/person/day

Option 3b: 5 fish/person/day

Option 3c: 10 fish/person/day

Option 3d: No bag or trip limit

Alternative 4: Specify a commercial trip limit for mutton snapper that is identical to the recreational bag limit during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Alternative 5: Specify a commercial trip limit for mutton snapper for the handline sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 5a: 2 fish/person/day

Option 5b: 5 fish/person/day

Option 5c: 10 fish/person/day

Option 5d: Some other trip limit

Alternative 6: Specify a commercial trip limit for mutton snapper for the longline sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 6a: 500 pounds whole weight (450 pounds gutted weight) trip limit

Option 6b: Some other trip limit

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Establishing commercial trip limits in this action seems to duplicate the efforts of Action 3. If it is the Councils' desire to establish trip limits for mutton snapper in the manner shown in this action then the Councils may wish to reconsider delegating the establishment and modification of trip limits for mutton snapper to the State of Florida as outlined in Action 3. It

would seem to be contradictory to consider delegating the setting of trip limits to the State of Florida in one action, and then to rationalize appropriate bag limit or trip limit modifications under a Council management strategy in another action.

IPT Note: The Councils may wish to consider vessel limits for commercial mutton snapper fishing. The biological effects of bag limits could vary depending on the number of crew aboard a commercial fishing vessel, making biological effects more difficult to determine. For example, the biological effects of four crew members retaining the per-person trip limit in Alternative 5 would be greater than the same for only two crew members. Analysis of Alternative 5 may prove difficult, since there is no way to know how many crew could be on board a commercial fishing vessel on any given day.

COUNCIL ACTION

Option 1. Consider approving Action 6 alternatives for detailed analyses after staff receives IPT requested clarification.

- Provide guidance for Option 5d and Option 6b trip limits for analysis, analyses cannot be completed as currently written.
- Consider including gutted weight and whole weight for the longline component of the commercial sector.
- Consider using the wording “vertical line” instead of “handline” in Alternative 5.
- Consider commercial trip limits be limited to the spawning season (May-June) due to the health of the mutton snapper stock.
- Consider reducing the number of alternatives based on updated analysis provided in the discussion.

Option 2. Consider the SAFMC SG AP recommendation.

Discussion

Some members of the public have expressed concerns regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season in the Florida Keys despite a healthy status of the mutton snapper stock. This action considers alternatives for mutton snapper commercial trip limits in the Gulf of Mexico and the South Atlantic. Current commercial fishing regulations for mutton snapper are detailed in **Table 13 (Alternative 1)**. During May and June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf or South Atlantic during the July-April regular season. The commercial sector in the Gulf has no bag limit or trip limit restrictions during the mutton snapper peak spawning season (May-June).

Table 13. Current commercial mutton snapper fishing regulations in State waters off Florida, the Gulf of Mexico and the South Atlantic (June 2015).

Species	Regulations	State Waters Gulf and South Atlantic	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Trip Limit	None		
	Closed Season	None		
	Bag Limit	May-June: Restricted to 10 fish/person/day or trip	None	May-June: Restricted to 10 fish/person/day or trip

Tables 14 and 15 show commercial landings of mutton snapper by gear type from 2004-2013 for the Gulf and South Atlantic Councils, respectively. In the Gulf, bottom longline gear has historically been the predominate gear used to harvest mutton snapper (**Table 14**). In 2008, bottom longline regulations were modified to reduce interactions with protected sea turtle species, which could be one reason bottom longlines landings were reduced in 2009-2013 (GMFMC 2009). The predominate gear in South Atlantic waters has been vertical line gear for harvesting mutton snapper (**Table 15**). Trap gear was phased out in the Gulf in 2007; however, trap landings of mutton snapper are still reported in the South Atlantic and are likely bycatch from the spiny lobster fishery (Matthews et al. 2005).

Table 14. Commercial landings of mutton snapper by gear in the Gulf of Mexico for 2004-2013. Landings are reported in pounds whole weight. Confidential landings are labeled as “NA”.

Year	Vertical	Longline	Traps	Diving	Other
2004	34,944	161,006	5,166	822	0
2005	20,634	115,772	2,952	1,271	NA
2006	25,345	186,193	994	1,029	NA
2007	20,335	110,979	631	612	NA
2008	14,745	65,227	647	759	NA
2009	12,258	29,589	847	811	NA
2010	18,262	35,294	NA	358	NA
2011	28,227	64,412	NA	729	NA
2012	27,013	59,375	NA	568	NA
2013	19,782	86,277	NA	1,073	0

Source: Commercial ACL dataset. Gulf vertical line includes: hook-and-line by hand and hook-and-line power assisted (bandit). “Other” includes landings from seine nets and unclassified gear.

Table 15. Commercial landings of mutton snapper by gear in the South Atlantic for 2004-2013. Landings are reported in pounds whole weight. Confidential landings are labeled as “NA”.

Year	Vertical	Longline	Traps	Diving	Other
2004	98,513	36,609	6,225	3,805	709
2005	81,551	4,626	2,662	5,023	2,436
2006	59,071	8,774	3,427	2,959	608
2007	59,955	17,564	5,918	3,770	1,343
2008	61,836	8,692	2,296	3,052	829
2009	69,088	2,827	1,873	3,429	915
2010	66,464	644	4,048	2,759	822
2011	54,997	NA	7,111	3,599	372
2012	66,912	NA	3,875	6,156	NA
2013	60,586	NA	3,321	8,865	NA

Source: Commercial ACL dataset. South Atlantic vertical line includes: hook-and-line by hand, hook-and-line power assisted (bandit) and hook-and-line troll. “Other” includes landings from the following gears: gill nets, lift nets, seine nets, and unclassified gear.

The commercial landings of mutton snapper for all Florida counties are highest during the May-June peak spawning period (**Figure 4**). Overall Florida landings of mutton snapper were highest in 2008 and decreased through 2011. Landings increased in 2012 and 2013 (**Figure 5**). An examination of the monthly distribution of mutton snapper landings from commercial logbook and dealer reports shows similar trends (**Tables 16a** and **16b**). In addition, commercial landings of mutton snapper in the South Atlantic are highest during the May-June spawning season despite the current 10 fish/person/day bag limit.

Alternative 2, Option 2a would establish a commercial trip limit for mutton snapper during the regular season (July-April) of 10 fish/person/day. Currently, there are no commercial bag or trip limits in effect for commercial harvest of mutton snapper during the regular season. Using commercial trip interview program landings for the Southeastern U.S. the average weight of a landed mutton snapper from 2009-2013 ranges from 8.1-8.8 pounds whole weight (ww) or 7.3-7.9 pounds gutted weight (gw) depending on the region. A 10 fish/person/day bag limit would correspond to about an 88 pound ww (79 gw) trip limit in the Gulf of Mexico and about an 81 pound ww (73 gw) trip limit in the South Atlantic. **Alternative 2, Option 2a** would correspond to 65% reduction in commercial mutton snapper landings in the Gulf and a 20% reduction in commercial landings in the South Atlantic (**Table 17**). The combined percent reduction estimated for Gulf and South Atlantic waters is estimated to be 45%. **Option 2b** would establish a commercial bag or trip limit in excess of 10 fish per person per day. **Table 17** used 12 fish per person per day as an example which is estimated to result in an increase in mutton snapper landings by 12% in the Gulf and 26% in the South Atlantic, respectively (**Table 17**).

Alternative 3, Options 3a through 3c would specify a commercial trip limit for mutton snapper during the spawning season (May-June) of 2, 5, or 10 fish/person/day. **Option 3d** would not specify a commercial bag limit or trip limit for mutton snapper during the spawning season. A 2 fish/person/day commercial bag limit would be expected to reduce harvest in the Gulf and South Atlantic combined by 21% during the May-June spawning season; a 5 fish/person/day commercial bag limit would be expected to reduce harvest by 16%; and a 10 fish/person/day would be expected to reduce commercial harvest of mutton snapper during the spawning season by 7% (**Table 17**).

Alternative 4 would specify a commercial trip limit for mutton snapper that is identical to the recreational bag limit during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic. This alternative is estimated to reduce commercial mutton snapper landings in the Gulf of Mexico by 12% and provide no reduction in landings for the South Atlantic Council (**Table 17**).

Alternatives 5 would specify a commercial trip limit for mutton snapper for vertical line gear during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic. **Option 5a** would set a vertical line trip limit of 2 fish/person/day corresponding to 3% reduction in commercial mutton snapper landings in the Gulf and 25% reduction in commercial landings in the South Atlantic (**Table 17**). **Option 5b** would set a vertical line trip limit of 5 fish/person/day corresponding to 3% reduction in commercial mutton snapper landings in the Gulf and 18% reduction in commercial landings in the South Atlantic. **Option 5c** would set a vertical line trip limit of 10 fish/person/day corresponding to 2% reduction in commercial mutton snapper landings in the Gulf and no reduction in commercial landings in the South Atlantic. **Option 5d** would set some other vertical line trip limit. Until the Councils' determine what that limit would be, this option cannot be analyzed.

Alternative 6 Option 6a would set a longline gear trip limit of 500 pounds whole weight corresponding to a 4% reduction in commercial mutton snapper landings the Gulf and no reduction in commercial mutton snapper landings in the South Atlantic. **Alternative 6, Option 6b** would set some other trip limit. Until the Councils' determine what that limit would be, this

option cannot be analyzed. For example if a 50 lb ww longline gear trip limit was established, a 12% reduction in landings is estimated for the Gulf and no reduction in landings is estimated for the South Atlantic (**Table 17**).

Table 16a. Monthly distribution of mutton snapper landings from commercial logbook in the Gulf and South Atlantic during 2009-2013

Month	Total	South Atlantic	Gulf
1	5.8%	5.5%	6.1%
2	9.0%	6.5%	11.3%
3	6.4%	5.6%	7.1%
4	7.2%	6.1%	8.2%
5	16.9%	22.6%	11.6%
6	10.4%	14.0%	7.1%
7	11.8%	9.8%	13.7%
8	7.5%	8.3%	6.7%
9	6.1%	5.5%	6.7%
10	6.9%	5.4%	8.3%
11	5.6%	5.6%	5.7%
12	6.3%	5.1%	7.5%

Table 16b. Monthly distribution of mutton snapper landings from dealer reported landings (Accumulative Landings System) in the Gulf and South Atlantic during 2009-2013.

Month	Total	South Atlantic	Gulf
1	5.5%	5.7%	5.4%
2	8.6%	6.8%	10.3%
3	6.5%	5.5%	7.5%
4	7.1%	6.5%	7.6%
5	16.3%	20.8%	11.9%
6	10.9%	14.7%	7.4%
7	11.5%	9.0%	13.9%
8	7.4%	8.3%	6.5%
9	6.0%	5.3%	6.7%
10	7.4%	5.5%	9.2%
11	5.9%	6.0 %	5.7%
12	6.9%	5.9%	7.9%

Table 17. Percent increases and decreases in landings for various proposed commercial trip limit alternatives. Percent increases are positive numbers and percent decreases are negative numbers. Both the percent increases and decreases came from mutton snapper commercial logbook data from 2011 to 2013.

Alternative	Option	Season	Gulf of Mexico	South Atlantic	Gulf and South Atlantic
Alt 2	Option 2a: 10 fish	July-April	-65%	-20%	-45%
	Option 2b: 12 fish		12%	26%	19%
Alt 3	Option 3a: 2 fish	May-June	-16%	-27%	-21%
	Option 3b: 5 fish		-14%	-20%	-16%
	Option 3c: 10 fish		-12%	0	-7%
	Option 3d: No limit		0	NA	NA
Alt 4	10 fish	May-June	-12%	0	-7%
Alt 5	Option 5a: 2 fish, Vertical line Sector	May-June	-3%	-25%	-12%
	Option 5b: 5 fish, Vertical line Sector		-3%	-18%	-8%
	Option 5c: 10 fish, Vertical line Sector		-2%	0%	-6%
Alt 6	Option 6a: 500 lbs ww, Longline sector	May-June	4%	0	2%
	Option 6b: 50 lbs ww, Longline sector		-12%	0	-6%

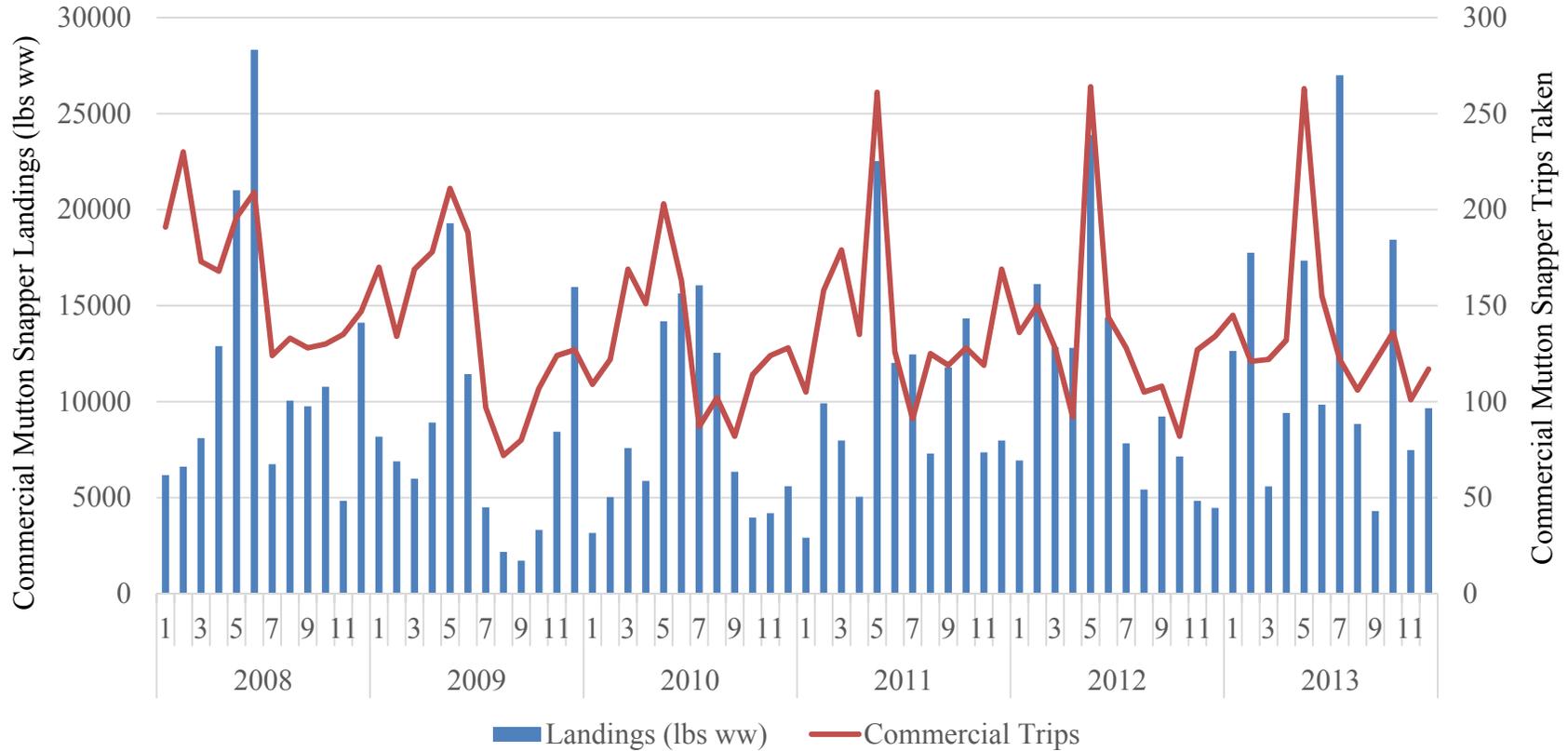


Figure 4. Commercial mutton snapper landings and trips by month from 2008 to 2013. Left y-axis (blue bars) is total commercial mutton snapper landings (lbs ww) for all Florida counties. Right y-axis (red line) is total commercial mutton snapper trips taken.

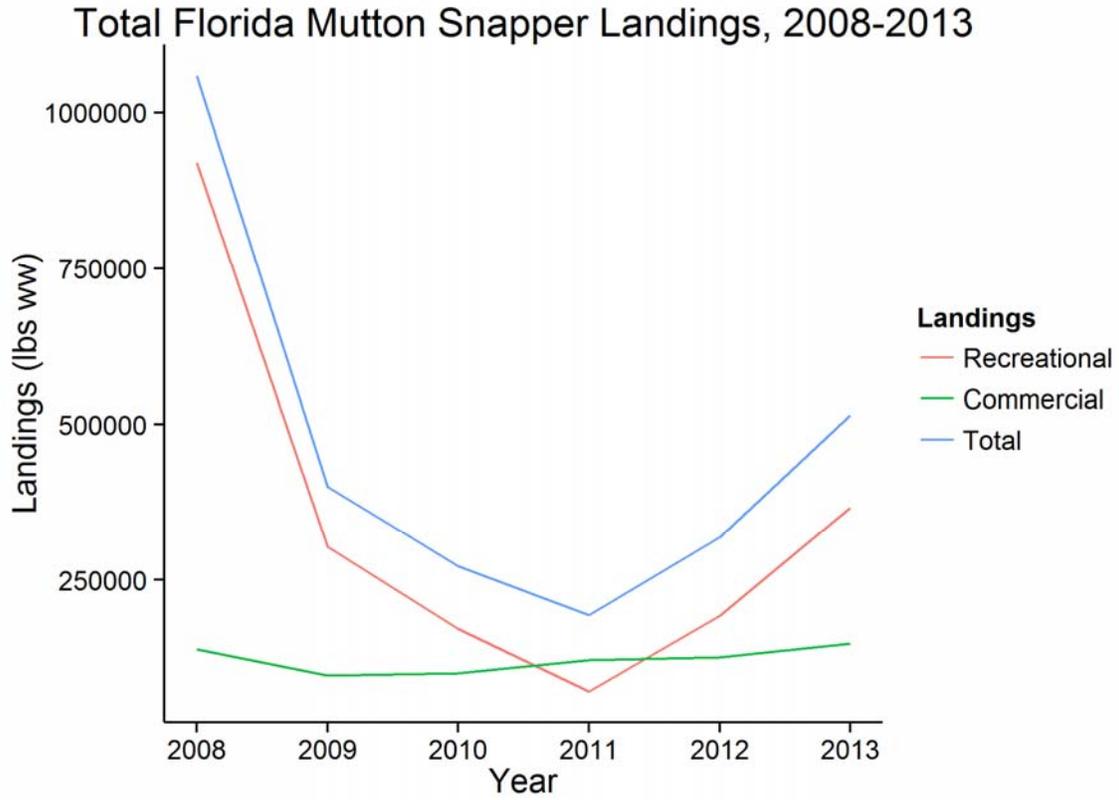


Figure 5. Total landings of mutton snapper in Florida (lbs ww). Data are from the Florida Fish and Wildlife Conservation Commission recreational landings and commercial trip ticket programs.

Actions 7 & 8 pertain exclusively to black grouper

Action 7: Partial Delegation of Recreational Management of Black Grouper to the State of Florida in Federal Waters Adjacent to the State of Florida

Note: Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Actions 8, 9, and 10.

Alternative 1: No action. Retain recreational management of black grouper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively. (SAFMC SG AP)

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for black grouper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d. If the Councils cannot determine what exactly is desired by “minor modifications to existing allowable gear”. Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

IPT Note: If it is the Councils’ desire to delegate recreational management measures to the State of Florida then the Councils’ may wish to reconsider the establishment of bag limits and closed season in Action 11. It would seem to be contradictory to consider delegating the setting of recreational management measures to the State of Florida in one action, and then to rationalize appropriate bag limits and season closures under a Council management strategy in another action.

COUNCIL ACTION

Option 1. Consider moving Option 2d to the considered but rejected appendix.

Option 2. Consider approving Action 7 alternatives for detailed analyses after staff receives IPT requested clarification.

Option 3. Consider the SAFMC SG AP recommendation.

Discussion

This action considers alternatives that would partially delegate the management of black grouper to the State of Florida for the recreational (**Alternative 2**) sector. **Tables 3** and **4** reveal that

harvest of black grouper is almost entirely from Florida with a very low percentage of landings occurring from other Gulf and South Atlantic States. Delegation of commercial management measures for black grouper is not currently being considered by the Joint Council Committee because it is currently part of the shallow-water grouper Individual Fishing Quota (IFQ) program in the Gulf of Mexico. The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B). The Councils' would remain responsible for setting annual catch limit (ACL) values and for establishing accountability measures (AMs) as outlined by the Joint Council Committee. Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils. This may not be required based on the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of black grouper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the black grouper season is open from May 1 through December 31 in the South Atlantic for both the commercial and recreational sectors. In the Gulf the recreational sector open year round, if fishing shoreward of the 20 fathom depth contour from February 1 through March 31.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for black grouper, including: **Option 2a-** size limits; **Option 2b-** seasons; **Option 2c-** bag limits; and **Option 2d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Action 8: Establish and Consolidate ABCs and ACLs for Black Grouper

Note: Alternatives in this Action may be selected in conjunction with those in Actions 7, 9, and 10. More than one alternative may be selected as preferred in this action.

Alternative 1. No action. Maintain the current recreational ACLs based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively. (SAFMC SG AP)

Alternative 2: Manage black grouper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for black grouper and allocate the recreational ACLs for the Gulf and South Atlantic:

Option 3a: Combine the current recreational allocations (i.e., 63.12% of the ACL for the South Atlantic and 27% of the ACL for the Gulf) for black grouper into a single recreational allocation.

Option 3b: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3c: Base sector allocations on average landings from 2009-2013

Option 3d: Base sector allocations on average landings from 2004-2013

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Consider moving Alternative 3 Option 3a to the considered, but rejected appendix based on the fact that the recreational portion of the Gulf black grouper ACL is undefined. There is no defined allocation of recreational harvest, instead black grouper is included in the shallow-water grouper complex (see discussion for more information).

COUNCIL ACTION

Option 1. Consider approving Action 8 alternatives for detailed analyses after staff receives IPT requested clarification.

Option 2. Consider the SAFMC SG AP recommendation.

Discussion

This action considers establishing and combining the Gulf and South Atlantic ABCs and ACLs for black grouper in the Southeastern U.S. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective SSCs for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for OFL and ABC for black grouper. Although black grouper has been managed as two different stocks for regulatory purposes, the stock assessment (SEDAR 19 2010) considered black grouper from the Gulf and South Atlantic to be a single biological stock.

For the purposes of management of black grouper, the ACL could be set equal to the ABC, since black grouper are not currently overfished or undergoing overfishing (SEDAR 19 2010). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for black grouper based on yield projections from the most recent stock assessment (SEDAR 19 2010). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for black grouper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1986-2008 + 50% of catch history from 2006-2008 resulting in 47% of the ABC going to the South Atlantic and 53% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would manage black grouper as a single unit with an overall combined multijurisdictional ABC and ACL. This method of management could still have within it recreational and commercial fishing allocation. However, neither sector would be closed in a fishing year so long as the overall ACL had not been met, if that AM was selected as preferred.

Alternative 3 would use both Councils' agreed upon acceptable biological catch (ABC) for black grouper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3b – 3d**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would combine the current recreational allocations (i.e., 63% of the ACL for the South Atlantic and 27% of the ACL for the Gulf) for black grouper into a single recreational allocation. The respective commercial allocations for each Council would continue to be managed directly by the responsible Council. This option may be inherently problematic for several reasons, first the recreational portion of the Gulf black grouper ACL and annual catch target (ACT) is undefined because there is no defined allocation of recreational harvest, instead black grouper is included in the shallow-water grouper complex (GMFMC 2011). The ACL for the shallow-water groupers is determined using black grouper as the indicator species for the complex. This means that the Gulf recreational allocation for black grouper is undefined and would need to be revisited.

Option 3b would divide the sector allocations based on the ratio of landings, with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3d** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 19** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 20**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council's jurisdiction. For black grouper, the respective ACLs were not exceeded.

Table 18. Sector allocation options for black grouper for Alternative 3 of Action 8. Percentages were derived from landings in whole weight.

Black Grouper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	<i>Would vary annually based on yield projections</i>	
Option 3b	62%	38%
Option 3c	48%	52%
Option 3d	58%	42%

Table 19. Commercial and recreational landings of black grouper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight.

Year	Commercial		Recreational	
	<i>Gulf</i>	<i>South Atlantic</i>	<i>Gulf</i>	<i>South Atlantic</i>
1993	515679	146214	13903	169438
1994	431911	131164	26451	217951
1995	309725	201737	63266	177669
1996	306206	190494	29489	372712
1997	185267	169530	54740	465053
1998	254355	174739	138058	272127
1999	362967	128968	43216	66471
2000	416218	122650	14505	107069
2001	389736	136082	30654	154036
2002	334195	149681	16054	130980
2003	389081	151382	18404	234406
2004	372206	147167	8352	189348
2005	217295	115345	45363	164478
2006	225776	81753	1555	124960
2007	137965	95501	20413	193300
2008	67007	52722	4583	179112
2009	38649	46726	23154	137771
2010	27537	44057	391	36186
2011	50526	62407	667	51898
2012	54165	50813	30718	149353
2013	63400	54075	3815	99096

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the black grouper fishery has historically been dominated by the commercial fishery. However, recreational landings have increased in the more recent time series (2009-2013), resulting in the ratio of landings between the sectors to slightly favor the recreational sector. It is important to note that during the time periods considered in **Alternative 3**, neither the commercial nor the recreational sector exceeded their respective ACLs.

Actions 9 & 10 pertain to seasonal closures in the shallow-water grouper fisheries of the Gulf of Mexico and the South Atlantic. Seasonal closures are time-based closures to fishing effort to conserve or protect fish stocks from harvest during periods of increased vulnerability, such as during spawning seasons.

Action 9. Modify Shallow-water Grouper Species Compositions and Seasonal Closures in the Gulf and South Atlantic

Note: Alternatives in this action may be selected in conjunction with those in Actions 7, 8, and 10. Currently, more than one alternative may be selected as preferred for this action.

Alternative 1: No action. Retain the existing respective shallow-water grouper species compositions and seasonal closures in the Gulf and South Atlantic Councils. **(SAFMC SG AP)**

Alternative 2: Remove the shallow-water grouper closure for all affected grouper species in the Gulf of Mexico and the South Atlantic:

Option 2a: from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida.

~~**Option 2b:** Throughout each Council's jurisdiction.~~

Alternative 3: Establish identical regulations for shallow-water grouper species compositions for the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida:

Option 3a: Adopt the Gulf shallow-water grouper species composition for the Gulf and South Atlantic.

Option 3b: Adopt the South Atlantic shallow-water grouper species composition for the Gulf and South Atlantic.

Option 3c: Specify a new and identical shallow-water species complex for the Gulf and South Atlantic.

Alternative 4: Establish identical regulations for the shallow-water grouper seasonal closures in the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida:

Option 4a: Adopt the Gulf shallow-water grouper seasonal closures for the Gulf and South Atlantic.

Option 4b: Adopt the South Atlantic shallow-water grouper seasonal closures for the Gulf and South Atlantic.

Option 4c: Establish new and identical regulations for shallow-water grouper seasonal closures in the Gulf of Mexico and the South Atlantic.

~~**Alternative 5:** Establish identical regulations for the shallow-water grouper seasonal closures throughout the Gulf and South Atlantic:~~

~~**Option 5a:** Adopt the Gulf shallow-water grouper seasonal closures for the Gulf and South Atlantic.~~

~~**Option 5b:** Adopt the South Atlantic shallow water grouper seasonal closures for the Gulf and South Atlantic.~~

~~**Option 5c:** Establish new and identical regulations for shallow water grouper seasonal closures in the Gulf of Mexico and the South Atlantic.~~

Alternative 6: Modify the shallow-water grouper seasonal closure off Monroe County, Florida to allow harvest of other shallow-water grouper species and only close harvest of gag.

IPT Note: If it is the Councils' intent to modify shallow-water grouper species compositions the IPT recommends splitting this action into two separate actions addressing species compositions and seasonal closures, respectively.

Note: Items in ~~strike through~~ were recommended to be moved to the Considered but Rejected Appendix by the Gulf Council in April 2015.

SAFMC SG AP MOTION: Council Consider Moving the Management Boundary for Snapper Grouper Species from the GULF/SOUTH ATLANTIC Council Boundary North to Shark Point for the Snapper Grouper Fishery Management Unit.

APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION

Option 1. Consider moving Option 2b and Alternative 5, Options 5a-5c to the considered but rejected appendix based on the Gulf Council's motions at their April 2015 meeting.

Option 2. Consider the IPT recommendations to split this action into two separate actions addressing species compositions and seasonal closures, respectively.

- Review the proposed restructured actions and alternatives and determine if any of the restructured alternatives by species can be used.
- Clarify to staff which sector the seasonal closures apply toward.
- Clarify to staff if South Florida areas are designated for closures, what regulations would be applied to the remaining Council jurisdictions?
- Consider reducing the number of alternatives

Option 3. Consider the SAFMC SG AP recommendation.

Discussion:

In the Gulf of Mexico, a separate recreational gag season was developed as part of the gag rebuilding plan (GMFMC 2012). Because other SWG stocks are considered healthy, the utility of the SWG closure was questioned. In addition, much of the dominant gag spawning grounds are now protected by time-area closures. In response to this, the Gulf Council submitted a framework action that among other things, eliminated the February 1 through March 31 SWG closure shoreward of 20 fathoms in the Gulf of Mexico (GMFMC 2012). These new regulations were adopted and implemented in 2013. The SWG closure is still enforced in the exclusive economic zone in the Gulf for waters seaward of 20 fathoms (~36.5 m, or 120 feet). It should be noted that the SEDAR 33 stock assessment, in combination with additional analyses as requested by the Gulf Council's SSC, determined that the Gulf of Mexico gag population was rebuilt at their June 2014 meeting.

The January-April commercial and recreational spawning season closure for South Atlantic SWG was put into place through the final rule for Amendment 16 to the Snapper Grouper FMP (SAFMC 2008). Off the southeastern United States, gag spawn from December through May, with a peak in March and April (McGovern et al. 1998). There is some evidence that spawning may occur earlier off Florida compared to other more northern areas. Gag may make annual late-winter migrations to specific locations to form spawning aggregations, and fishermen know many of these locations. McGovern et al. (2005) found gag were capable of extensive movement and suggested some large scale movement may be related to spawning. In 1998, the South Atlantic Council took action to reduce fishing mortality and protect spawning aggregations of gag and black grouper. Actions included a March-April spawning season closure for the commercial sector. While a March-April commercial closure may offer some protection to spawning aggregations including the selective removal of males, the January-April spawning season closure provided greater protection. Although gag spawn from December through May, aggregations are in place before and after spawning activity (Gilmore and Jones 1992). Therefore, males can be removed from spawning aggregations early in the spawning season, and this could affect the reproductive output of the aggregation if there were not enough males present in an aggregation for successful fertilization of eggs. Amendment 16 (SAFMC 2008) also established a provision to close other SWG including black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney, which are also known to spawn during January-April. Further protection for gag and SWG were provided through the establishment of ACLs and AMs in Amendment 17B to the Snapper Grouper FMP (SAFMC 2010b) and the Comprehensive ACL Amendment (SAFMC 2011), respectively. Thus, the seasonal closure provides protection to SWG during their spawning season when SWG species may be exceptionally vulnerable to fishing pressure, and ACLs and AMs are in place to help ensure overfishing does not occur. Information on SWG in the South Atlantic is provided in **Table 21**.

Alternative 1 would retain the existing respective shallow-water grouper species compositions and seasonal closures in the Gulf and South Atlantic Councils. **Alternative 2** would remove the shallow-water grouper closure for all affected grouper species in the Gulf of Mexico and the South Atlantic either from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida (**Option 2a**) ~~or throughout each Council's jurisdiction (**Option 2b**)~~. Law enforcement personnel have commented that the geographic boundaries proposed in **Alternative 2, Option 2a** may be easier to abide by and enforce. The Dade/Monroe County line in the east is a well-known and acknowledged boundary, and the waters west of Shark Point on the west coast of Monroe County do not constitute heavily used fishing grounds.

Alternative 3 would establish identical regulations for shallow-water grouper species compositions for the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida by adopting either the Gulf shallow-water grouper species composition (**Option 3a**) or the South Atlantic shallow-water grouper species composition (**Option 3b**) for the Gulf and South Atlantic, or by specifying a new and identical shallow-water species complex for the Gulf and South Atlantic (**Option 3c**). Developing identical regulations for shallow-water grouper species compositions in both

Councils' jurisdictions would simplify management for fishermen, especially those who may fish in both Councils' jurisdictions on a single trip. **Alternative 4** would establish identical regulations for the shallow-water grouper seasonal closures in the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida by adopting the Gulf shallow-water grouper seasonal closures (**Option 4a**) or the South Atlantic shallow-water grouper seasonal closures (**Option 4b**) for the Gulf and South Atlantic, or by establishing new and identical regulations for shallow-water grouper seasonal closures in both Councils' jurisdictions (**Option 4c**). ~~**Alternative 5** would establish identical regulations for the shallow-water grouper seasonal closures in the same manner and with the same options as **Alternative 4**, except that the resultant regulations would be applicable throughout the Gulf and South Atlantic.~~ **Alternative 6** would modify the shallow-water grouper seasonal closure off Monroe County, Florida to allow harvest of other species and only close harvest of gag. **Alternative 6** would allow fishermen to pursue shallow-water grouper species determined in **Alternative 3** (if **Alternative 3** is selected as preferred), while protecting the recovery of gag in the South Atlantic.

Spawning season closures were established by both Councils based on the effects of fishing pressure on the reproductive characteristics of shallow-water grouper (SWG) are most often seen in the average size of fish landed, and in changes in sex ratios over time (Coleman et al. 1996; Koenig et al. 2000). Long-term effects can include decreases in fecundity, population abundance, and concomitantly, catch limits. Commercially and recreationally important SWG species which would be subject to additional exploitation, such as red grouper (*Epinephelus morio*), black grouper (*Mycteroperca bonaci*), gag (*M. microlepis*), yellowfin grouper (*M. venenosa*), yellowmouth grouper (*M. interstitialis*), and scamp (*M. phenax*), all of which are protogynous species (Shapiro 1987, Böhlke and Chaplin 1993) attracted to high-relief sites. Gag, scamp, and black grouper form predictable, localized, and seasonal spawning aggregations, increasing their vulnerability to exploitation (Gilmore and Jones 1992; Coleman et al. 1996; Coleman et al. 2000; Brule et al. 2003). Yellowfin and yellowmouth groupers may be similarly vulnerable; however, substantially less empirical life history information is available for these two species (**Table 20**).

Table 20. Gulf of Mexico shallow-water grouper spawning information and recreational season closures. The shallow-water grouper complex applies to both the recreational and commercial sector in the Gulf of Mexico; however, the commercial sector is managed with an individual fishing quota system so the season closures listed below only apply to the recreational sector.

Gulf of Mexico Shallow-Water Grouper Complex					
Species	Current Recreational Closure	Spawning Season	Spawning Depth	Northernmost Distribution	Data Source(s)
Gag	1/1-6/30 and 12/4-12/31	January-May	50-120 m	Northern Florida Panhandle	SEDAR 33
Black Grouper	2/1- 3/31 > 20-fath	February-April	≥ 30 m	Middle Grounds/Big Bend	SEDAR 19
Red Grouper	2/1- 3/31 > 20-fath	March-May	25-120 m	Northern Florida Panhandle	SEDAR 12, 2009 SEDAR 12 Update
Scamp	2/1- 3/31 > 20-fath	January-May	30-100 m	Gulf-wide	Heemstra and Randall 1993, Coleman et al. 2011
Yellowfin Grouper	2/1- 3/31 > 20-fath	February-April	30-40 m	Gulf-wide	Nemeth et al. 2006
Yellowmouth Grouper	2/1- 3/31 > 20-fath	March-May	≤ 150 m	Gulf-wide	Heemstra and Randall 1993; Bullock and Murphy 1994

Table 21. South Atlantic shallow-water grouper complex spawning information. The shallow-water complex applies to both the commercial and recreational sectors in the South Atlantic.

Species	Current Rec & Comm Closure	Peak Spawning Season	General Spawning Depth	Data Source(s)
Gag	January-April	January-May	24-117 m	McGovern et al. 1998; SEDAR 10
Black Grouper	January-April	January-March	≥ 30 m	Crabtree and Bullock 1998; SEDAR 19
Red Grouper	January-April	February-April	30-90 m	Williams and Carmichael 2009; SEDAR 19
Scamp	January-April	March-May	33-93 m	Williams and Carmichael 2009; Harris et al. 2002
Yellowfin Grouper	January-April	March in FL Keys		Taylor and McMichael 1983
Yellowmouth Grouper	January-April	March-May in Gulf		Bullock and Murphy 1994
Red Hind	January-April	December-February in Caribbean		Thompson and Munro 1978
Rock Hind	January-April	January through March off Cuba		García-Cagide et al. 1994; Rielinger 1999
Graysby	January-April	March, May-July in Caribbean		Erdman 1976
Coney	January-April	November to March off Puerto Rico		Figuerola et al. 1997

Action 10. Modify Black Grouper Fishery Closures and Bag Limits in the Gulf of Mexico and the South Atlantic.

Note: Alternatives in this action may be selected in conjunction with those in Actions 7, 8, and 9.

Alternative 1: No Action – Do not modify black grouper recreational closures in the Gulf of Mexico or recreational and commercial closures in the South Atlantic. Maintain currently established seasonal bag limits in both the Gulf of Mexico and the South Atlantic, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits. **(SAFMC SG AP)**

Alternative 2: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf and of the recreational and commercial seasons in the South Atlantic.

Alternative 3: Establish a recreational seasonal closure for black grouper for the Gulf and the South Atlantic. *(Multiple options may be chosen)*

Option 3a: January

Option 3b: February

Option 3c: March

Alternative 4: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Florida.

Alternative 5: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Monroe County, Florida.

~~**Alternative 6:** Remove black grouper from recreational aggregate bag limits in the Gulf of Mexico.~~

Alternative 7: Remove black grouper from recreational aggregate bag limits in the South Atlantic.

Alternative 8: Establish a recreational bag limit for black grouper.

Option 8a: One fish/person/day

Option 8b: Two fish/person/day

Option 8c: Three fish/person/day

Option 8d: Four fish/person/day

Option 8e: Apply this bag limit only to the following area(s):

Sub-option 8a: Off Monroe County

Sub-option 8b: In federal waters off Florida

Sub-option 8c: ~~In federal waters of the Gulf and the South Atlantic~~

Alternative 9: Modify the commercial seasonal closure for black grouper in the Gulf of Mexico and the South Atlantic.

Option 3a: January

Option 3b: February

Option 3c: March

Added by the South Atlantic Council. This addition is not supported by the Gulf Council.

IPT Note: The IPT recommends splitting this action into two separate actions addressing seasonal closures and bag limits, respectively.

IPT Note: Establishing bag limits under Alternative 8 of Action 11 seems to duplicate efforts in Alternative 2, Option 2c of Action 7. If it is the Councils' desire to establish bag limits for black grouper in the manner shown in Action 11, then the Councils may wish to reconsider delegating the setting and changing of bag limits for black grouper to the State of Florida as outlined in Action 7.

The South Atlantic Council wants to include discussion and a new alternative considering changes to commercial black grouper management, including seasonal closures and trip limits. These changes would affect the Gulf shallow-water grouper IFQ program. The Gulf Council does not support the inclusion of this discussion.

Note: Items in ~~strike through~~ were recommended to be moved to the Considered but Rejected Appendix by the Gulf Council in April 2015.

COUNCIL ACTION

Option 1. Consider moving Alternative 6 and Sub-Option 8c to the considered but rejected appendix based on the Gulf Council's motions at their April 2015 meeting.

- Review the proposed restructured actions and alternatives and determine if any of the proposed seasonal closures or bag limit alternatives by species are applicable.
- Clarify to staff which sector the seasonal closures apply toward.
- Clarify to staff if South Florida areas are designated for closures, what regulations would be applied to the remaining Council jurisdictions
- Consider reducing the number of alternatives

Option 2. Consider modifying Alternative 3 Options to list the months January – March, based on the South Atlantic Council's recommendations.

Option 3. Consider moving Alternative 9 to the considered but rejected appendix based on Gulf Council discussion and no motion to adopt.

Option 4. Consider the SAFMC SG AP recommendation.

Discussion

Modifying the current black grouper closures in the Gulf of Mexico and the South Atlantic could provide or remove protections to spawning aggregations, especially during peak spawning activity in January through March. The protection of spawning aggregations has shown to be beneficial to other heavily-targeted protogynous groupers (see Gulf of Mexico gag, SEDAR 33). Also, modifying the inclusion of black grouper in recreational bag limits in the Gulf of Mexico

and the South Atlantic could provide additional harvest capacity for the recreational sector in the south Florida region, and may increase removals of other shallow-water groupers which may be under rebuilding plans. Removal of black grouper from the shallow-water grouper aggregate bag limit could permit the additional harvest of other shallow-water grouper species still included in bag limit. The same can be said about the potential additional harvest of other reef fish species included in the reef fish aggregate bag limit.

Alternative 1 would retain the current black grouper recreational closure in the Gulf of Mexico, and the recreational and commercial closures in the South Atlantic. Currently established seasonal bag limits in both the Gulf of Mexico and the South Atlantic would also remain the same, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits.

Alternative 2 would remove black grouper from the shallow-water grouper closure of the recreational season in the Gulf and of the recreational and commercial seasons in the South Atlantic, thus allowing harvest throughout the South Florida region year-round. Alternatively,

Alternative 3 would establish a recreational seasonal closure for black grouper during January only (**Option 3a**), during February only (**Option 3b**), or during March only (**Option 3c**). Multiple months can be selected for **Alternative 3** if a closure is determined necessary for multiple months.

Alternative 4 would remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Florida. This would open black grouper up to recreational fishing effort beyond 20 fathoms in Gulf waters off Florida during February and March, and to recreational and commercial fishing effort in Atlantic waters off Florida from January through April.

Alternative 5 would have the same effects as **Alternative 4**, except that **Alternative 5** would only apply to those waters off Monroe County, Florida.

~~**Alternative 6** would remove black grouper from recreational aggregate bag limits in the Gulf of Mexico, and **Alternative 7** would do the same in the South Atlantic. **Alternatives 6** and **7** have the potential to result in increased harvest capacity for those species remaining in the shallow-water grouper aggregate bag limits, as black grouper would no longer account for some portion of those bag limits. Such a removal would permit the harvest of additional fish still included within those respective aggregate bag limits.~~

Alternative 8 would establish a recreational bag limit for black grouper, with one of the following options: **Option 8a**: One fish/person/day; **Option 8b**: Two fish/person/day; **Option 8c**: Three fish/person/day; and **Option 8d**: Four fish/person/day. **Option 8e** of **Alternative 8** would apply the bag limit option selected from **Options 8a-8d** only to the following area(s): **Sub-option 8a**: Off Monroe County or **Sub-option 8b**: In federal waters off Florida; ~~or **Sub-option 8c**: In federal waters of the Gulf and the South Atlantic.~~ Due to a paucity of data, it is not

possible to conduct a thorough analysis of this alternative for Gulf waters. An analysis of **Alternative 8** for South Atlantic waters is provided in Appendix E.

The following action pertains to harmonizing size and bag limits for shallow-water grouper species. Any changes selected in Action 9 will directly impact which species are included in the following action.

Action 11: Harmonize bag and size limits for species in shallow-water grouper complex seasonal closures in Federal Waters Adjacent to Monroe County, Florida.

Alternative 1: No action – Retain the current bag and size limits for species in shallow-water grouper complex seasonal closures in federal waters adjacent to Monroe County, Florida.

(SAFMC SG AP) Alternative 2: Harmonize the bag limits for species included in the shallow-water grouper seasonal closures ~~in the exclusive economic zone of the Gulf of Mexico and the South Atlantic~~ in federal waters adjacent to Monroe County, Florida.

(SAFMC SG AP) Alternative 3: Harmonize the size limits for species included in the shallow-water grouper seasonal closures ~~in the exclusive economic zone of the Gulf of Mexico and the South Atlantic~~ in federal waters adjacent to Monroe County, Florida.

Modified by the South Atlantic Council. These alternatives are not supported by the Gulf Council in April 2015

Note: Species included in the shallow-water complex considered for Action 11 will be subject to the preferred alternatives selected in Action 9.

IPT Note: The wording approved by the South Atlantic Council for Alternatives 2 and 3 (~~in strikethrough~~) needs to be amended to reflect that Action 11 addresses only federal waters adjacent to Monroe County, Florida.

SAFMC SG AP MOTION: Adopt Alternatives 2 &3 in Action 12 (now number 11 above) with the wording: In Federal Waters Adjacent to Monroe County Florida. Approved by SAFMC SG AP (14/0)

COUNCIL ACTION

Option 1. Review the proposed restructured actions and alternatives and determine if any of the proposed bag limits, seasonal closures, and size limits by species can be applied in this document.

- Clarify to staff to which sector this action is applicable
- Clarify to staff to which area or areas this action is applicable
- Consider incorporating the modified language for Alternatives 2 and 3 with other guidance provided to staff.

Option 2. Consider moving Action 11 to considered but rejected appendix.

Option 3. Consider the SAFMC SG AP recommendation.

Action 12 pertains to modifications of permissible gear types.

Action 12. Changes to Circle Hook Requirement in Gulf and South Atlantic Jurisdictional Waters

Note: This action may be selected in conjunction with Actions 1, 3, and 7. Multiple alternatives may be selected as preferred for this action.

Alternative 1: No action – Retain the current hook requirements in the exclusive economic zone of the Gulf of Mexico and the South Atlantic.

Alternative 2: Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in the exclusive economic zone of the Gulf of Mexico.

Option 2a: For the recreational fishing sector

Option 2b: For the commercial fishing sector

Alternative 3: Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper south of 28° North latitude in the exclusive economic zone of the Gulf of Mexico.

Option 3a: For the recreational fishing sector

Option 3b: For the commercial fishing sector

Alternative 4: Require the use of circle hooks when fishing with natural bait for all snapper-grouper species south of 28° North latitude in the exclusive economic zone of the South Atlantic.

Option 4a: For the recreational fishing sector

Option 4b: For the commercial fishing sector

Alternative 5. Remove the requirement to use circle hooks when fishing with natural bait for all species in the snapper grouper complex north of 28° North latitude in the exclusive economic zone of the South Atlantic.

Option 5a: For the recreational fishing sector

Option 5b: For the commercial fishing sector

Alternative 6. Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in federal waters from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida

Option 6a: For the recreational fishing sector

Option 6b: For the commercial fishing sector

IPT Note: The IPT recommends the removal of Alternative 5, as it is outside of the scope of this amendment. The area being referenced in Alternative 5 includes areas north of the State of Florida.

The South Atlantic Council would like to retain Alternative 5, as it would allow them to address other aspects of Snapper-Grouper management in one document. The Gulf Council discouraged the inclusion of items which are outside the scope of this amendment.

SAFMC SG AP MOTION: Recommend removing circle hook requirement in South Atlantic for recreational sector (Alternative 5 Option 5a). Disapproved by SAFMC SG AP (2/10)

COUNCIL ACTION

Option 1. Consider the SAMFC SG AP motion to modify the language for Alternative 2 to specify a boundary south of 28 degrees north, Shark Point to the Dade/Monroe County line, or the SA/GM Council boundary.

Option 2. Consider reducing the number of alternatives to limit the scope of this action to south Florida species and areas. For example, consider removing Alternative 5.

Discussion:

Action 12 pertains to modifications of permissible gear types. In 2008, the Gulf Council adopted a preferred management alternative in Amendment 27 to the Reef Fish Fishery Management Plan, which required recreational anglers fishing in federal waters to use non–stainless steel circle hooks when catching reef fishes with natural bait (50 CFR 622.41). Circle hooks are defined by regulation as “a fishing hook designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape.” Florida matched federal regulations, with the added specification that a circle hook must have zero degrees of offset (Florida Administrative Code §68B-14.005).

In 2010, the South Atlantic Council approved Amendment 17A to the snapper grouper Fishery Management Plan (SAFMC 2010a), which required recreational and commercial anglers fishing in federal waters to use non-stainless steel circle hooks (offset or non-offset) when fishing for all species in the snapper grouper complex when using hook-and-line-gear with natural baits in waters North of 28 degrees North latitude. This requirement was effective March 3, 2011.

Multiple reef fish species managed by the Gulf Council occur in waters south of 28°N latitude. A recent stock assessment on red snapper recognized and incorporated reduced discard mortality as a result of the requirement to use circle hooks when fishing with natural bait (SEDAR 31 2013). Sauls and Ayala (2012) observed red snapper caught with circle hooks and J hooks within the recreational sector and reported a 63.5% reduction in potentially lethal hooking injuries for red snapper caught with circle hooks (6.3% potentially lethal injuries, versus 17.1% with J hooks) (SEDAR 31 2013). SEDAR 33 (2014a, b) examined the effects of hook type on gag and greater amberjack and determined that the generally low level of recreational discard mortality for both species (both prior to and after the 2008 circle hook requirement) negated the realization of benefits from using circle hooks (Sauls and Ayala 2012; Sauls and Cermak 2013; Murie and Parkyn 2013).

Alternative 1 would retain the current circle hook requirements in Gulf of Mexico jurisdictional waters, requiring recreational anglers fishing in federal waters to use non–stainless steel circle hooks when catching reef fish with natural bait. Biological impacts from this alternative are not expected to change from present conditions. Any biological benefit(s) to the current circle hook requirement would be expected to persist.

Alternative 2 would remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in the Gulf of Mexico. **Option 2a** would remove the requirement for the recreational fishing sector, and **Option 2b** would remove the requirement for the commercial fishing sector. Anglers have informed resource managers of an increased propensity for gut-hooking yellowtail snapper when fishing with circle hooks due to the small size of hook needed to successfully hook yellowtail snapper. Anglers indicate that the smaller circle hooks are swallowed completely into the stomach, increasing the likelihood of the hook snagging somewhere in the fish's digestive tract. If J-hooks are permitted for use, anglers argue, they will be able to hook yellowtail snapper in the mouth more frequently due to the morphology of the fish's mouth.

In the absence of scientific literature to characterize differences in lethal hooking injuries from different hook types for yellowtail snapper, the biological effects of removing the circle hook requirement are largely unknown. However, requiring the use of one hook type for multiple cohabitating species and not for another may result in a management measure which is difficult to enforce. Anglers fishing for yellowtail snapper with hooks other than circle hooks would not be likely to keep from landing any of the other reef fish species for which circle hooks are required. Incidental catch of fish other than yellowtail snapper under **Alternative 2 Option 2a** may have deleterious biological effects on bycatch, including those species which are currently under rebuilding plans (red snapper and gray triggerfish). These effects could be influential elsewhere in the Gulf, as yellowtail snapper are increasingly found off Texas. A potential exception to these possible impacts applies to the commercial fishing sector (**Option 2b**), where the fishing practices used almost exclusively target yellowtail snapper. Commercial fishermen indicate that they use chum bags on the surface to encourage yellowtail snapper to school near the transom of the fishing vessel, and then use natural bait on small hooks to catch and land the fish. The commercial fishermen also indicate that their release tools allow them to release yellowtail snapper which have been caught with J-hooks more easily than those caught with circle hooks, resulting in decreased handling times for fish which are to be discarded.

Alternative 3 would remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper south of 28°N latitude in the EEZ in the Gulf (**Figure 6**). **Option 3a** would remove the requirement for the recreational fishing sector, and **Option 3b** would remove the requirement for the commercial fishing sector. **Alternative 3** would be expected to have similar negative biological consequences as **Alternatives 2**, albeit to a lesser degree than both. Under **Alternative 3**, all yellowtail snapper which occur in the Gulf south of 28°N latitude would be vulnerable to fishing pressure from hook types other than circle hooks. Permitting the use of any hook type may have negative effects on the rebuilding plans of other reef-associated species (such as red snapper), and may result in increased discard mortality in multiple fisheries.

Alternative 4 would require the use of circle hooks when fishing with natural bait for all snapper-grouper species south of 28° North latitude in the exclusive economic zone of the South Atlantic for the recreational fishing sector (**Option 4a**) and/or the commercial sector (**Option 4b**). Such a requirement would make the snapper-grouper regulations in the South Atlantic commensurate with the reef fish regulations for the Gulf of Mexico. Additionally, benefits to the biological environment may be realized for those species with documented decreases in post-release mortality when caught with circle hooks as opposed to other hook types.

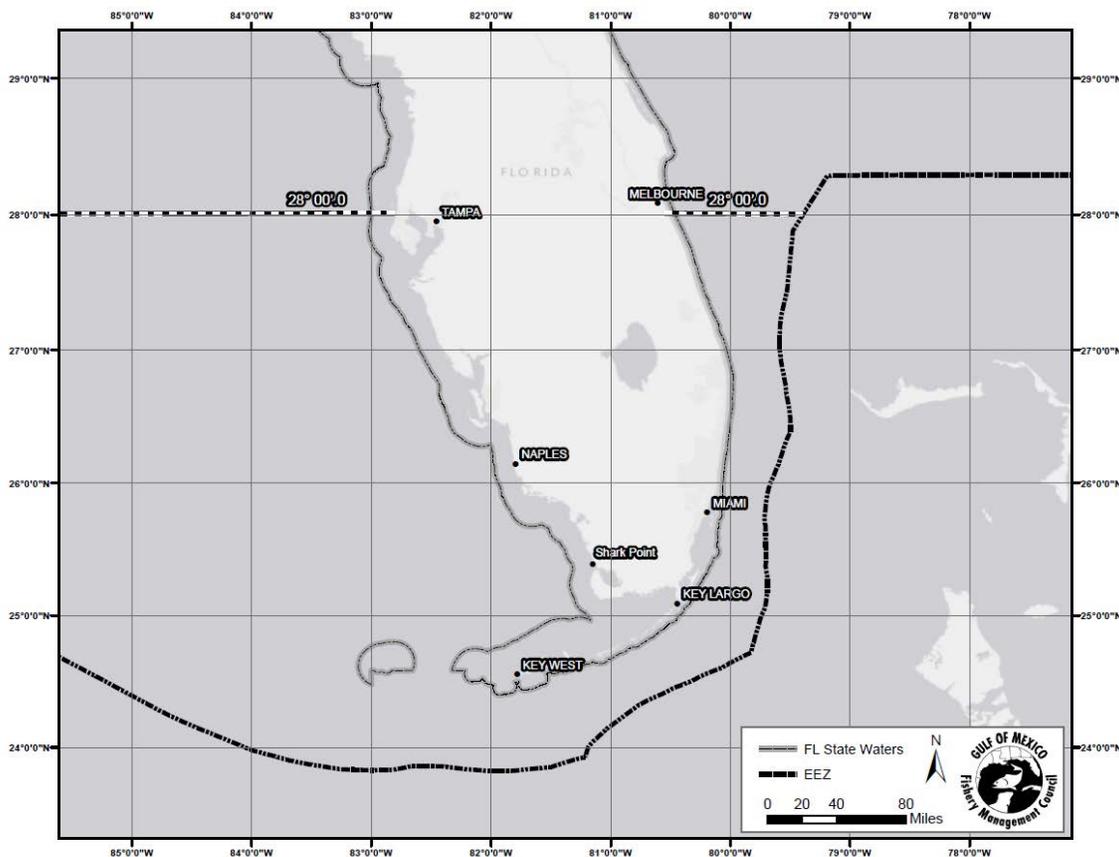


Figure 6. State of Florida with proposed 28 degree North latitude boundary in the Gulf and South Atlantic Councils' jurisdictions.

Alternative 5 would remove the requirement to use circle hooks when fishing with natural bait for all species in the snapper grouper complex north of 28° North latitude in the exclusive economic zone of the South Atlantic for the recreational fishing sector (**Option 5a**) and/or the commercial sector (**Option 5b**). This alternative would create consistent fishing regulations for the selected sector(s) throughout the South Atlantic Council's jurisdiction. Any socio-economic benefits currently realized south of 28° North latitude would be realized north of that line, as would any biological impacts.

Alternative 6 would remove the requirement to use circle hooks when fishing for yellowtail snapper in federal waters from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida (**Figure 7**) for the recreational fishing sector (**Option 6a**) and/or the commercial sector (**Option 6b**). Circle hooks are currently not required when fishing for yellowtail snapper south of 28° N latitude in the exclusive economic zone of the South Atlantic. The primary harvest areas for both the recreational and commercial sectors exist south of ~26° N latitude (Monroe and Dade counties, >70% recreational and >97% commercial). When commercial fishing for yellowtail snapper, fishermen use chum to bring the fish to the surface. Small hooks are baited with natural bait and fish are typically hooked at the surface within five meters of the fishing vessel. This practice has been shown to limit bycatch of

non-yellowtail snapper species, since fishermen can actively monitor which fish are pursuing a bait. Additionally, commercial fishermen believe that the combination of hook size and historical fishing practices can serve as safeguards against bycatch of undersized yellowtail snapper and non-yellowtail snapper species.

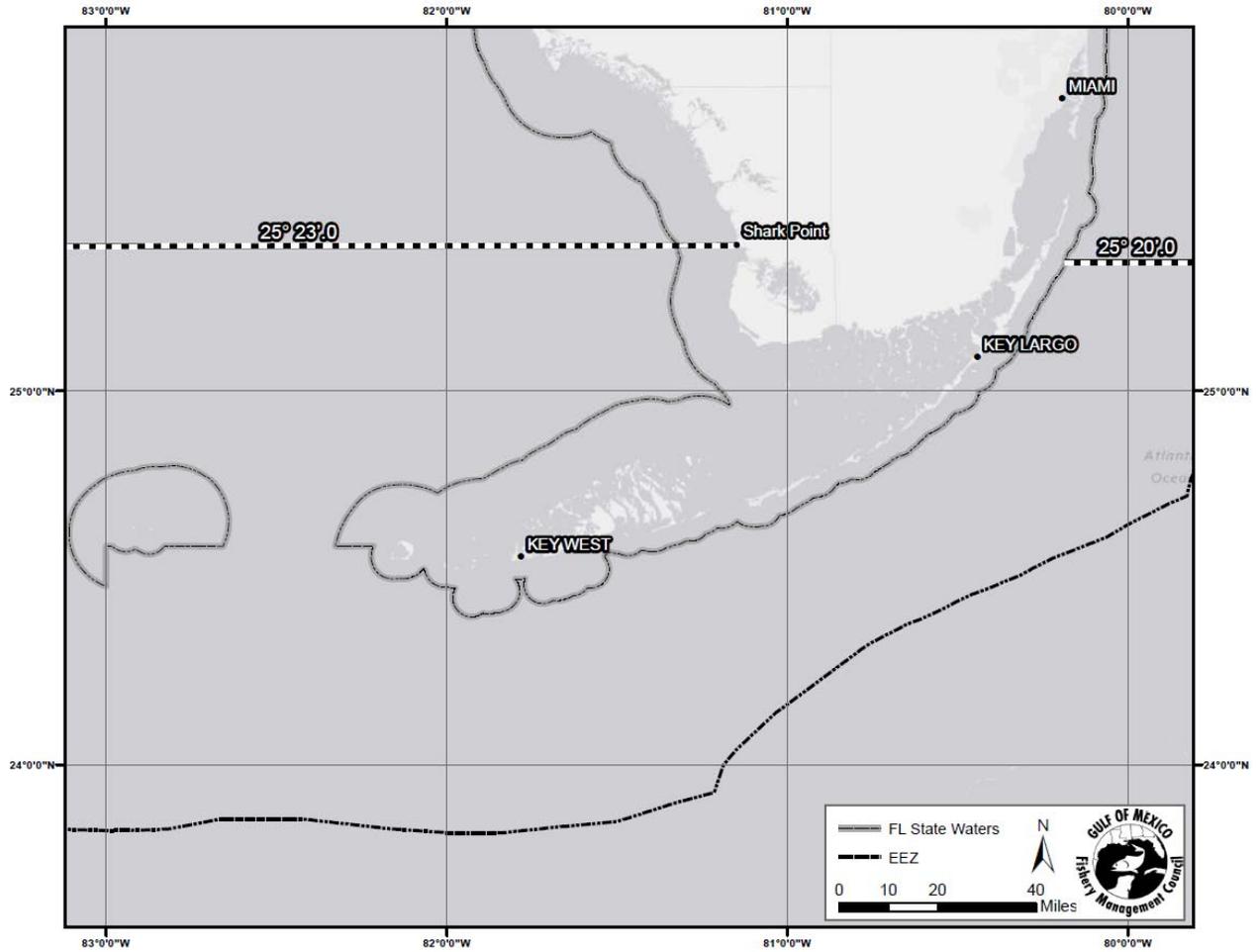


Figure 7. State of Florida with proposed Shark Point boundary line on the west coast of Florida and Dade/Monroe County line on the east coast of Florida.

Action 13 pertains exclusively to accountability measures. Accountability measures are used by the Councils to compensate for overages in a given fishing year, to decrease the probability that deleterious impacts to fisheries will persist for long time periods.

Action 13: Specify Accountability Measures for South Florida Species

Note: Under some circumstances more than one alternative could be selected as preferred.

Alternative 1: No action. Maintain the current recreational and commercial accountability measures (AMs) for yellowtail snapper, mutton snapper, and black grouper based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

South Atlantic: Commercial AM – In-season closure when the ACL is expected to be met and ACL reduced in following fishing season if species is overfished and ACL is exceeded.
Recreational AM – if ACL is exceeded, monitor landings in following season for persistence in landings and reduce the length of the following fishing season, if necessary.

Gulf: For Yellowtail Snapper and Mutton Snapper, if the combined commercial and recreational landings exceed the stock ACL, in-season AMs are in effect for the following year. If the combined landings reach or are projected to reach the stock ACL, both sectors will be closed for the remainder of that fishing year. For black grouper, this AM applies to the ACL for the other shallow-water grouper aggregate (black grouper, scamp, yellowmouth grouper, and yellowfin grouper).

Alternative 2: If the sum of the commercial and recreational landings exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, then the commercial and recreational sectors will be closed for the remainder of that fishing year. On and after the effective date of a closure, all sales, purchases harvest or possession of this species in or from the EEZ will be prohibited.

Option 2a: For yellowtail snapper

Option 2b: For mutton snapper

Option 2c: For black grouper

Alternative 3: If commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial ACL, NMFS the Regional Administrator shall publish a notice to would close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the EEZ would be limited to the recreational bag and possession limit. Additionally, if the commercial ACL is exceeded, NMFS the Regional Administrator shall publish a notice to would reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

Option 3a: For yellowtail snapper

Option 3b: For mutton snapper

Option 3c: For black grouper

Alternative 4: If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, NMFS the Regional Administrator shall publish a notice to **would** reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if NMFS the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Option 4a: For yellowtail snapper

Option 4b: For mutton snapper

Option 4c: For black grouper

Alternative 5: If recreational landings reach or are projected to reach the recreational ~~annual catch limit~~ ACL, NMFS **would** National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, NMFS determines that a closure is unnecessary.

Option 5a: If the species is overfished

Sub-option 5a(1): For yellowtail snapper

Sub-option 5a(2): For mutton snapper

Sub-option 5a(3): For black grouper

Option 5b: Regardless of stock status

Sub-option 5b(1): For yellowtail snapper

Sub-option 5b(2): For mutton snapper

Sub-option 5b(3): For black grouper

Alternative 6: The Councils would jointly set the ACL for the recreational and commercial sector. If the combined recreational ACL and commercial ACL is met or expected to be met, NMFS would close both sectors for the remainder of the fishing year.

Option 6a: yellowtail snapper

Option 6b: mutton snapper

Option 6c: black grouper

Note: The South Atlantic Council is considering changes to their accountability measures in Snapper-Grouper Amendment 34, which could change the no-action and alternatives in Action 13. Amendment 34 has been transmitted to the Secretary of Commerce by the South Atlantic Council and is currently in the NMFS review and rule-making process.

SAFMC SG AP MOTION: The SAFMC SG AP did not discuss the AMs. They chose to wait until the Council take action before they provide any input.

COUNCIL ACTION

Option 1. Consider modifying the language for Alternatives 3, 4, and 5 to track the language used by the South Atlantic Council.

Option 2. Consider modifying the language for Alternatives 3, 4, and 5 to track the new language provided by NMFS SERO.

Option 3. Consider reducing the number of alternatives based Council decisions made on previous actions.

Discussion

Alternative 2 follows the AMs that are in place for Gulf species; whereas, **Alternatives 3-5** follow AMs that are being considered for snapper-grouper species in the Comprehensive AM and Dolphin Allocation Amendment. **Alternative 6** would close the areas covered by a joint ABC and ACL to fishing for the species selected in the associated options only when the overall ACL is met. **Alternative 6** would require each Council to establish recreational and commercial ACLs for the preferred options.

Compared to **Alternative 1 (No Action)**, **Alternatives 2-6** would benefit the biological environment to varying degrees based on the sub-alternatives chosen under each alternative. For the recreational sector, the most biologically beneficial option is likely **Alternatives 5**. For the commercial sector, the most biologically beneficial option compared to **Alternative 1 (No Action)** is likely to be **Alternative 3**. None of the alternatives considered under this action would significantly alter the way in which the fisheries are prosecuted in the South Atlantic EEZ. No adverse impacts on endangered or threatened species are anticipated because of this action; nor are any adverse impacts on essential fish habitats or habitat areas of particular concern including corals, sea grasses, or other habitat types.

For the commercial sector, the alternatives may be ranked from lowest to highest probability of paybacks and short-term adverse economic effects as follows: **Alternative 1 (No Action)**, **Alternatives 2**, **Alternatives 6**, and **Alternative 3**. The likelihood that a species would be affected by this action is based primarily on the probability that its total ACL would be reached, and whether or not the species is overfished.

For the recreational sector, **Alternative 4** would be less likely to cause short-term direct economic effects compared to **Alternatives 5** and **6** because any closure would not occur until the second year of overages. However, **Alternatives 5** and **6** would be more likely to prevent long term, direct economic effects compared to **Alternative 4**.

For the commercial sector, maintaining the current AMs under **Alternative 1 (No Action)** would not be expected to result in additional negative effects on the commercial fleets of these fisheries, but could also negate benefits to the commercial sectors by not allowing flexibility in the payback provisions, such as those in **Alternatives 3** and **6**. **Alternative 3** would provide the most flexibility for triggering the payback AM, in that the most critical conditions must be met before the payback is triggered, and would be expected to be most beneficial to commercial fishermen in that it would be less likely that a payback is required for an overage. Additionally, **Alternative 3** would be more consistent with AMs for other species such as king mackerel and Spanish mackerel in the South Atlantic.

For the recreational sector, maintaining the current AMs under **Alternative 1 (No Action)** would not be expected to result in additional negative effects on recreational fishermen and for-hire businesses, other than inconsistency in AMs among all species. For many of these species, establishment of a payback provision without a post-season AM under **Alternative 4** would create an increased likelihood that an overage of the recreational ACL could reduce fishing opportunities in the following year. However, **Alternatives 4** provides some flexibility in how a post-season payback would be triggered. The in-season closure AM for the recreational sector in **Alternatives 5** and **6** could have negative effects on recreational fishing opportunities and for-hire businesses for the stocks that do not have a recreational in-season AM in place. However, **Alternative 6** would reduce the likelihood of a recreational in-season closure.

Alternatives 2-6 may be associated with slight changes to the administrative environment based on the frequency with which each of the AM options for the commercial sector would be triggered. The payback provision under **Alternatives 3** and **4** would be triggered less frequently given that the species must be overfished and the total ACL exceeded, resulting in the lowest direct effects on the administrative environment. The administrative impacts associated with **Alternative 2** are largely the same as those under **Alternative 4**, with the addition of continued monitoring for persistence of increased landings when a species' recreational ACL has been exceeded. **Alternatives 3** and **4** are the least likely to be triggered. Overall, the administrative impacts of all the alternatives considered under this action, compared to **Alternative 1 (No Action)**, are expected to be minimal.

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APPENDIX A. CONSIDERED BUT REJECTED ACTIONS AND ALTERNATIVES

Action 1: Modifications to the Fishery Management Plans of the Gulf and South Atlantic Fishery Management Councils

Alternative 1: No action. Do not modify the Reef Fish and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Delegate management of any of the species listed below to the State of Florida.

Option 2a: yellowtail snapper

Option 2b: mutton snapper

Option 2c: black grouper recreational fishery only

Note: Alternative 2 would delegate all management including ABC, ACLs, management measures, etc.

Alternative 3: Manage each stock as a single unit with an overall combined multijurisdictional annual catch limits (ACLs).

Suggested wording from FWC Staff from minutes pages 125-127: The Gulf and South Atlantic Councils will agree to manage any of the species listed below with an overall ABC and an overall ACL. Each Council would agree to a recreational and commercial split. Both Councils will close their jurisdictions when the overall ACL is met.

Option 3a: yellowtail snapper

Option 3b: mutton snapper

Option 3c: black grouper

Alternative 4: Remove any of the species listed below from the Reef Fish and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Option 4a: yellowtail snapper

Option 4b: mutton snapper

Option 4c: black grouper

Alternative 5: Remove any of the species listed below from the Reef Fish Fishery Management Plan of the Gulf Council and request the Secretary of Commerce designate the South Atlantic Council as the responsible Council.

Option 5a: yellowtail snapper

Option 5b: mutton snapper

Alternative 6: Remove any of the species listed below from the Snapper Grouper Fishery Management Plan of the South Atlantic Council and request the Secretary of Commerce designate the Gulf Council as the responsible Council.

Option 6a: yellowtail snapper

Option 6b: mutton snapper

Rationale: Action 1 was removed by the Committee, and the alternatives therein were merged within other remaining Actions in the document.

Action 3: Allocate Yellowtail Snapper Sector Annual Catch Limits to the State of Florida and Create a Landings Allowance for other Gulf and South Atlantic States

Alternative 2. Use both Councils' agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:

Option 2a: Use the South Atlantic Council's current sector allocation formula (bowtie approach): divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1986-2008, and 50% on the mean of the landings from 2006-2008.

Alternative 3. Use both Councils' agreed upon ABC for yellowtail snapper and create Gulf commercial and recreational sector ACLs from the current ABC jurisdictional split: 75% of the ABC for South Atlantic Council jurisdictional waters, and 25% for Gulf Council jurisdictional waters. Gulf sector allocations would be derived from one of the options below, and the subsequent Gulf and South Atlantic sector allocations would be combined to create sector allocations off Florida:

Option 3a: Use the South Atlantic Council's current sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1986-2008, and 50% on the mean of the landings from 2006-2008.

Option 3b: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3c: Base sector allocations for waters off Florida on average landings from 2008-2012

Option 3d: Base sector allocations for waters off Florida on average landings from 200x-20xx

Option 3e: Employ some other allocation formula

Alternative 4. Create a landings allowance for yellowtail snapper in the other Gulf (TX, LA, MS, AL) and other South Atlantic States (GA, SC, NC).

Option 4a: Adjust ABC by 1% to address landings in the other Gulf and South Atlantic States.

Option 4b: Adjust ABC by 2% to address landings in the other Gulf and South Atlantic States.

Rationale: Alternative 2a was removed after a mathematical bias was identified with the proposed "bowtie" approach. Alternative 3 was removed in favor of Alternative 2, and because changes in the current jurisdictional split would require revisiting sector allocations in the future.

Alternative 4 was removed because it was not deemed necessary to accomplish stated management goals.

Action 4: Delegate Commercial and Recreational Management of Mutton Snapper to the State of Florida

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for Mutton Snapper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Option 2e: Fishing year

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for Mutton Snapper:

Option 3a: Size limits

Option 3b: Seasons

Option 3c: Commercial trip limits

Option 3d: Minor modifications to existing allowable gear

Option 3e: Fishing year

Rationale: Alternatives 2e and 3e were removed after the Committee determined that setting the fishing year should remain a Council responsibility, in conjunction with determining ABCs, ACLs, and AMs.

Action 5: Allocate Mutton Snapper Sector Annual Catch Limits to the State of Florida and Create a Bycatch Allowance for other Gulf and South Atlantic States

Alternative 2. Use both Councils' agreed upon ABC for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:

Option 2a: Use the South Atlantic Council's current sector allocation formula (bowtie approach): divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1986-2008, and 50% on the mean of the landings from 2006-2008.

Alternative 3. Use both Councils' agreed upon ABC for mutton snapper and create Gulf commercial and recreational sector ACLs from the current ABC jurisdictional split: 82% of the ABC for South Atlantic Council jurisdictional waters, and 18% for Gulf Council jurisdictional waters. Gulf sector allocations would be derived from one of the options below, and the subsequent Gulf and South Atlantic sector allocations would be combined to create sector allocations off Florida:

Option 3a: Use the South Atlantic Council’s current sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1986-2008, and 50% on the mean of the landings from 2006-2008.

Option 3b: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3c: Base sector allocations for waters off Florida on average landings from 2008-2012

Option 3d: Base sector allocations for waters off Florida on average landings from 200x-20xx

Option 3e: Employ some other allocation formula

Alternative 4. Create a landings allowance for mutton snapper in the other Gulf (TX, LA, MS, AL) and other South Atlantic States (GA, SC, NC).

Option 4a: Adjust ABC by 1% to address landings in the other Gulf and South Atlantic States.

Option 4b: Adjust ABC by 2% to address landings in the other Gulf and South Atlantic States.

Rationale: Alternative 2a was removed after a mathematical bias was identified with the proposed “bowtie” approach. Alternative 3 was removed in favor of Alternative 2, and because changes in the current jurisdictional split would require revisiting sector allocations in the future. Alternative 4 was removed because it was not deemed necessary to accomplish stated management goals.

Action 8: Delegate Recreational Management of Black Grouper to the State of Florida

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for black grouper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Option 2e: Fishing year

Rationale: Alternative 2e was removed after the Committee determined that setting the fishing year should remain a Council responsibility, in conjunction with determining ABCs, ACLs, and AMs.

Action 9: Allocate Black Grouper Recreational Annual Catch Limits to the State of Florida and Create a Recreational Bycatch Allowance for other Gulf and South Atlantic States

Alternative 2. Use both Councils' agreed upon ABC for black grouper and allocate the recreational ACLs for the Gulf and South Atlantic:

Option 2b: Use the South Atlantic Council's current sector allocation formula (Bowtie approach): divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1991-2008, and 50% on the mean of the landings from 2006-2008.

Alternative 3. Use both Councils' agreed upon ABC for black grouper and create Gulf commercial and recreational sector ACLs from the current ABC jurisdictional split: 47% of the ABC for South Atlantic Council jurisdictional waters, and 53% for Gulf Council jurisdictional waters. Gulf sector allocations would be derived from one of the options below, and the subsequent Gulf and South Atlantic sector allocations would be combined to create sector allocations off Florida:

Option 3a: Use the South Atlantic Council's current sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1991-2008, and 50% on the mean of the landings from 2006-2008.

Option 3b: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3c: Base sector allocations for waters off Florida on average landings from 2008-2012

Option 3d: Base sector allocations for waters off Florida on average landings from 200x-20xx

Option 3e: Employ some other allocation formula

Alternative 4. Create a recreational landings allowance for black grouper in the other Gulf (TX, LA, MS, AL) and other South Atlantic States (GA, SC, NC).

Option 4a: Adjust ABC by 1% to address landings in the other Gulf and South Atlantic States.

Option 4b: Adjust ABC by 2% to address landings in the other Gulf and South Atlantic States.

Option 4c: Adjust ABC by 3% to address landings in the other Gulf and South Atlantic States.

Option 4d: Adjust ABC by 4% to address landings in the other Gulf and South Atlantic States.

Rationale: Alternative 2b was removed after a mathematical bias was identified with the proposed "bowtie" approach. Alternative 3 was removed in favor of Alternative 2, and because changes in the current jurisdictional split would require revisiting sector allocations in the future. Alternative 4 was removed because it was not deemed necessary to accomplish stated management goals.

Action 10: Specify Accountability Measures for South Florida Species

Alternative 3: If commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial ACL, the Regional Administrator shall publish a notice to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the EEZ is limited to the bag and possession limit. Additionally,

Option 3a: If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished.

Option 3b: If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the total ACL (commercial ACL and recreational ACL) is exceeded.

Option 3c: If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

Alternative 4: If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings.

Option 4a: If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Option 4b: If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Option 4c: If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Rationale: Alternatives 3a, 3b, 4a, and 4b were removed after a recommendation from the South Atlantic Council, which recently passed updated accountability measures in Snapper Grouper Amendment 34. Amendment 34 is currently undergoing regulatory review.

Action 13. Changes to Circle Hook Requirement in Gulf and South Atlantic Jurisdictional Waters

Alternative 3: Remove the requirement to use circle hooks when fishing with natural bait for all reef fish south of 28° North latitude in the exclusive economic zone of the Gulf of Mexico.

Option 3a: For the recreational fishing sector

Option 3b: For the commercial fishing sector

Rationale: Alternative 3 was because of the documented positive biological effects identified for red snapper, which have shown decreased hooking mortality when caught with circle hooks. Because red snapper are undergoing rebuilding in the Gulf, the Committee elected to remove this alternative, so as to not jeopardize the rebuilding timeline for red snapper by potentially introducing additional discard mortality.

APPENDIX B. DELEGATION PROVISION

Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. §1856(a)(3), (b)

(3) A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

(A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the fishery management plan and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

(C) [Pertains to Alaska, only.]

(b) EXCEPTION.—

(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that—

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the exclusive economic zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan; the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).

APPENDIX C. FLORIDA FWC PUBLIC WORKSHOP SUMMARIES

South Florida Workshops Summary

Florida Fish and Wildlife Conservation Commission

Workshop Attendance:

Dania Beach – 23

Key Largo – 15

Key Colony Beach – 19

Key West – 50

Marco Island – 15

FWC Staff Present: Martha Bademan, Jessica McCawley, John Hunt, Tony Bresnen, Mason Smith (except Marco Island and Key Largo)

Council Members Present: Gulf - John Sanchez (except Marco Island); South Atlantic - Ben Hartig, John Jolley (Dania Beach only)



General Comments

- State should require everyone with any charter license to report their data electronically, modeled after the national parks system that works well
- More recreational fishery data needs to be captured
- Strengthen reporting requirements for commercial fishermen
- Need consistency between state and federal rules, on both coasts if possible
- Close down known fish spawning areas
- Several comments about selling fish from charters – some in favor, some against
- Several commenters would like to see more law enforcement presence on the water in the Keys
- Commercial fishermen would like to see drones used by law enforcement to stop poaching
- Keep species open all year (no spawning closures), just decrease the bag limit to protect the populations
- Encourage development of marine hatcheries and grow out facilities
- FWC needs to be more proactive with water quality

FKNMS process

- Many commenters spoke against the idea of having any new area closures within the Florida Keys National Marine Sanctuary
- Proposals could heavily impact the Keys community
- Closed areas would only benefit lionfish expansion

1

Regional management comments

- Need regional management of species like yellowtail snapper
- Several commenters liked the idea of creating a Florida Keys Regional Fishery Management Council
- Many commenters felt that the Keys don't get representation in fisheries management and would like someone from the Keys on one of the Councils
- South Florida and the Florida Keys is a unique ecosystem not found anywhere in the Gulf or South Atlantic
- Council management works fine for some species, but the population of red grouper in the keys is different from the population in North Carolina
- Think about island FMPs like is being done in the Caribbean Council – could keys be added to the Caribbean Council?
- Make all of the keys either Gulf or South Atlantic
- Regulations too complex now, a Florida Keys management plan would help simplify things
- Possible south Florida regional management area from Jupiter Inlet south through the Keys
- Manage based on species, not boundary lines

Barracuda

- Barracuda are concentrated on artificial structures around Jupiter Inlet, no longer on natural reefs
- Commercial harvest of barracuda seems dangerous – commonly carry ciguatera
- Barracuda are being shipped up to Miami and sold as food
- Charterboats target barracuda for mounts
- Species not as abundant since 2009 freeze
- End commercial harvest of barracuda
- Make barracuda catch and release only
- Need to protect declining barracuda stocks

Grouper, Gag

- Gag groupers were overfished in south Florida, Atlantic grouper closure allowed gags to back a comeback
- One commenter from Key Largo stated that gags aren't in this area, so why did the January – April closure also happen here?
- Atlantic closure hurts fishing for other species such as red grouper
- Groupers are available in the Keys when they are closed – winter the best time to grouper fish in the keys
- Several commenters suggested that they would like to see the Atlantic grouper closure reduced in length/eliminated. Suggestion: have January and February to fish

for groupers, and let groupers be closed in May (January – April closure would become March – May)

- In SW FL gags move inshore and are easier to catch in the winter months – would like gags to be open in state waters from December through February

Grouper, Goliath

- Goliaths are more valuable alive than dead and should remain closed
- Way too many goliath grouper now
- Eat many important reef fish and lobster
- Allow harvest through a tag system – require that to get another tag, you turn in data from the first tag
- Consider using a catch and release tagging system to collect more data for assessments
- Protecting this species while fishing down others has created an imbalance in the ecosystem

Grouper, Snowy

- Several commenters upset with the recreational snowy grouper closure (Atlantic federal waters)
- Snowy grouper are common in the Keys, species not in trouble
- If you want to close snowy grouper, need to close all deepwater species – can't avoid snowy grouper
- If the species is open commercially, it should be open recreationally
- Make regulations 1 per person with no size limit
- Hard to distinguish between a large snowy and small warsaw grouper

Hogfish

- Hogfish abundant in no spearing zones, absent from spearing areas
- If you increase the minimum size limit for hogfish, it could encourage people to shoot smaller ones

Jacks

- Quotas for the jacks complex are too low and do not make biological sense (some abundant species have low quotas)
- Misidentification of some species of jacks could throw off landings data

Lionfish

- Try fish traps for lionfish

Lobster/Stone crab

- One commenter would like to be able to transfer or sell crawfish dive permits
- Number of crawfish dive permits needs to fall; don't end the moratorium on permits
- Concerns about trap line entanglements with endangered or protected species
- Increase penalties for violators
- One commenter wanted a recreational spiny lobster trap fishery

Pelagics (Mackerels, Cobia, Dolphin, and Wahoo)

- Several commenters suggested that federal rules need to be fixed to allow pelagics to be filleted (like snapper and grouper) when returning from the Bahamas
- Confusion between Bahamian and U.S. rules is a problem
- Eliminate minimum size limit for dolphin - impossible to measure without killing them
- Don't need 10 dolphin per person
- Would like to see the king mackerel commercial limits increased from 1,250 to 3,000 pounds and transit through state waters
- Expand the Spanish mackerel fishery

Sea cucumbers

- Concerns about declining populations
- Only seen on the Gulf side
- Markets for export as food to Japan and China developing
- Unsure of what limits should be; maybe 200 per vessel?
- People in Asian markets will buy them by the thousands
- Make a trip limit before it gets out of hand

Sharks

- Overpopulated in the Keys, hurting fishing for many reef species
- Too many species protected from harvest
- Learned behavior – associate boat noise with a free meal

Snapper, Mangrove

- Differences between state and federal rules are not logical
- Make state and federal regulations the same
- Use the federal regulations – 10 fish bag limit 12" TL
- May be difficult to catch 12" mangrove snappers in Florida state waters

Snapper, Mutton

- Several commenters suggested close mutton snapper during spawning (May and June)
- Too easy to catch mutton snapper during spawning
- Reduce bag limit to 2-3 per person, 10 per person is too many
- Make a vessel limit of 15-20 per vessel
- Other commenters suggested that bag limit reductions with no spawning closure would be the best option
- Another commenter suggested that populations are healthy and there is no need for a closure

Snapper, Red

- Red snapper becoming more common in south Florida. Can catch big ones in state waters
- The mini-season on the Atlantic could cause safety issues, need to discourage derby fishing
- Spillover of the species due to rebuilding of the stock can now be seen in the Keys

Snapper, Vermilion

- No problem with the species – fishing is great
- Would like to see vermilion made part of the snapper aggregate, and increase the aggregate from 5 to 10

Snapper, Yellowtail

- Yellowtail snapper fishing is the best it's ever been, species not in any trouble
- FWC should take over management of the species
- Manage as a joint-stock
- J hooks can reduce discard mortality of the species
- A few commenters in favor of circle hook requirements, and don't want to see exemption

Tarpon

- Make tarpon a federal gamefish species

APPENDIX D. MUTTON SNAPPER BAG LIMIT AND TRIP LIMIT ANALYSIS

Mutton Snapper Bag Limit analysis for Action 5 of the Draft Joint Generic Amendment on South Florida Management Issues.

Action 5 of the Draft Joint Generic Amendment on South Florida Management Issues proposes to both remove mutton snapper from the aggregate bag limit and reduce the mutton snapper bag limit. This report analyzes the Action 5 alternatives. The analysis focused primarily on the South Atlantic region because the Gulf of Mexico region had a low number of trips that sampled mutton snapper in the recreational surveys. An examination of the recent years of complete data (2011 to 2013) there were only 72 trips (0 in Texas, 6 MRIP, and 66 Headboat trips) in the Gulf of Mexico region. Therefore, there are not enough samples for the Gulf of Mexico region to do a meaningful analysis. The South Atlantic has significantly more mutton snapper trips surveyed with 8,525 trips (466 MRIP and 8,059 Headboat trips) from 2011 to 2013.

Alternative 2: Remove mutton snapper from the recreational aggregate bag limit

Mutton snapper are included in an aggregate bag limit and alternative 2 of Action 5 considers removing mutton snapper from it. This aggregate bag limit has a maximum of 10 fish, and encompasses the snapper species of mutton, gray, yellowtail, cubera, queen, blackfin, and silk for the Gulf of Mexico and South Atlantic regions. Wenchman are included in the Gulf of Mexico aggregate, and dog, lane, and mahogany snapper are included in the South Atlantic aggregate.

The Gulf of Mexico trips that harvested the aggregate snapper species were explored to reveal if the trip limit was being reached. An examination of the 2011-2013 catch records for all of the snapper in the aggregate are shown in Figure 1. Less than 2% (n = 153 trips) of the trips reached or exceeded the bag limit of 10 snapper per person. Therefore, the other snapper species should not be impacted by removing mutton snapper from the aggregate group as the 10 fish per angler aggregate is not currently constraining harvest.

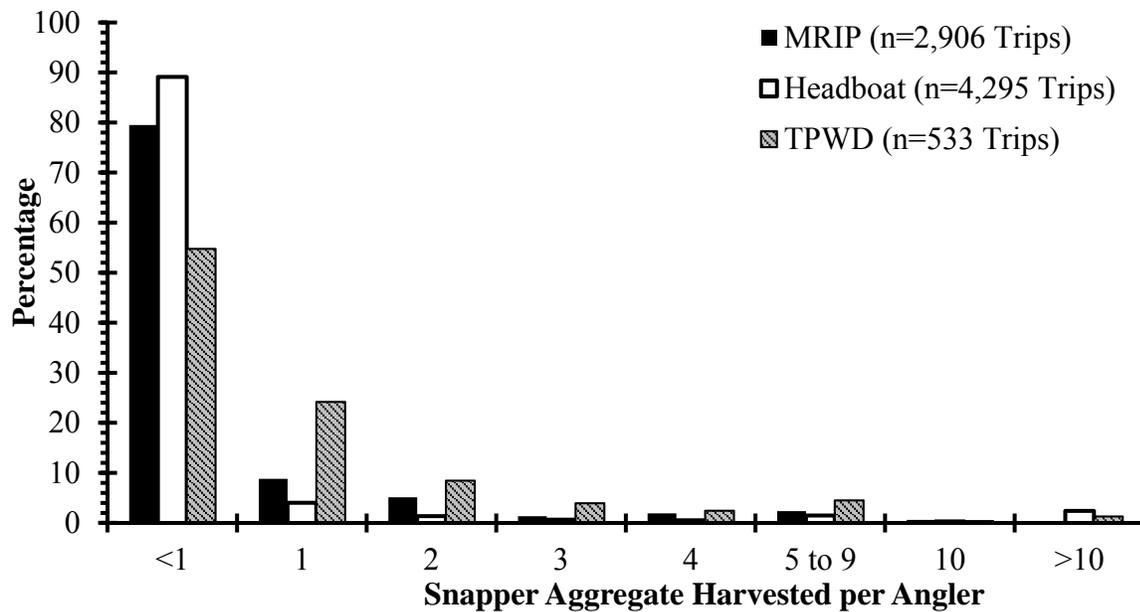


Figure 1. Distribution of Gulf of Mexico snapper harvested per angler for the species of snapper included in the snapper aggregate bag limit from the three recreational datasets (MRIP, Headboat, and TPWD) from 2011 to 2013. This aggregate includes the snapper species of mutton, gray, yellowtail, cubera, queen, blackfin, silk, and wenchman.

South Atlantic trips that harvested the snapper aggregate species were explored to reveal if the trip limit was being reached. An examination of the 2011-2013 catch records for all of the snapper in the aggregate are shown in Figure 2. Less than 1% (n = 329 trips) of the trips reached or exceeded the bag limit of 10 snapper per person. Therefore, the other snapper species should not be impacted by removing mutton snapper from the aggregate group as the 10 fish per angler aggregate is not currently constraining harvest.

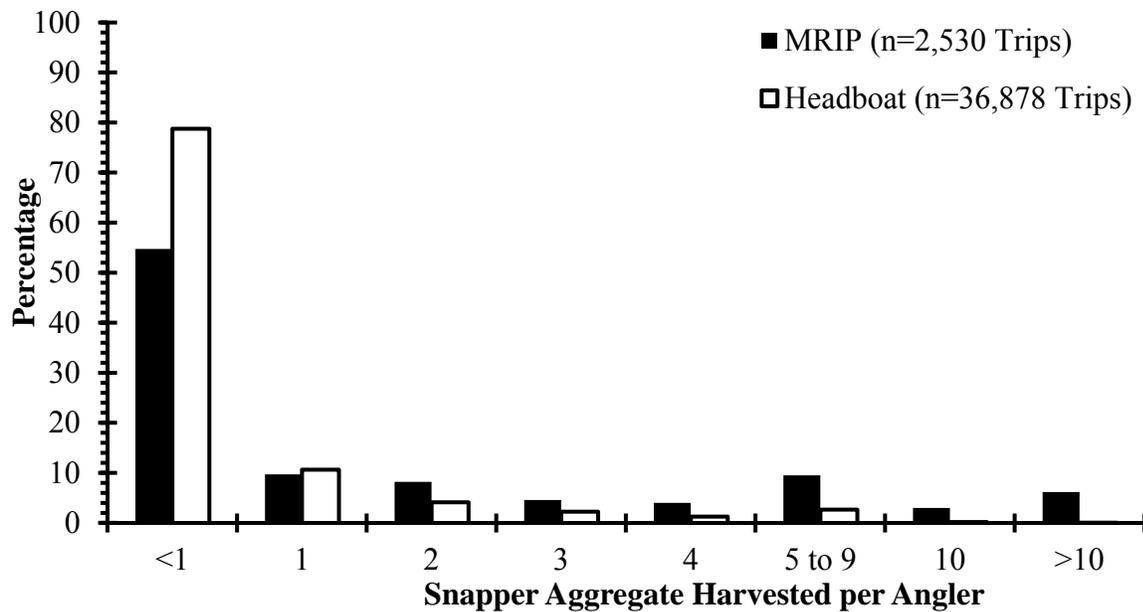


Figure 2. Distribution of South Atlantic snapper harvested per angler for the species of snapper included in the snapper aggregate bag limit from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. This aggregate includes the snapper species of mutton, gray, yellowtail, cubera, queen, blackfin, silk, dog, lane, and mahogany.

Alternative 3: Retain mutton snapper within the aggregate bag limit but specify bag limits for mutton snapper within the regular season and during the spawning season.

Analysis for alternative 3 only focused on the South Atlantic region. There was no analysis for the Gulf of Mexico region because of the low number of trips that sampled mutton snapper in this region.

There is concern from the public regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season. The trips that harvested mutton snapper were explored both within and outside the spawning season. Both the number of mutton snapper harvested per angler (Figure 3), and also the total mutton snapper harvested on a trip (Figure 4) were explored. In both cases the regular season and spawning season did not have distributional differences that were statistically significant (mutton snapper per angler, G-test, $P=0.950$; total mutton snapper harvested on a trip, G-test, $P=0.726$).

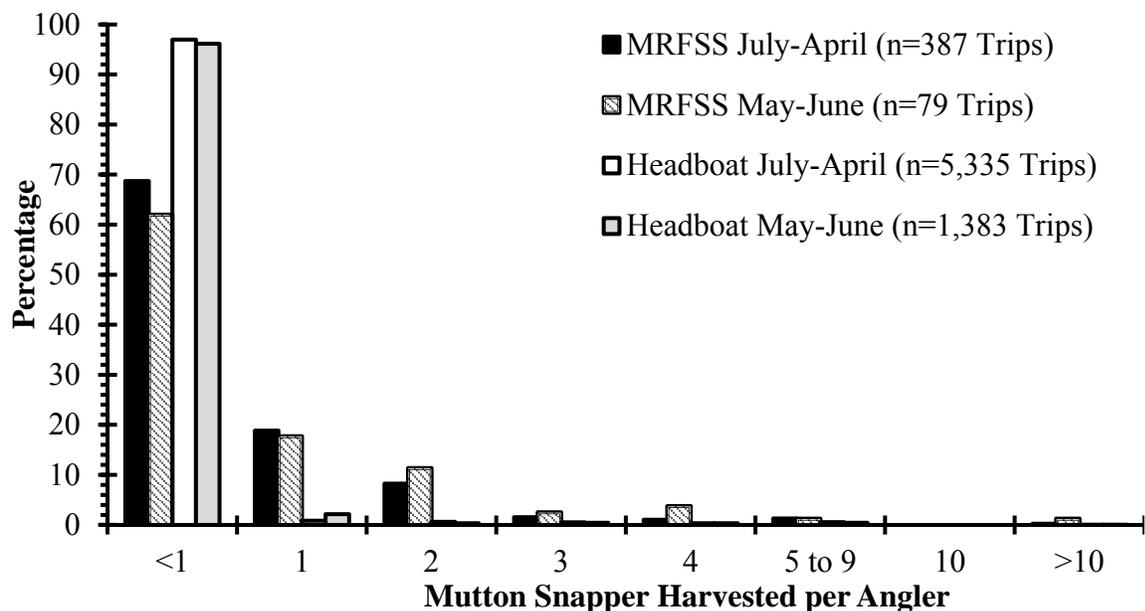


Figure 3. Distribution of South Atlantic mutton snapper harvested per angler by season from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. The regular season is from July to August and the spawning season is from May to June.

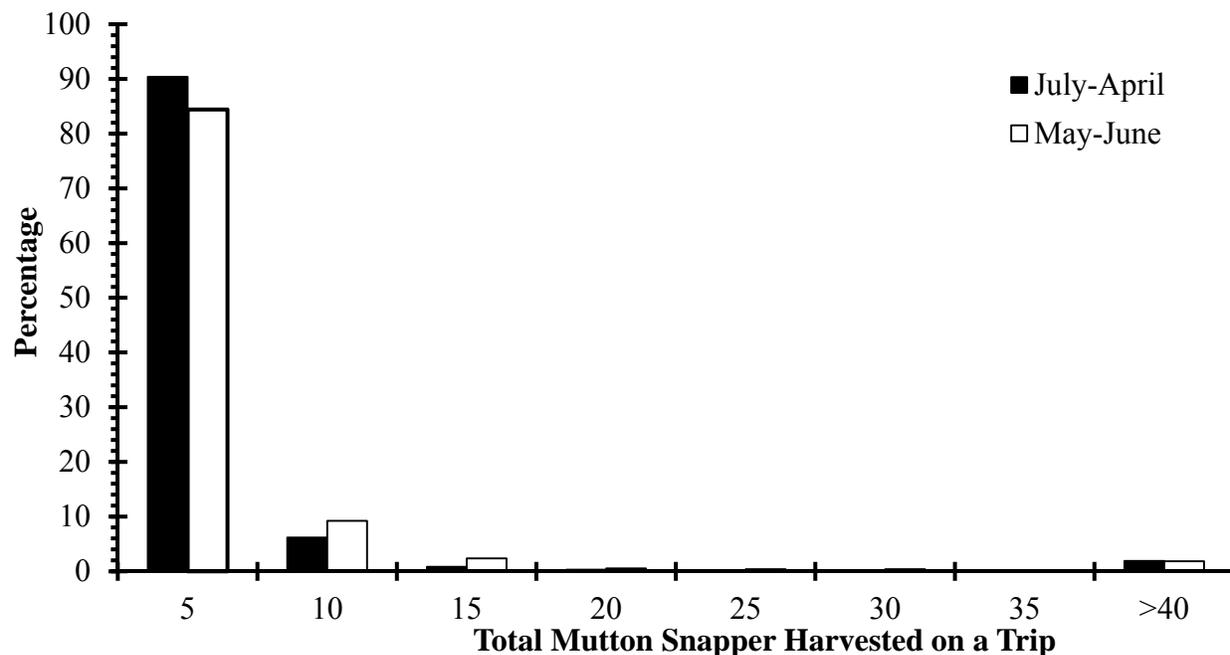


Figure 4. Distribution of the total number of mutton snapper harvested on a trip in the South Atlantic region from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. The regular season is from July to August and the spawning season is from May to June.

Percent reductions in landings from reducing the bag limit were calculated using data from 2011 to 2013. The reductions were calculated for each dataset and season (Table 1).

Table 1. Percent reductions in landings for various bag limits generated from South Atlantic recreational landings for the years 2011 and 2013. The reductions were calculated in terms of mutton snapper numbers with respect to dataset and non-spawning (July to April) and spawning (May-June) season. The datasets were MRIP and Headboat.

Bag Limit	MRIP			Headboat		
	Jul-Apr	May-Jun	All Year	Jul-Apr	May-Jun	All Year
10	0.0	0.0	0.0	0.0	0.0	0.0
9	0.2	1.3	0.4	0.3	0.4	0.3
8	0.4	2.5	0.9	0.7	0.8	0.7
7	1.3	3.8	1.8	1.3	2.0	1.5
6	2.3	5.1	2.9	2.9	3.8	3.1
5	3.5	6.3	4.1	5.5	6.2	5.7
4	5.1	8.4	5.8	9.4	9.7	9.5
3	8.5	12.7	9.3	15.3	14.7	15.2
2	14.1	20.3	15.3	25.0	21.7	24.2
1	29.3	34.2	30.3	37.5	32.4	36.3

Action 5 proposes different bag limits during July to April then during May-June because of the May-June spawning season. Table 2 provides the percent reductions for the bag limit options proposed.

Table 2. Percent reductions in landings for Alternative 2 of Action 5 for the Decision Document for Joint Council Committee on South Florida Management Issues. The bag limits were applied to Gulf of Mexico and South Atlantic recreational landings for the years 2011 and 2013. The reductions were calculated in terms of mutton snapper numbers with respect to dataset and non-spawning (July to April) and spawning (May-June) season. The datasets were MRIP and Headboat.

	MRIP		Headboat	
	Jul-Apr	May-Jun	Jul-Apr	May-Jun
Alt 2 Option 2a				
Bag Limit	10 fish	2 fish	10 fish	2 fish
Percent Reduction	None	20.3	None	21.2
Alt 2 Option 2b				
Bag Limit	5 fish	2 fish	5 fish	2 fish
Percent Reduction	3.5	20.3	5.9	21.2

In recent years the majority (about 80%) of the South Atlantic recreational landings came from MRIP (**Table 3**). Therefore, the percent reductions generated from the MRIP data will have a greater impact than the Headboat percent reductions.

Table 3. South Atlantic mutton snapper recreational landings by dataset.

Year	MRIP		Headboat		Total
	lbs	%	lbs	%	
2011	228,075	81	53,171	19	281,247
2012	402,382	84	74,640	16	477,022
2013	429,759	89	51,972	11	481,731

Mutton Snapper Trip Limit Analysis for Action 6 of the Draft Joint Generic Amendment on South Florida Management Issues

Action 6 of the Draft Joint Generic Amendment on South Florida Management Issues (Amendment) is proposing modifications to the mutton snapper commercial trip limit. The rationale behind these modifications is concern from the public regarding mutton snapper harvest during the spawning season of May-June. Therefore, the amendment is considering changes to the trip limit during the spawning season. The amendment also proposes imposing a trip limit outside the spawning season (July-April) to restrain harvest.

Commercial logbook data (accessed November 6, 2014) was explored to determine the harvest of mutton snapper per trip. Both the Gulf of Mexico and the South Atlantic had sufficient logbook data to do a trip limit analysis. The most recent years of complete data (2011-2013) had 1,275 trips landing mutton snapper in the Gulf of Mexico and 4,282 trips in the South Atlantic.

Gulf of Mexico

The Gulf of Mexico commercial trips that harvested mutton snapper were explored both within and outside the May-June spawning season (Figure 1). The regular season and spawning season did not have distributional differences that were statistically significant (G-test, $P=0.806$). However, the Gulf of Mexico region had a higher percentage of trips than the South Atlantic region with more than 250 pounds whole weight (lbs ww) of mutton snapper harvested in a trip.

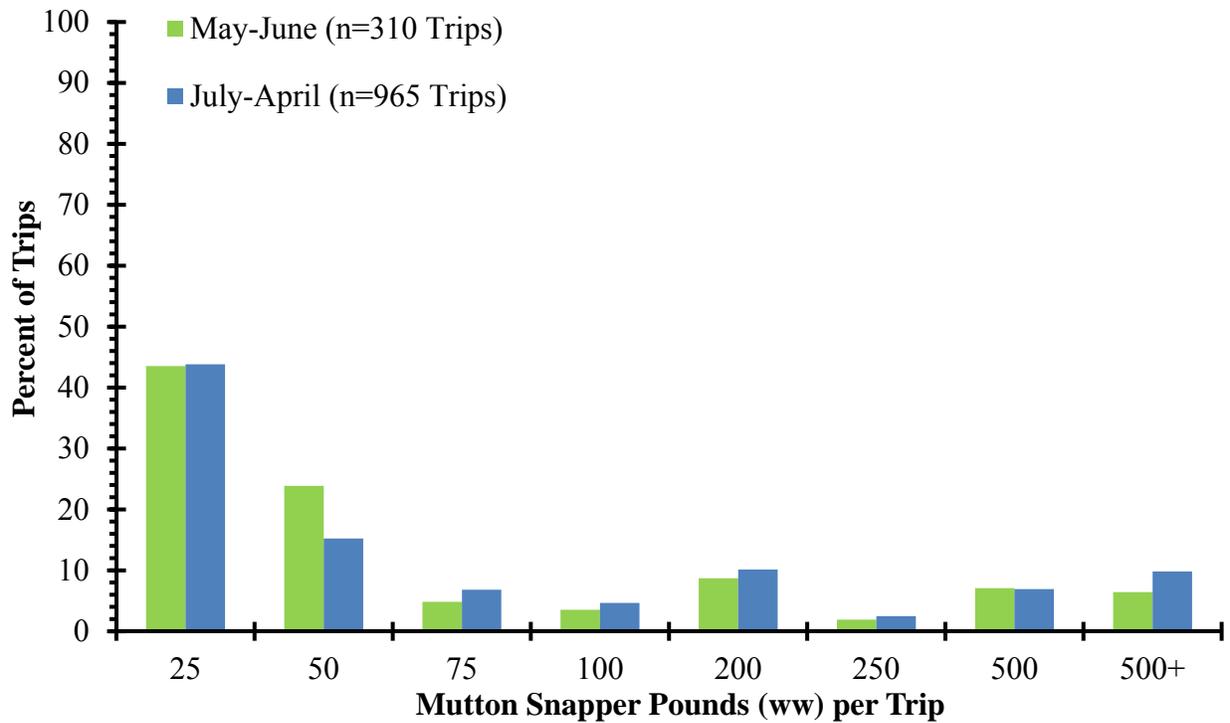


Figure 1. Distribution of the mutton snapper harvested per trip (lbs ww) in the Gulf of Mexico region from the commercial logbook dataset from 2011 to 2013. The spawning season is from May to June.

South Atlantic

The South Atlantic currently has a trip limit for mutton snapper to add protection during the spawning season. From May-June there is a 10 mutton snapper trip limit per person or per day in the South Atlantic, whichever is more restrictive. South Atlantic commercial trips that harvested mutton snapper were explored both within and outside the May-June spawning season (Figure 2). The regular season and spawning season did not have distributional differences that were statistically significant (G-test, $P=0.609$).

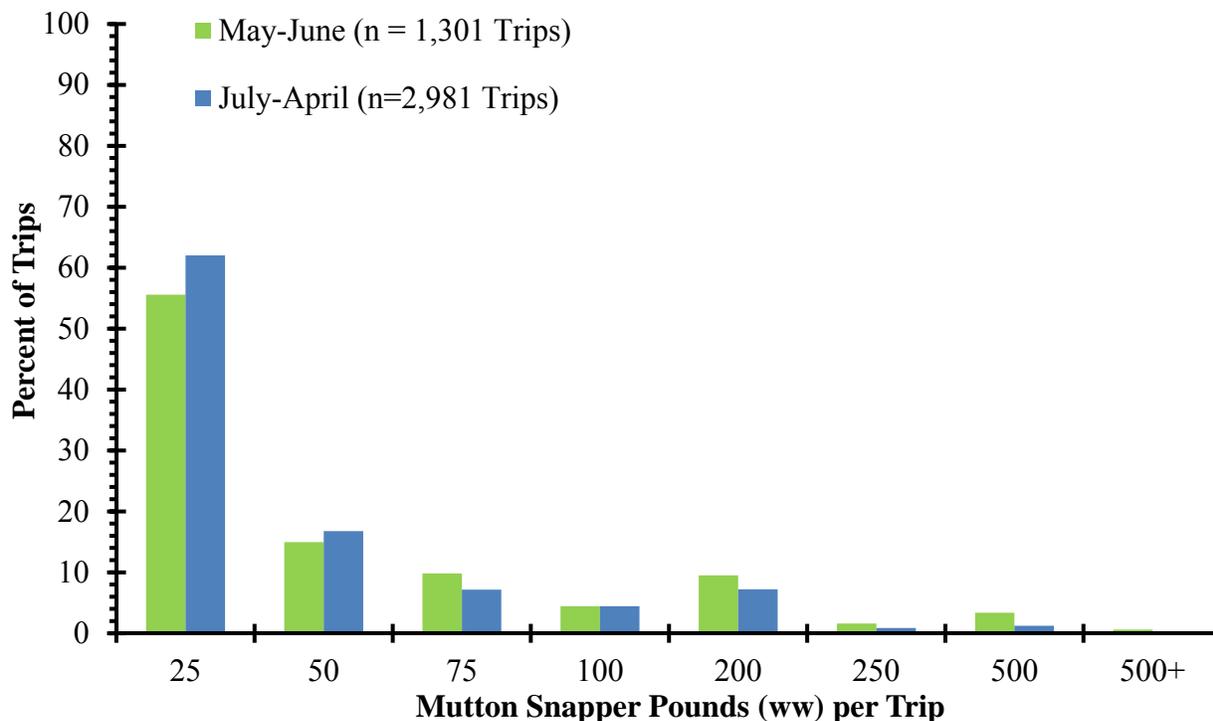


Figure 2. Distribution of the mutton snapper harvested per trip (lbs ww) in the South Atlantic region from the commercial logbook dataset from 2011 to 2013. The spawning season is from May to June.

Trip Limit Analysis

The commercial logbook data provides landings in pounds; however, the current South Atlantic mutton snapper trip limit and most of the Amendment’s proposed modifications to the trip limit, are in numbers of fish. Landings in pounds were converted to numbers by dividing the harvest by the mutton snapper average weight. Average weight was calculated using the most recent years of complete data (2011-2013) from the commercial trip interview program (TIP) for three regions (Gulf of Mexico, South Atlantic, and Gulf of Mexico and South Atlantic combined). Table 1 provides the average weight for all three regions.

Table 1. Average weight (lbs ww) of mutton snapper for all three different regions generated from TIP data from 2011-2013.

Location	Average	n
Gulf of Mexico	8.82	850
South Atlantic	8.13	853
Gulf and South Atlantic	8.47	1,703

The Alternatives of Action 6 of the Draft Joint Generic Amendment on South Florida Management Issues were analyzed. Alternatives 2 and 6 proposed increases in the trip limit. This was analyzed by first determining the weight of 10 mutton snapper by multiplying by the

average weight by 10 for each region. Any trips that harvested less than the weight equivalent of 10 mutton snapper were not modified. Trips that had a mutton snapper harvest weight of 10 fish plus another 25 pounds were modified to meet the increased trip limit. This is assuming that trips that harvested the trip limit or slightly exceeded the limit would also meet the increased trip limit being proposed. Trips that harvested mutton snapper above 25 pounds of the 10 fish limit were not modified since these trips exceeded the limit and it was assumed in the future there will still be a similar proportion of trips that exceed the trip limit. Alternative 2 only proposed increasing the trip limit from July to April; therefore, the modifications to the commercial logbook data were only applied to this time period. Alternative 6 only proposed increasing the trip limit to the longline sector of the commercial fleet; therefore, the modifications to the commercial logbook data were only applied to harvest from longline gear.

Other Alternatives for Action 6 proposed decreasing the commercial trip limit or implementing a trip limit in the Gulf of Mexico region. This was done by first defining the trip limit in pounds (to match the commercial logbook data) by multiplying the average weight by the trip limit in numbers. For example a trip limit of 5 fish in the South Atlantic would be defined by multiplying 5 times 8.13 to get a trip limit of 41 pounds. Percent reductions were calculated by isolating the landings that exceeded the trip limit and evaluating these landings relative to the total landings. The percent reductions also followed the options in each alternative to adjust for trip limits that were only being considered for a specific time period or gear. Results for all of the proposed trip limit options for Action 6 are summarized in Table 2. Changes to the trip limit for longline gear in the South Atlantic had no impact on the South Atlantic landings. This is because there were no trips that harvested mutton snapper in the South Atlantic from 2011-2013 with longline gear. This is likely due to the regulation that prohibits bottom longline gear in depths less than 50 fathoms south of St. Lucie Inlet, Florida.

Table 2. Percent increases and decreases in landings for various commercial trip limits proposed in the Draft Joint Generic Amendment on South Florida Management Issues. Percent increases are positive numbers and percent decreases are negative numbers. Both the percent increase and decreases came from mutton snapper commercial logbook data from 2011 to 2013.

Alternative	Option	Season	Gulf of Mexico	South Atlantic	Gulf and South Atlantic
Alt 2	Option 2a: 10 fish	July-April	-65%	-20%	-45%
	Option 2b: 12 fish		12%	26%	19%
Alt 3	Option 3a: 2 fish	May-June	-16%	-27%	-21%
	Option 3b: 5 fish		-14%	-20%	-16%
	Option 3c: 10 fish		-12%	0	-7%
	Option 3d: No limit		0	NA	NA
Alt 4	10 fish		-12%	0	-7%

		May- June			
Alt 5	Option 5a: 10 fish, Handline Sector	May- June	-2%	0	-6%
	Option 5b: 5 fish, Handline Sector		-3%	-18%	-8%
	Option 5c: 2 fish, Handline Sector		-3%	-25%	-12%
Alt 6	Option 6a: 500 lbs ww, Longline sector	May- June	4%	0	2%
	Option 6b: 50 lbs ww, Longline sector		-12%	0	-6%

This analysis attempted to predict realistic changes to the landings from the various trip limit options presented in the amendment. Uncertainty exists in these projections, as economic conditions, weather events, changes in catch-per-unit effort (CPUE), fisher response to management regulations, and a variety of other factors may cause departures from this assumption. The bounds of this uncertainty are not captured by the model as currently configured; as such, it should be used with caution as a ‘best guess’ for future dynamics. In addition to the aforementioned sources of uncertainty, the modeled reductions associated with management measures assume that past performance in the fishery is a good predictor of future dynamics. We have attempted to constrain the range of data considered to recent years to reduce the unreliability of this assumption.

APPENDIX E. BLACK GROUPEY ANALYSIS

Black Grouper Recreational Closure and Bag Limit Analysis for Action 11 of the Draft Joint Generic Amendment on South Florida Management Issues

This analysis focused on the South Atlantic region. This is because the Gulf of Mexico region had a low number of trips that sampled black grouper in the recreational surveys. From 2011 to 2013 there were only 56 trips (3 MRIP and 53 Headboat trips) in the Gulf of Mexico region. Therefore, there are not enough samples to do a meaningful analysis.

Additionally, the recreational black grouper landings in the Gulf of Mexico have been relatively low. Black grouper are included in the shallow water grouper complex in the Gulf of Mexico which has had landings below the ACL in the past three years (2012, 2013, and 2014). This complex consists of black, scamp, yellowmouth, and yellowfin grouper. From 2011 to 2013 black grouper contributed to only about 7% of the total shallow water grouper landings.

In June of 2009, South Atlantic Snapper-Grouper Amendment 16 established a *recreational closed season for South Atlantic black grouper from January 1st to April 30th*. Action 11 of the Draft Joint Generic Amendment on South Florida Management Issues proposes to eliminate or modify this closure and modify the bag limit. Predictions of closure dates are required to determine if landings will exceed the black grouper ACL if the closed season and bag limit are modified.

Estimating Future Landings

Data from the most recent years of complete landings (2012 and 2013) and preliminary 2014 landings were used as a proxy for future recreational landings for waves 3 through 6 (May to December). Landings from all three years of 2012 to 2014 were used, instead of just using the most recent year of landings, because landings were quite different in each of these years (Figure 1). Using all three years of data provides a range of different predictions for future landings. At the present time 2014 Headboat landings and MRIP landings for wave 6 (November to December) of 2014 are not available. Headboat landings from 2013 were used as a proxy for 2014 Headboat landings, and 2013 wave 6 MRIP landings were used as a proxy for 2014 wave 6 MRIP landings.

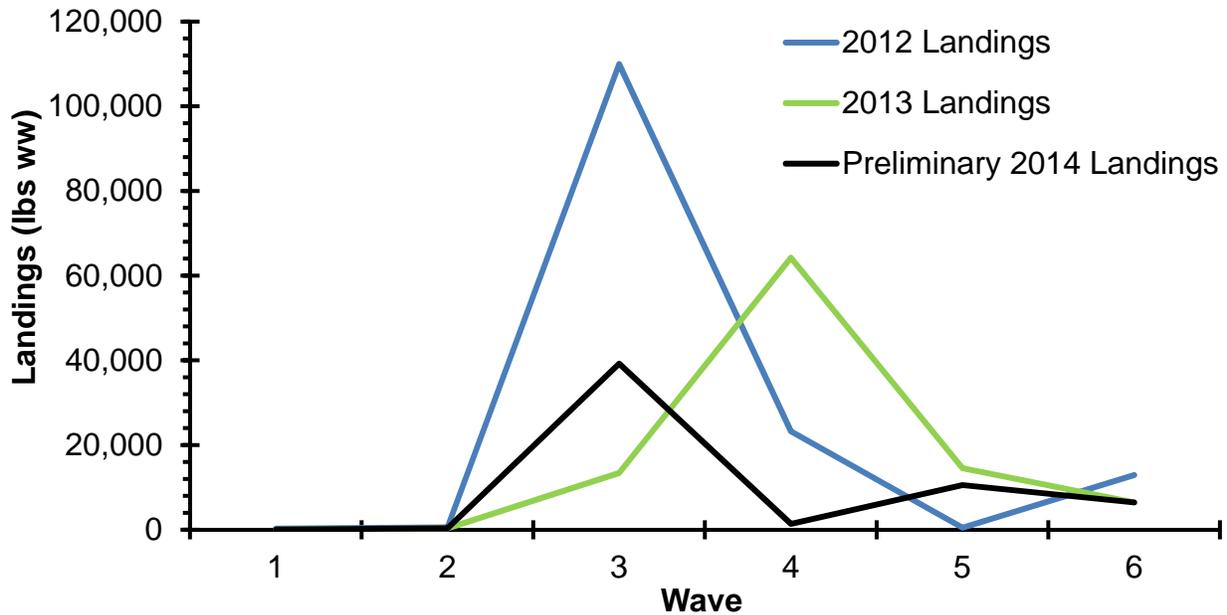


Figure 1. South Atlantic black grouper recreational landings by wave for 2012 and 2013, and preliminary landings for 2014.

Alternative 2: Remove the January to April Closure in the South Atlantic

Action 11 proposes to eliminate (Alternative 2) or modify (Alternatives 3 and 4) the current closure from January to April. Estimates of future recreational landings during the January to April closure were necessary to make predictions of closure dates. Two different scenarios were conducted to predict future landings for January through April (waves 1 and 2). Both scenarios determined wave 1 and 2 landings from the historical proportional relationship with wave 3 landings. Scenario 1 determined the proportional relationships using only Headboat landings because Headboat landings were estimated by a logbook program which is less vulnerable to sampling variability during low-effort fishing months. The second scenario determined the proportional relationship using both Headboat and MRIP landings. The closure was implemented in 2009; therefore, landings from 2007 and 2008 were used to determine the historical proportional relationship. Figure 2 displays the 2007 and 2008 recreational landings for waves 1 to 3. A 2-year average of the proportion was used to smooth the variability of black grouper landings from the two years. The average of the 2007 and 2008 Headboat landings proportion between waves determined the relationship between waves 1 and 3 was 1.2 (Standard Deviation = 0.98), and the relationship for waves 2 and 3 was 0.88 (Standard Deviation = 0.96). The average of the 2007 and 2008 Headboat and MRIP landings proportion determined the relationship between waves 1 and 3 was 2.96 (Standard Deviation = 1.82), and the relationship for waves 2 and 3 was 0.89 (Standard Deviation = 0.30). Since applying the proportion to wave 3 landings has the potential to overinflate wave 1 and 2 landings there was a landings cap placed on waves 1 and 2. The cap for wave 1 was 123,695 pounds whole weight (lbs ww) and 46,053 lbs ww for wave 2. These landings caps were the maximum landings for these two waves over the past ten years. Figure 3 provides a visual representation of the landings for the two scenarios.

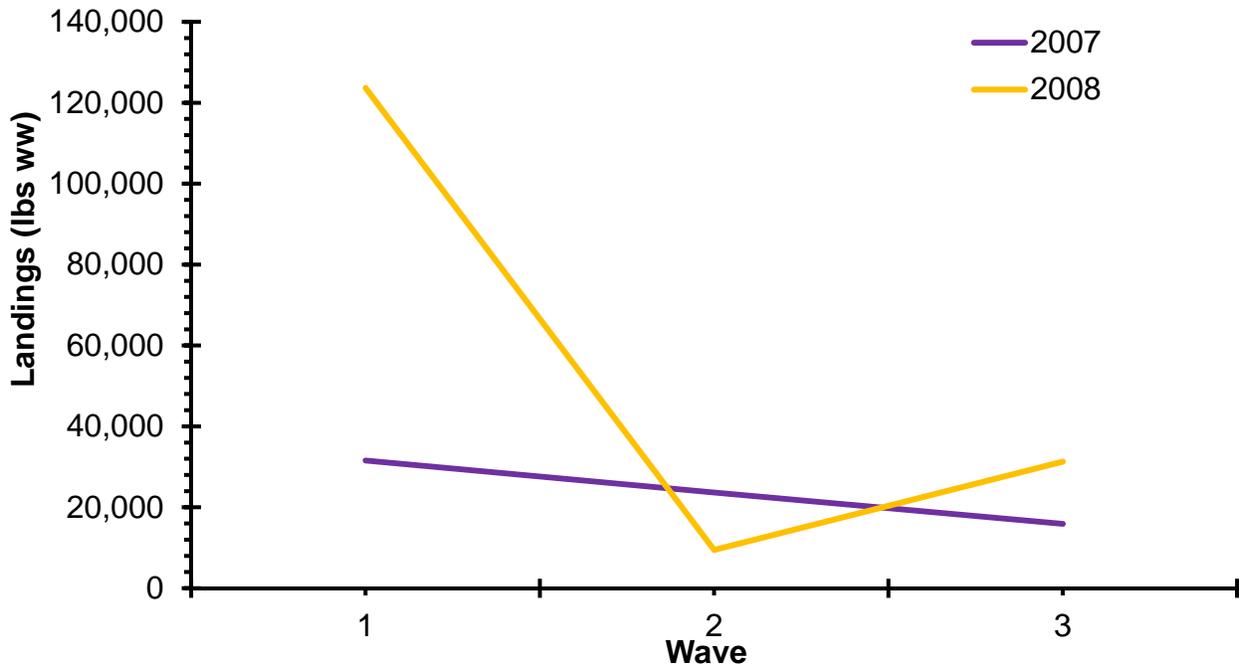


Figure 2. South Atlantic black grouper recreational landings by wave for 2007 and 2008.

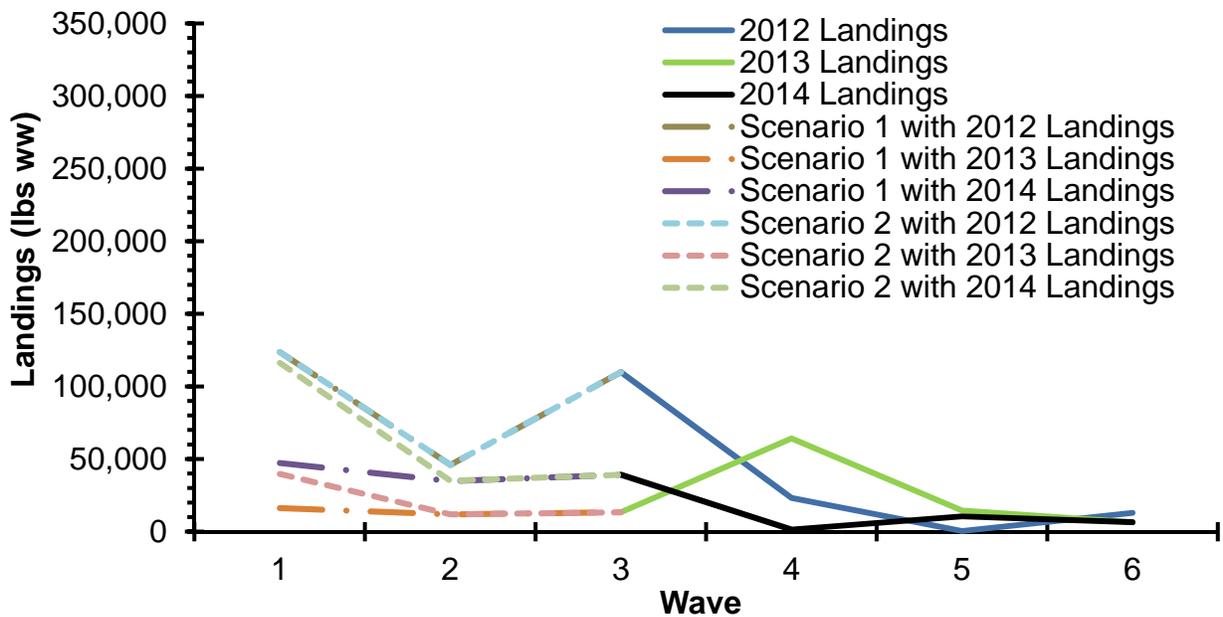


Figure 3. South Atlantic black grouper recreational landings by wave. Two scenarios were used to predict landings in waves 1 and 2. Scenario 1 used historical proportional relationships of Headboat landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Scenario 2 used historical proportional relationships of Headboat and MRIP landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Landings for waves 3 to 6 came from 2012, 2013, or 2014 landings.

Once the landings for each wave were established for each scenario then it was assumed that each month (Headboat) or wave (MRIP) had uniform distributions of landings by day. The landings by day were cumulatively summed and compared to the ACL to predict closure dates. The current South Atlantic recreational ACL is 165,750 lbs ww.

Whether the stock exceeds the ACL or not is dependent on how representative 2012, 2013, or 2014 landings are to future landings (Table 1). If the future landings are similar to the 2012 landings then the recreational sector will be closed in season. However, if future landings are similar to 2013 landings then the recreational sector will be open for the entire year. The landings in 2014 were low which results in no closure for scenario 1, but there was a closure in scenario 2 due to the relatively higher 2014 wave 3 landings.

Table 1. Alternative 2 predicted annual recreational landings and closure dates for black grouper under two landings scenarios. Alternative 2 proposes to remove the January to April closure in the entire South Atlantic region, and the ACL is 165,750 lbs ww. Scenario 1 used historical proportional relationships of Headboat landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Scenario 2 used historical proportional relationships of Headboat and MRIP landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Landings for waves 3 to 6 came from 2012, 2013, and 2014 landings.

	Scenario 1		Scenario 2	
	Predicted Annual Landings (lbs ww)	Closure Date	Predicted Annual Landings (lbs ww)	Closure Date
2012 Landings	316,382	25-Apr	316,382	25-Apr
2013 Landings	126,841	None	150,495	None
2014 Landings	139,868	None	208,985	23-May

Alternative 3 and 4: Modify the Recreational Seasonal Closure

Alternatives 3 and 4 of Action 11 propose to modify the seasonal closure. An analysis of Alternatives 3 and 4 was conducted using the same estimates of future landings and scenarios that were used to analyze Alternative 2. The different options for Alternatives 3 and 4 were analyzed by assuming there were no landings during the month or months of a closure. This assumption is supported by the fact that landings during the closure months are typically 200 pounds or less.

Table 2 summarizes the analysis of landings and closure dates for the different options of Alternatives 3 and 4. Again, predictions of whether the stock exceeds the ACL or not are dependent on how 2012, 2013, or 2014 landings are representative of future landings. If the future landings are similar to the 2012 landings then the recreational sector will be closed in season. However, if future landings are similar to 2013 or 2014 landings then the recreational sector will be open for the entire year.

Table 2. Alternatives 3 and 4 predicted annual recreational landings and closure dates for black grouper under two landings scenarios. The South Atlantic recreational ACL is 165,750 lbs ww. Scenario 1 used historical proportional relationships of Headboat landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Scenario 2 used historical proportional relationships of Headboat and MRIP landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Landings for waves 3 to 6 came from 2012, 2013, or 2014 landings.

	Scenario 1		Scenario 2	
	Predicted Annual Landings (lbs ww)	Closure Date	Predicted Annual Landings (lbs ww)	Closure Date
January to March Closure				
2012 Landings	194,739	21-Jul	194,961	20-Jul
2013 Landings	104,580	None	104,607	None
2014 Landings	76,501	None	76,580	None
January Closure				
2012 Landings	307,405	31-May	399,610	7-Mar
2013 Landings	118,332	None	129,587	None
2014 Landings	116,685	None	149,570	None
February Closure				
2012 Landings	314,151	29-Apr	416,186	30-Jan
2013 Landings	119,156	None	131,611	None
2014 Landings	119,090	None	155,482	None
March Closure				
2012 Landings	327,400	21-Apr	520,959	30-Jan
2013 Landings	120,773	None	144,399	None
2014 Landings	123,816	None	191,174	20-Jun

Results for Alternatives 2, 3 and 4

Action 11 proposes to eliminate (Alternative 2) or modify (Alternatives 3 and 4) the current closure from January to April. Table 3 summarizes the results of the analysis of landings and closure dates for both Alternative 2 and Alternative 3.

Table 3. Predicted annual recreational landings and closure dates for black grouper under two landings scenarios for Alternatives 2, 3, and 4. The South Atlantic recreational ACL is 165,750 lbs ww. Scenario 1 used historical proportional relationships of Headboat landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Scenario 2 used historical proportional relationships of Headboat and MRIP landings for wave 1 to wave 3, and

wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Landings for waves 3 to 6 came from 2012, 2013, or 2014 landings.

	Scenario 1		Scenario 2	
	Predicted Annual Landings (lbs ww)	Closure Date	Predicted Annual Landings (lbs ww)	Closure Date
Alternative 2: No Seasonal Closure				
2012 Landings	377,109	21-Mar	570,897	30-Jan
2013 Landings	126,841	None	150,495	None
2014 Landings	139,868	None	208,985	23-May
Alternatives 3 and 4 Option a: January to March Closure				
2012 Landings	194,739	21-Jul	194,961	20-Jul
2013 Landings	104,580	None	104,607	None
2014 Landings	76,501	None	76,580	None
Alternatives 3 and 4 Option b: January Closure				
2012 Landings	307,405	31-May	399,610	7-Mar
2013 Landings	118,332	None	129,587	None
2014 Landings	116,685	None	149,570	None
Alternatives 3 and 4 Option c: February Closure				
2012 Landings	314,151	29-Apr	416,186	30-Jan
2013 Landings	119,156	None	131,611	None
2014 Landings	119,090	None	155,482	None
Alternatives 3 and 4 Option d: March Closure				
2012 Landings	327,400	21-Apr	520,959	30-Jan
2013 Landings	120,773	None	144,399	None
2014 Landings	123,816	None	191,174	20-Jun

There has been a decline in total annual recreational black grouper landing from 2012 to 2014 (Figure 1). The lowest total landings for all three years took place in 2014. If black grouper landings continue to decrease then the probability of exceeded the ACL will be decreased.

Alternative 5: Remove black grouper from the shallow-water grouper closure of the recreational season in the South Atlantic in Federal waters off Monroe County, Florida.

Alternative 5 was analyzed by applying the same method used for the analysis for Alternatives 2, 3, and 4 but only the Federal waters of Monroe County, Florida did not have the January to April closure. Therefore, the analysis only allowed January to April landings to occur in Federal waters of Monroe County. The landings were assumed to be zero from January to April for the rest of the South Atlantic region. Table 4 provides predicted landings and closure dates for Alternative 5.

Table 4. Alternative 5 predicted annual recreational landings and closure dates for black grouper under two landings scenarios. Alternative 5 proposes to remove the January to April closure only in Monroe County, Florida. The South Atlantic recreational ACL is 165,750 lbs ww. Scenario 1 used historical proportional relationships of Headboat landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Scenario 2 used historical proportional relationships of Headboat and MRIP landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Landings for waves 3 to 6 came from 2012, 2013, or 2014 landings.

	Scenario 1		Scenario 2	
	Predicted Annual Landings (lbs ww)	Closure Date	Predicted Annual Landings (lbs ww)	Closure Date
2012 Landings	238,902	11-Jun	238,902	11-Jun
2013 Landings	105,299	None	110,842	None
2014 Landings	132,089	None	194,665	14-Jun

Alternative 6: Remove black grouper from the recreational aggregate bag limit in the Gulf of Mexico

Black grouper are included in the Gulf of Mexico aggregate bag limit which is set at 4 grouper per angler. The aggregate bag limit contains black, gag, red, yellowfin, scamp, and yellowmouth grouper. Alternative 6 of Action 11 proposes to remove black grouper from the Gulf of Mexico aggregate bag limit. An examination of the 2011-2013 catch records for all grouper in the aggregate is shown in Figure 4. Less than 1% (n=255 trips) of the trips reached or exceeded the bag limit of 4 grouper per angler. Also, trips that harvested black grouper from 2011-2013 (n=56 trips) accounted for less than 1% of the total Gulf of Mexico trips sampled that harvested any of the aggregate grouper species (n=28,700 trips). Therefore, the other grouper species should not be impacted by removing black grouper from the aggregate group as the 4 grouper per angler aggregate is not currently constraining angler harvest.

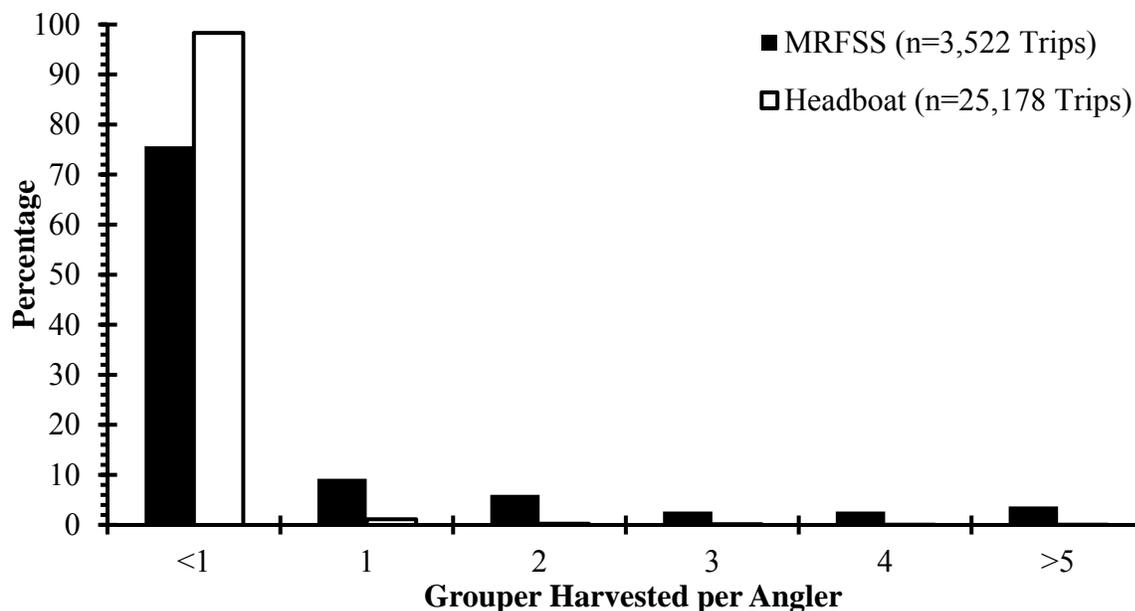


Figure 4. Distribution of Gulf of Mexico grouper harvested per angler included in the grouper aggregate bag limit from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. This aggregate includes the species of black, gag, red, yellowfin, scamp, and yellowmouth grouper.

Alternative 7: Remove black grouper from the recreational aggregate bag limit in the South Atlantic

Black grouper are included in the South Atlantic grouper aggregate bag limit which is set at 3 grouper per angler, however only one grouper can be a black or gag grouper. The aggregate bag limit contains black, gag, red, red hind, rock hind, coney, graysby, yellowfin, scamp, and yellowmouth grouper. Alternative 7 of Action 11 proposes to remove black grouper from the South Atlantic aggregate bag limit. An examination of the 2011-2013 catch records for all grouper in the aggregate is shown in Figure 5. Less than 1% (n=15 trips) of the trips sampled reached or exceeded the bag limit of 3 grouper per angler. Therefore, the other grouper species should not be impacted by removing black grouper from the aggregate group as the 3 grouper aggregate is not currently constraining angler harvest.

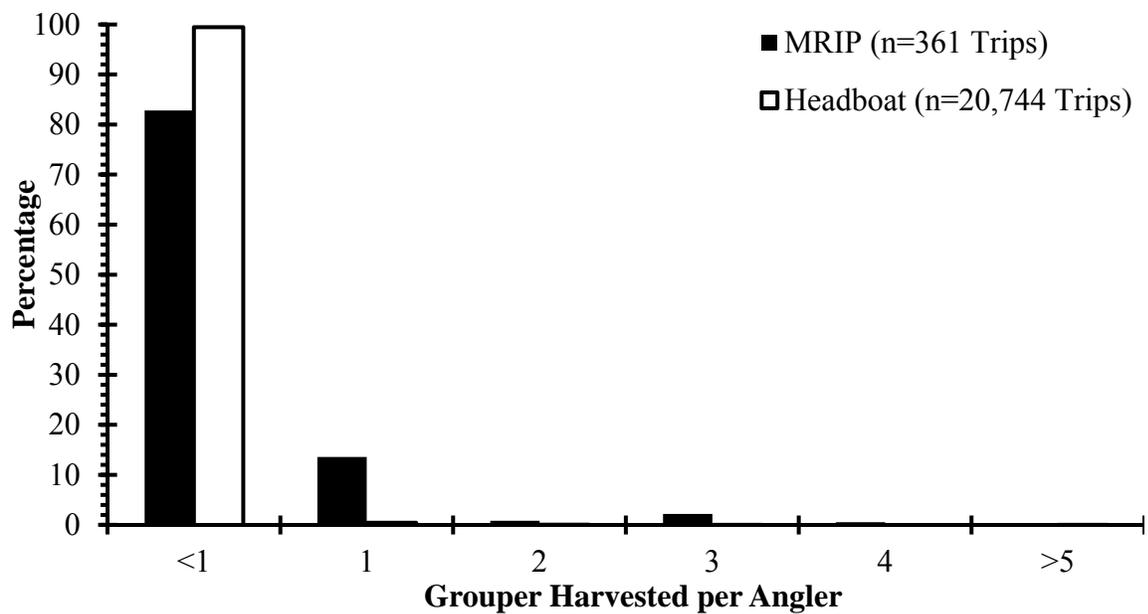


Figure 5. Distribution of South Atlantic grouper harvested per angler included in the grouper aggregate bag limit from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. This aggregate includes the species of black, gag, red, red hind, rock kind, coney, graysby, tiger, scamp, yellowfin, and yellowmouth grouper.

Alternative 8: Modify the recreational bag limit for black grouper in the South Atlantic

Alternative 8 proposes to increase the bag limit to two, three, or four black grouper per angler. The South Atlantic catch and effort files for the last 3 years of complete data (2011-2013) were explored. The South Atlantic region had 2,451 trips (41 MRIP and 2,410 Headboat trips) that reported black grouper in the South Atlantic. This region currently has a one fish bag limit for black grouper. This is reflected in the catch and effort files with 99% of the South Atlantic trips harvesting one black grouper or less per angler (Figure 6).

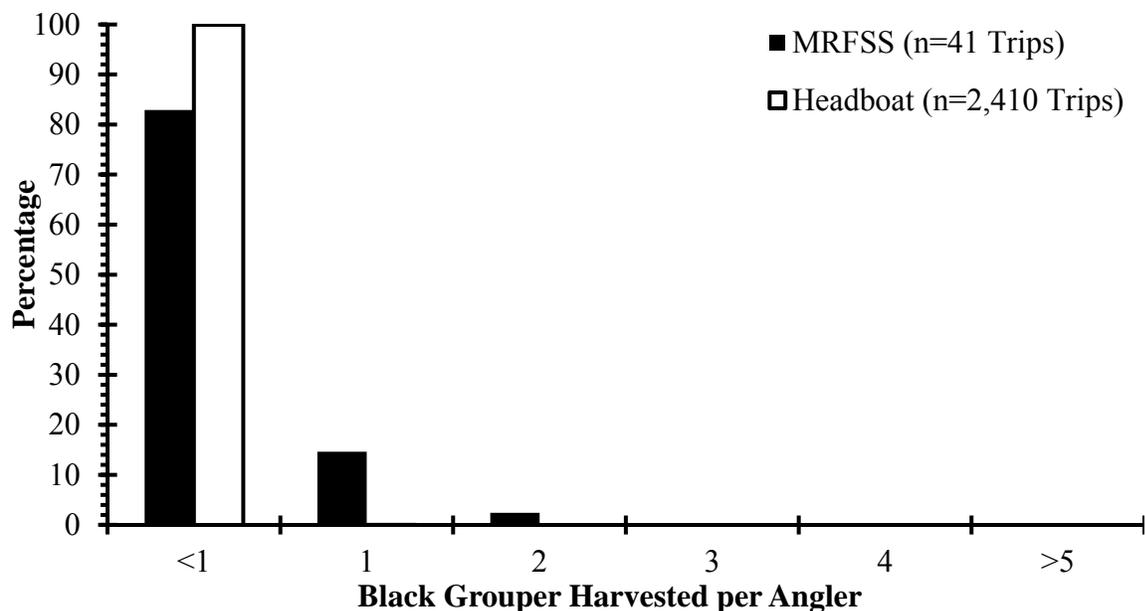


Figure 6. Distribution of South Atlantic black grouper harvested per angler from the two recreational datasets (MRIP and Headboat) from 2011 to 2013.

In February of 1999 South Atlantic Snapper-Grouper Amendment 9 changed the black grouper bag limit from five to two fish. Then in June of 2009 South Atlantic Snapper-Grouper Amendment 16 changed the black grouper bag limit from two to one fish. Landings data from 1996 to 1998 were reviewed to determine catch rates of black grouper per person during a time when anglers had the option of keeping up to five black grouper. Figure 7 provides the black grouper harvested per person from 1996 to 1998. Also, the stock was not overfished from 1996 to 1998 according to the latest black grouper assessment (SEDAR 19). The options to increase the bag limit were analyzed by first calculating the proportion of trips that caught two, three, and four black grouper relative to the number of trips that caught one black grouper. The proportions were calculated to be 6% for two fish, 3% for three fish, and 1% for four fish relative to the trips that harvested one black grouper. Percent increases in landings from increasing the bag limit were calculated by applying the proportions to the trips that harvested one black grouper from 2011 to 2013. Table 5 provides the percent increase in landings by dataset (MRIP and Headboat). Percent increases in landings by mode or by month were not possible because of small sample sizes ($n < 30$).

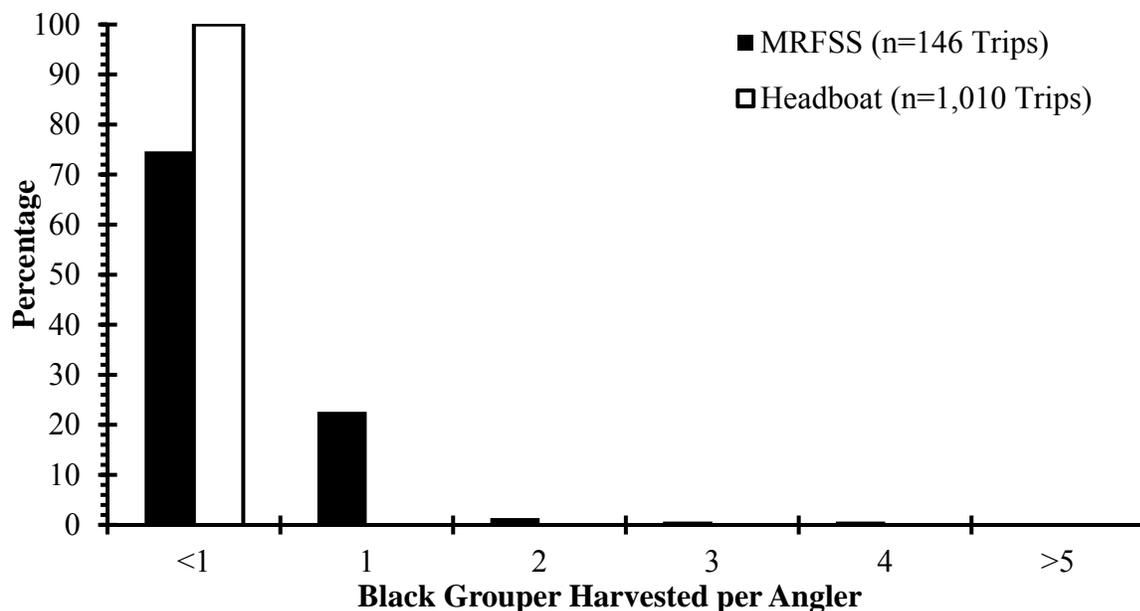


Figure 7. Distribution of South Atlantic black grouper harvested per angler from the two recreational datasets (MRIP and Headboat) from 1996 to 1998.

Table 5. Percent increases in landings for various bag limits applied to South Atlantic recreational landings for the years 2011 and 2013. The increases were calculated in terms of numbers of fish with respect to dataset (MRIP and Headboat).

Bag Limit	MRIP	Headboat
1	0	0
2	2.9%	< 1%
3	3.2%	< 1%
4	3.4%	< 1%

The bag limit percent increases in landings were applied to landings Scenarios 1 and 2 of the 2014 landings. Figure 3 from above displays the landings scenarios for the 2014 landings. Alternative 8 also proposed to modify the bag limit for all of the South Atlantic region, only in waters off Monroe County, only in Federal waters off Florida, and only in Federal waters of the South Atlantic. The 2014 landings were separated by County, State, and Federal waters to analyze all of the bag limit options in Alternative 8, and Table 6 reveals the breakdown of those landings. The same landings were provided for the two categories of only in Federal waters off of Florida and only in Federal waters of the South Atlantic. This is because there were no additional black grouper 2014 landings outside of Florida that were declared in Federal waters of the South Atlantic. The percent increases in landings were applied to the appropriate body of water to analyze the options in Alternative 8. Table 7 provides the predicted annual landings and closure dates for the analytical results. It should be noted that because of low sample sizes, it was not possible to calculate bag limit increases for specific water bodies (county, State, Federal) and the same overall region-wide increase in harvest relating to the bag limit was used for all options considered.

Table 6. Two landings scenarios of 2014 recreational landings separated by water body. Scenario 1 used historical proportional relationships of Headboat landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Scenario 2 used historical proportional relationships of Headboat and MRIP landings for wave 1 to wave 3, and wave 2 to wave 3 to estimate wave 1 and wave 2 landings. Following the options in Alternative 8 the landings were separated into the four water body categories of: 1) all of the South Atlantic region, 2) only in waters off Monroe County, 3) only in Federal waters off Florida, and 4) only in Federal waters of the South Atlantic.

	Scenario 1				Scenario 2		
	Only Monroe County	Remaining Landings	Total		Only Monroe County	Remaining Landings	Total
Landings	117,211	22,658	139,869	Landings	175,583	33,403	208,986
Percent	84	16	100	Percent	84	16	100
	Only Federal Waters off Florida	Remaining South Atlantic Landings	Total		Only Federal Waters off Florida	Remaining South Atlantic Landings	Total
Landings	110,503	29,367	139,870	Landings	169,538	39,448	208,986
Percent	79	21	100	Percent	81	19	100
	Only Federal Waters of the South Atlantic	Remaining South Atlantic Landings	Total		Only Federal Waters of the South Atlantic	Remaining South Atlantic Landings	Total
Landings	110,503	29,367	139,870	Landings	169,538	39,448	208,986
Percent	79	21	100	Percent	81	19	100

Table 7. Predicted closure dates for Alternative 8 options using the two landings scenarios for 2014 recreational landings. Following the options in Alternative 8 the bag limit increases were applied to the four water body categories of: 1) all of the South Atlantic region, 2) only in waters off Monroe County, 3) only in Federal waters off Florida, and 4) only in Federal waters of the South Atlantic. The ACL is 165,750 lbs ww.

Bag Limit	Scenario 1		Scenario 2	
	Predicted Annual Landings (lbs ww)	Closure Date	Predicted Annual Landings (lbs ww)	Closure Date
All of South Atlantic Region (Federal and State waters)				
1 Fish	139,868	None	208,985	23-May
2 Fish	143,737	None	214,858	16-May
3 Fish	144,137	None	215,465	15-May

4 Fish	144,404	None	215,870	15-May
Option 8e: Sub-option 8e(i): Off Monroe County, Florida				
1 Fish	139,868	None	208,986	23-May
2 Fish	143,269	None	214,078	17-May
3 Fish	143,620	None	214,605	16-May
4 Fish	143,855	None	214,956	16-May
Option 8e: Sub-option 8e(ii): In Federal Waters off Florida				
1 Fish	139,869	None	208,986	23-May
2 Fish	143,074	None	213,903	17-May
3 Fish	143,405	None	214,411	16-May
4 Fish	143,626	None	214,750	16-May
Option 8e: Sub-option 8e(iii): In Federal Waters in South Atlantic				
1 Fish	139,869	None	208,986	23-May
2 Fish	143,074	None	213,903	17-May
3 Fish	143,405	None	214,411	16-May
4 Fish	143,626	None	214,750	16-May

Predictions of whether the stock exceeds the ACL or not are dependent which landings scenario is representative of future landings. If the future landings are similar to scenario 1 then the recreational sector will be open for the entire year. However, if future landings are similar to scenario 2 then the recreational sector will close in May.

The highest predicted landings and shortest season came from applying the increased bag limit options to the 2014 scenario 2 landings for the entire South Atlantic region. This is because this option applies the increased bag limit to the largest geographic area. The second highest predicted landings came from applying the increased bag limit options to the 2014 scenario 2 landings for the waters off Monroe County. This occurred because most of the black grouper landings (84%) in the 2014 landings occurred in Monroe County.

This analysis attempted to bracket the possible range of future landings considering with and without recreational season closures. Uncertainty exists in these projections, as economic conditions, weather events, changes in catch-per-unit effort, fisher response to management regulations, and a variety of other factors may cause departures from the predictions. Also, the majority of the landings estimates generated for each wave had proportional standard error values greater than 50%. This indicates high variability around the landings estimates and therefore low precision. This must be considered when evaluating the effects of bag limits and season closures.

References

SEDAR 19. 2009. Stock assessment of black grouper. Available from the SEDAR website: www.sefsc.noaa.gov/sedar/

**Proposed Restructuring and Consolidation of South Florida
Document Actions and Alternatives**

**Action 1: Specify Sector Management Measures for Partial
Delegation to the State of Florida**

Alternative 1: No action. Do not delegate any recreational or commercial management measures for yellowtail snapper, mutton snapper, or black grouper to the State of Florida as described Reef Fish and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Delegate **recreational** management of yellowtail snapper, mutton snapper, and black grouper to the State of Florida for the following measures:

Option 2a: size limits

Option 2b: seasons

Option 2c: bag limits

Alternative 3: Delegate **commercial** management of yellowtail snapper and mutton snapper (excluding black grouper) to the State of Florida for the following measures:

Option 3a: size limits

Option 3b: seasons

Option 3c: trip limits

Action 2: Modifications to the Management Structure for Yellowtail Snapper, Mutton Snapper, and Black Grouper of ABC and use of sector ACLs

Alternative 1: No action. Retain the current management structure for yellowtail snapper, mutton snapper, and black grouper as described for Reef Fish and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively. Maintain the current Gulf and South Atlantic Councils' **jurisdictional split of the acceptable biological catch (ABC)** for yellowtail snapper, mutton snapper, and black grouper. Maintain use of **sector ACLs** for these species in the South Atlantic and **stock ACLs** in the Gulf.

Alternative 2: Remove the jurisdictional apportionment of the ABC and manage each species (yellowtail snapper, mutton snapper, and black grouper) jointly between Councils as a single unit with an overall ABC throughout the Gulf and South Atlantic Councils' jurisdictions.

Option 2a: **Do not establish sector ACLs** for yellowtail snapper, mutton snapper, and black grouper throughout the Gulf and South Atlantic Councils' jurisdictions.

Option 2b: **Establish sector ACLs** for yellowtail snapper, mutton snapper, and black grouper throughout the Gulf and South Atlantic Councils' jurisdictions and base sector allocations on the following method:

Sub-Option i: established by using 50% of the average landings from 1993-2008 plus 50% of the average landings from 2009-2013.

Sub-Option ii: average landings from 2009-2013.

Sub-Option iii: average landings from 2004-2013.

Note: Choice of preferred alternatives under Action 2 are independent of any decision with regard to delegation in Action 1. It is possible to create a multi-jurisdictional ABC, ACL, or sector ACLs whether delegation is selected as preferred or not.

Action 3. Establish a South Florida Management Area within the Gulf and South Atlantic Council Jurisdictions for Standardizing Cross-Jurisdictional Regulations

Alternative 1: No Action. Do not establish a South Florida area within the Gulf and South Atlantic Council jurisdictions for the standardization of differing regulations.

Alternative 2: Establish a South Florida management area as federal and state waters south of the 28 degrees north latitude within the Gulf of Mexico and South Atlantic Council jurisdictions.

Alternative 3: Establish a South Florida management area as federal and state waters from the Dade/Monroe County line on the east coast of Florida to Shark Point (25 degrees 23 minutes North latitude) on the west coast of Monroe County, Florida within the Gulf of Mexico and South Atlantic Council jurisdictions.

Action 4. Modify the Mutton Snapper Recreational Bag Limit in the Gulf of Mexico and South Atlantic

Alternative 1: No action. Mutton snapper is part of the aggregate 10 snapper bag limit in the Gulf of Mexico, the South Atlantic, and the State of Florida year-round.

Alternative 2: Remove mutton snapper from the recreational aggregate 10 snapper bag limit and specify a differential bag limit for mutton snapper during the regular season (July-April) and during the spawning season (May-June).

Option 2a: 10 fish/person/day in the regular season and 2 fish/person/day during the spawning season

Option 2b: 5 fish/person/day in the regular season and 2 fish/person/day during the spawning season

Option 2c: 2 fish/person/day year round

Alternative 3: Retain mutton snapper within the recreational aggregate 10 snapper bag limit and specify differential bag limits for mutton snapper during the regular season (July-April) and during the spawning season (May-June).

Option 3a: 10 fish/person/day in the regular season and 2 fish/person/day during the spawning season

Option 3b: 5 fish/person/day in the regular season and 2 fish/person/day during the spawning season

Option 3c: 2 fish/person/day year round

Action 5. Modify the Mutton Snapper Commercial Trip Limit during Spawning Season in the Gulf of Mexico and South Atlantic

Suggest limiting this Action to spawning season since mutton are not overfished.

Alternative 1: No action. During May-June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf, or in the South Atlantic from July through April.

Alternative 2: Specify a trip limit for mutton snapper for the vertical line component of the commercial sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 2a: 2 fish/person/day

Option 2b: 5 fish/person/day

Option 2c: 10 fish/person/day

Alternative 3: Specify a trip limit for mutton snapper for the bottom longline component of the commercial sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 3a: 500 pounds whole weight trip limit

Option 3b: 50 pounds whole weight trip limit

Action 6. Standardize Recreational Seasonal Closures for Grouper in the South Florida Management Area within the Gulf of Mexico and South Atlantic Councils' Jurisdictions.

Alternative 1: No action. Retain the existing respective shallow-water grouper recreational seasonal closures in the Gulf and South Atlantic Councils' areas of jurisdiction.

Alternative 2: Remove the shallow-water grouper recreational closures for all affected grouper species.

Alternative 3: Adopt the Gulf Council's recreational shallow-water grouper seasonal closure (excluding gag) of February 1 - March 31 outside the 20 fathom depth contour.

Alternative 4: Adopt the South Atlantic Council's recreational shallow-water grouper seasonal closure of January 1 - April 30.

Alternative 5: Establish a gag recreational season closure for any of the following months in the South Florida management area:

Option 5a: January

Option 5b: February

Option 5c: March

Alternative 6: Establish a black grouper recreational season closure for any of the following months in the South Florida management area:

Option 6a: January

Option 6b: February

Option 6c: March

Alternative 7: Establish a red grouper recreational season closure for any of the following months in the South Florida management area:

Option 7a: January

Option 7b: February

Option 7c: March

Action 7. Recreational Grouper Bag Limits in the South Florida Management Area within the Gulf of Mexico and South Atlantic Councils' Jurisdictions.

Note: Multiple Alternatives and Options may be selected as preferred.

Alternative 1: No Action. Maintain currently established bag limits in the Gulf of Mexico and South Atlantic, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits.

Alternative 2: Standardize black grouper recreational bag limits.

Option 2a: 1 fish per person per day – current South Atlantic bag limit (black or gag)

Option 2b: 2 fish per person per day – current Gulf of Mexico bag limit (part of shallow-water grouper aggregate bag limit)

Alternative 3: Standardize gag recreational bag limits.

Option 3a: 1 fish per person per day – current South Atlantic bag limit (black or gag)

Option 3b: 2 fish per person per day – current Gulf of Mexico bag limit

Alternative 4: Standardize red grouper recreational bag limits.

Option 4a: 3 fish per person per day – current South Atlantic aggregate bag limit

Option 4b: 2 fish per person per day – current Gulf of Mexico bag limit

Alternative 5: Standardize scamp, yellowmouth, and yellowfin grouper recreational bag limits.

Option 5a: 3 fish per person per day – current South Atlantic aggregate bag limit

Option 5b: 4 fish per person per day – current Gulf of Mexico aggregate bag limit

Action 8: Modify Recreational Grouper Size Limits in the South Florida Management Area within the Gulf of Mexico and South Atlantic Councils' Jurisdictions.

Note: Multiple Alternatives may be selected as preferred.

Alternative 1: No action – Retain the current respective jurisdictional size limits for species in shallow-water grouper complexes.

Alternative 2: Adopt one of the following recreational minimum size limits for black grouper.

Option 2a: 24 inches TL – current South Atlantic size limit

Option 2b: 22 inches TL – current Gulf of Mexico size limit

Alternative 3: Adopt one of the following recreational minimum size limits for gag.

Option 3a: 24 inches TL – current South Atlantic size limit

Option 3b: 22 inches TL – current Gulf of Mexico size limit

Alternative 4: Maintain red grouper recreational minimum size limits or consider another size limit.

Option 4a: 20 inches TL – current South Atlantic limit

Option 4b: 20 inches TL – current Gulf of Mexico limit

Alternative 5: Standardize scamp, yellowmouth, and yellowfin grouper recreational size limits.

Option 5a: 20 inches TL – current South Atlantic size limit for all three species

Option 5b: 16 inches TL for scamp – current Gulf of Mexico size limit;

20 inches TL for yellowfin – current Gulf of Mexico size limit;

No size limit for yellowmouth – current Gulf of Mexico size limit

Action 9. Changes to the Circle Hook Requirement for Yellowtail Snapper Commercial Fishing in Gulf of Mexico Council Jurisdictional Waters.

Alternative 1: No action. Retain the current hook requirements in the exclusive economic zone of the Gulf of Mexico. Circle hooks are required when fishing with natural bait for all reef fish in the Gulf of Mexico.

Alternative 2: Remove the requirement to use circle hooks when commercial fishing with natural bait for yellowtail snapper south of 28° North latitude in the exclusive economic zone of the Gulf of Mexico.

Alternative 3: Remove the requirement to use circle hooks when commercial fishing with natural bait for yellowtail snapper from the Dade/Monroe County line on the east coast of Florida to Shark Point (25 degrees 23 minutes North latitude) on the west coast of Monroe County, Florida.

Action 10: Specify Accountability Measures for South Florida Species

Note: Only one alternative may be selected as preferred for each species listed in the accompanying options.

Alternative 1: No action. Maintain the current recreational and commercial accountability measures (AMs) for yellowtail snapper, mutton snapper, and black grouper based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

South Atlantic: Commercial AM – In-season closure when the commercial ACL is expected to be met and ACL reduced in following fishing season if species is overfished and ACL is exceeded. Recreational AM – if the recreational ACL is exceeded, monitor landings in following season for persistence in landings and reduce the length of the following fishing season, if necessary.

Gulf: Recreational and Commercial AMs – If the combined commercial and recreational landings exceed the stock ACL for yellowtail snapper and mutton snapper, in-season AMs are in effect for the following year. If the combined landings reach or are projected to reach the stock ACL, both sectors will be closed for the remainder of that fishing year.

The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the AM for black grouper. The commercial ACL for other shallow-water grouper is equal to the applicable quota. Recreational AM – If the sum of the commercial and recreational landings reaches or is expected to reach the ACL the Assistant Administrator will close the fishery for the remainder of the year. This AM applies to the ACL for the other shallow-water grouper aggregate (i.e., black grouper, scamp, yellowmouth grouper, and yellowfin grouper).

Alternative 2: (GMFMC Approach) If the **combined commercial and recreational landings** exceed the overall ACL, then during the following fishing year if the combined landings reach or is projected to reach the overall ACL, then both sectors will be closed for the remainder of that fishing year.

Option 2a: yellowtail snapper

Option 2b: mutton snapper

Option 2c: black grouper

Alternative 3: (SAFMC Approach) If **commercial landings** reach or are projected to reach the commercial ACL, NMFS would close the commercial sector for the remainder of the fishing year and NMFS would reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

Option 3a: yellowtail snapper

Option 3b: mutton snapper

Option 3c: black grouper

Alternative 4: (SAFMC Approach) If **recreational landings** exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored the following year and if necessary, NMFS would reduce the length of fishing season and the recreational ACL by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

Option 4a: yellowtail snapper

Option 4b: mutton snapper

Option 4c: black grouper

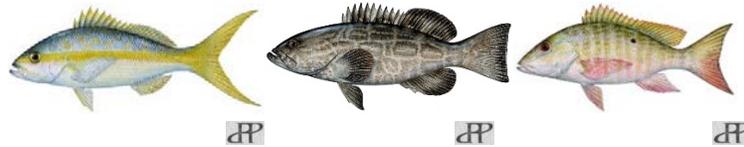
Modifications to Gulf Reef Fish and South Atlantic Snapper Grouper Fishery Management Plans

DECISION DOCUMENT

JOINT SAFMFC/GMFMC MEETING

JUNE 11, 2015

KEY WEST, FLORIDA



Draft Joint Generic Amendment For the Joint Council Committee on South Florida Management Issues



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA10NMF4410011.

CHAPTER 1. INTRODUCTION

1.1 Background

The Joint Council Committee on South Florida Management Issues (Joint Council Committee) was formed in response to a South Atlantic Fishery Management Council (South Atlantic Council) motion in June 2011. The group was first convened in January of 2014 to begin discussing management needs of south Florida species, which roughly refers to those areas adjacent to the Floridian peninsula and south of 28° North latitude. The South Atlantic Council appointed their Executive Committee to represent the Council during development of this amendment with recommendations going from the Executive Committee to the South Atlantic Council. The Gulf Council appointed an Ad Hoc Committee to represent the Gulf Council with recommendations going first to the Reef Fish Committee and then the Gulf Council.

Prior to the Joint Council Committee meetings, the Florida Fish and Wildlife Commission (FL FWC) held a series of South Florida workshops in August of 2013. The results of these workshops were discussed at the January 2014 Joint Council Committee meeting and the full summaries are in Appendix A. These workshops and the public input at the Committee meetings represent scoping as required by MSA and NEPA.

The Commission and Councils are responding to various suggestions for addressing the inconsistencies in management across the three jurisdictions (Gulf Council, South Atlantic Council, and State of Florida) in south Florida that arose prior to and during the scoping workshops and Committee meetings. Major suggestions are discussed below with an explanation of why they were not further developed.

Separate South Florida Council

Establishing a separate Council for South Florida would be time consuming, expensive, and duplicate already existing management authority. Requirements would include congressional establishment of a new Council, appointment of staff, office space, equipment needs, etc. Also, this would introduce yet a fourth management body with which affected fishermen and the general public would need to work. The Councils concluded this is was an efficient or effective approach.

Separate Management Area for South Florida

The Joint Committee discussed several potential boundaries (e.g., 28° latitude South, Cape Canaveral and Tampa Bay) but recognized that a number of the affected species occur north of these lines in Florida. This approach would require creation of a set of Annual Catch Limits (ACLs) for the new area and would increase the administrative burden on NMFS to track quotas and close areas. The Councils concluded this was not an effective approach.

Secession by Florida from the Gulf and South Atlantic Councils

Similar to creating a separate “South Florida Council”, a change such as this approach would require legislation to enact, and would require a significant amount of time and resources. If the State of Florida was successful in this effort, then a commensurate set of regulations would still

have to be developed and fishermen would still be operating under three management jurisdictions. The Councils concluded this was not an efficient or effective approach.

Streamlining management measures in South Florida

During the spring of 2014, the South Atlantic Council held port meetings in south Florida as part of their visioning project to develop a long-term vision and strategic plan for the snapper-grouper fishery. Stakeholder input received at these meetings echoed the sentiment heard during the Joint South Florida Issues workshops held by FL FWC in August 2013. Stakeholder concerns during the port meetings included, but were not limited to: inconsistent regulations between Florida and the two federal jurisdictions (size limits, bag limits, and seasons); spawning season closures; circle hook requirements; and species specific concerns about black grouper, yellowtail snapper, and mutton snapper. Based upon growing stakeholder concern and feedback, the Joint Committee moved forward with development of an amendment that would address the concerns mentioned above.

The Councils concluded the most efficient and effective approach was to create a joint amendment that establishes a common set of management regulations developed by a joint committee comprised of representatives of the Gulf Council, the South Atlantic Council, and the State of Florida. The Councils and Florida are evaluating a large suite of management alternatives to address stakeholder concerns, and to more efficiently respond to necessary regulatory changes as they arise.

During the second meeting, the Joint Committee reviewed a draft document organized by type of action with sub-alternatives for each species involved (management-oriented actions), but found this approach to be unnecessarily complicated. The Joint Committee then changed their approach to the discussions and organized the actions by separate species and addressed each type of action that applied to that species (species-oriented actions). They directed staff to further develop the actions/alternatives using this organizational structure (species-oriented actions). This structure facilitates the development of specific, and yet homogenous, management alternatives for each species throughout the south Florida region.

The organizational structure was again discussed during the third meeting. NOAA General Counsel thought the document would be improved if the actions/alternatives were organized by type of action with sub-alternatives for each species (management-oriented actions). However, the Joint Committee was more comfortable with the current structure organized by species and also thought the public would better understand the proposed alternatives with this structure. The Joint Committee directed staff to maintain the current structure (species-oriented actions).

The NMFS/NOAA GC and Gulf Council staff members of the IPT are suggesting the document be reorganized by major action as was done originally to reduce duplication and reflect the more common structure of documents. The alternative structure is included as **Attachment 3b**.

The most recent draft of the amendment document is included as **Attachment 3c**.

The Councils have pursued the approaches outlined in this document in an effort to harmonize fisheries regulations, where possible, throughout the south Florida region. Several species

occurring in this region do not occur in comparable abundance elsewhere in Gulf or South Atlantic waters. This regional concentration of socially and economically important species creates an opportunity for the Councils to homogenize regulations. Current regulations for yellowtail snapper, mutton snapper, and black grouper, three species being considered in this amendment, are shown in **Tables 1** (recreational) and **2** (commercial). This amendment explores management alternatives developed by the Commission and Councils to potentially simplify existing fishing regulations.

Table 1. Recreational fishing regulations for yellowtail snapper, mutton snapper, and black grouper in the Gulf of Mexico, South Atlantic, and State of Florida.

Species	State Waters Gulf of Mexico	Federal Waters Gulf of Mexico	State Waters Atlantic Ocean	Federal Waters Atlantic Ocean
Yellowtail Snapper	12" TL; within snapper aggregate	12" TL; within snapper aggregate	12" TL; within snapper aggregate	12" TL; within snapper aggregate
Mutton Snapper	16" TL; within snapper aggregate	16" TL; within snapper aggregate	16" TL; within snapper aggregate	16" TL; within snapper aggregate
Black Grouper	22" TL; within 4 grouper aggregate. Monroe County follows Atlantic rules	22" TL; within 4 grouper aggregate. Closed Feb 1 - Mar 31 seaward of 20 fathoms; "The Edges" closed Jan 1 - Apr 30	24" TL; 1 gag or black combined/person. Closed Jan 1 - Apr 30. Monroe County follows Atlantic rules	24" TL; 1 gag or black combined/person. Closed Jan 1 - Apr 30

Table 2. Commercial fishing regulations for yellowtail snapper, mutton snapper, and black grouper in the Gulf of Mexico, South Atlantic, and State of Florida.

Species	State Waters Florida	Federal Waters Gulf of Mexico	Federal Waters Atlantic Ocean
Yellowtail Snapper	12" TL	12" TL	12" TL
Mutton Snapper	16" TL; May and June: 10/person/day or per trip (whichever is more restrictive)	16" TL	16" TL; May and June: 10/person/day or per trip (whichever is more restrictive)
Black Grouper	Gulf 24" TL; Atlantic and Monroe County closed Jan 1 - Apr 30	24" TL, within Grouper Tilefish IFQ; "The Edges" closed Jan 1 - Apr 30	24" TL; Closed Jan 1 - Apr 30

1.2 Purpose and Goals

The purpose of this document is to minimize differences in regulations for species whose primary distribution is in southern Florida and are managed by different agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters. Currently, some fishing regulations differ between the Gulf and South Atlantic Council waters and in some cases, state and adjacent federal waters. This makes it difficult for fishermen to abide by different regulations in the south Florida area, particularly the Florida Keys, where anglers can fish in multiple jurisdictions on a single trip.

The goal of this document and the Joint Council Committee is to provide guidance in determining the best solutions for fisheries management issues that are unique to south Florida, ultimately leading to similar regulations across the south Florida region. The Joint Council Committee could recommend solutions by species, region, and/or sector based on the current respective Gulf and South Atlantic Council regulations and management programs, or recommend entirely new management alternatives.

Actions/Alternatives/Purpose & Need Wording and Voting:

The wording shown for Purpose & Need and each Action/Alternative without highlight reflects the guidance provided by the Joint Committee during their January 2015 meeting as modified by the actions of the South Atlantic Council in March 2015 and the Gulf Council in March/April 2015. Text shown in **yellow highlight** represent recommendations from the IPT/Council staff/Council Decisions to be made.

The wording for Purpose & Need and Actions/Alternatives will be projected during the Joint Council meeting and motions will be made to indicate the Councils' directions to Staff/IPT. Each Council will vote separately. The Gulf Council's Reef Fish Committee and the South Atlantic Council's Executive Finance Committee will review these decisions prior to the Joint Council meeting and any motions will be added to the Decision Document and emailed to all Council members. The Decision Document with Committee Motions will be projected during the Joint Council meeting.

Draft Language for Purpose & Need (from text in last version of document):

Purpose

The purpose of this amendment is to minimize differences in regulations for species whose primary distribution is in southern Florida and are managed by different agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters. Currently, some fishing regulations differ between the Gulf and South Atlantic Council waters and in some cases, state and adjacent federal waters. This makes it difficult for fishermen to abide by different regulations in the south Florida area, particularly the Florida Keys, where anglers can fish in multiple jurisdictions on a single trip.

Need

The need for this amendment is to develop the best solution for fisheries management issues that are unique to south Florida, ultimately leading to similar regulations across the south Florida region. This will reduce the confusion with different regulations and promote voluntary compliance.

The wording shown below for the Purpose and Need is new proposed language from the IPT.

The purpose for this amendment is to simplify fisheries management issues unique to reef fish species in the south Florida region, which are currently managed by different regulatory agencies in the Gulf of Mexico, South Atlantic, and State of Florida waters.

The need for this amendment is to decrease the public's burden of compliance with differing regulations based on separate regulatory agencies across adjacent bodies of water (i.e., Gulf of Mexico, South Atlantic, and State of Florida waters). This action would decrease administrative burdens with respect to geographical and temporal law enforcement concerns, and would improve the efficacy with which fishery resources in the south Florida region are managed.

COUNCIL ACTION

- OPTION 1. APPROVE THE ORIGINAL PURPOSE AND NEED AS SHOWN ABOVE.
- OPTION 2. APPROVE THE IPT SUGGESTED WORDING FOR PURPOSE AND NEED
- OPTION 3. MODIFY THE WORDING FOR THE PURPOSE AND NEED AND APPROVE.
- OPTION 4. OTHERS??

CHAPTER 2. DRAFT MANAGEMENT ALTERNATIVES

Actions 1 & 2 pertain exclusively to yellowtail snapper.

Action 1: Partial Delegation of Commercial and/or Recreational Management of Yellowtail Snapper to the State of Florida for Federal Waters Adjacent to the State of Florida

Note: Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Action 2.

Alternative 1: No action. Do not delegate management of yellowtail snapper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for yellowtail snapper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for yellowtail snapper:

Option 3a: Size limits

Option 3b: Seasons

Option 3c: Trip limits

Option 3d: Minor modifications to existing allowable gear

Note: Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management (implementation) plan outlining changes for review and approval by the Gulf and South Atlantic Councils. The Councils are considering delegating certain management actions to the State of Florida for future modifications to yellowtail snapper management; however, there are some changes the Councils are proposing now to modify management measures for yellowtail snapper.

IPT Note: To apply the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)) the process for delegating management measures to the State of Florida will need further discussion and clarification. Specifically, the Joint Council Committee recommendation that would require the State of Florida to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils ultimately may not be a required.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d and 3d from Action 1 if the Councils cannot determine what exactly is desired by “minor modifications to existing allowable gear”. Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

**MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 1.
APPROVED BY SAFMC SG AP**

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 1 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 2. MOVE OPTIONS 2D AND 3D TO THE CONSIDERED BUT REJECTED APPENDIX AND APPROVE THE REMAINING ACTION 1 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 3. MOVE ACTION 1 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. OTHERS??

Discussion

This action considers partial delegation of the management of yellowtail snapper to the State of Florida for the recreational (**Alternative 2**) and/or commercial (**Alternative 3**) fisheries. It is the Joint Council Committees’ preference that the Councils remain responsible for establishing and implementing ACLs and AMs. The harvest of yellowtail snapper is almost entirely from waters adjacent to the State of Florida (**Tables 3 and 4**). The Councils would remain responsible for setting acceptable biological catch (ABC) and annual catch limit (ACL) values, and for establishing accountability measures (AMs). Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf of Mexico Fishery Management Council (Gulf Council) and the South Atlantic Fishery Management Council (South Atlantic Council) (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state’s regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state’s regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Councils of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS’ determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of yellowtail snapper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the yellowtail snapper season opens for both Councils on January 1.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for yellowtail snapper, including: **Option 2a-** size limits; **Option 2b-** seasons; **Option 2c-** bag limits; and **Option 2d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Alternative 3 would determine specific commercial management items for delegation to the State of Florida for yellowtail snapper, including: **Option 3a-** size limits; **Option 3b-** seasons; **Option 3c-** tip limits; and **Option 3d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of commercial fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Table 3. Mean percent of recreational landings (lb ww) by species and state, 2009-2013.

Species	FL	AL	GA	LA	MS	NC	SC	TX
yellowtail snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
mutton snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
black grouper	94.8%	5.0%	0.0%	0.0%	0.0%	0.0%	0.01%	0.2%

Table 4. Mean percent of commercial landings (lb ww) by species and state, 2009-2013.

Species	FL	AL	GA	LA	MS	NC	SC	TX
yellowtail snapper	99.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
mutton snapper	97.5%	0.0%	0.1%	0.0%	0.0%	0.7%	1.7%	0.0%
black grouper	93.2%	0.6%	1.1%	0.6%	0.0%	0.2%	2.1%	2.2%

Action 2: Establish and Consolidate ABCs and ACLs for Yellowtail Snapper

Note: Alternatives in this Action may be selected in conjunction with those in Action 1, meaning delegation to the State of Florida could be selected and yellowtail snapper could be managed with an overall ABC, with or without sector ACLs.

Alternative 1. No action. Maintain the current commercial and recreational ACLs for yellowtail snapper based on the South Atlantic Council's Snapper Grouper Fishery Management Plan and maintain the current total ACL for yellowtail snapper in the Gulf based on the Reef Fish FMP.

Alternative 2: Manage yellowtail snapper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:

Option 3a: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3b: Base sector allocations on average landings from 2009-2013

Option 3c: Base sector allocations on average landings from 2004-2013

MOTION: SG AP RECOMMENDS ALTERNATIVE 1, NO ACTION, FOR ACTION 2. APPROVED BY SAFMC SG AP (12/1)

IPT Note: Staff needs clarification if this action pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 2 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 2. MOVE ACTION 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 3. OTHERS??

Discussion

This action considers establishing and combining Gulf and South Atlantic annual catch limits (ACLs) for yellowtail snapper into one Southeastern U.S. acceptable biological catch (ABC) and ACL. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective Scientific and Statistical Committees (SSC) for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for the overfishing limit (OFL) and ABC for yellowtail snapper. Although yellowtail snapper has been managed as two separate stocks for regulatory purposes, the stock assessment considered yellowtail snapper from the Gulf and South Atlantic to be a single biological stock (SEDAR 27 2013). For the purposes of management of yellowtail

snapper, the ACL could be set equal to the ABC since the stock is not currently overfished or undergoing overfishing (SEDAR 27 2013). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for yellowtail snapper based on yield projections from the most recent stock assessment (SEDAR 27 2013). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for yellowtail snapper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1993-2008 + 50% of catch history from 2006-2008 resulting in 75% of the ABC going to the South Atlantic, 25% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would use both Councils' agreed upon ABC for management of yellowtail snapper as a single unit with an overall combined ACL. Currently each Council's SSC agrees to an ABC for yellowtail snapper from the most recent stock assessment. A similar method would be used for this alternative and for **Alternative 3**. The method of management in **Alternative 2** could still have within it recreational and commercial fishing allocations. However, neither sector would close in a fishing year so long as the overall ACL had not been met, if that accountability measure (AM) was selected as preferred.

Alternative 3 would use both Councils' agreed upon ABC for yellowtail snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3a – 3c**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. **Option 3b** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 5** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 6**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council's jurisdiction. For yellowtail snapper, the respective ACLs were not exceeded; however, in 2012 the commercial sector landed 90% of their ACL. Subsequently a new stock assessment showed that the ABC could be increased permitting an increase in ACLs for both Councils.

Table 5. Sector allocation options for yellowtail snapper for Alternative 3 of Action 2. Percentages were derived from landings in whole weight.

Yellowtail Snapper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	76%	24%
Option 3b	80%	20%
Option 3c	73%	27%

Landings Data Description

The following methods were used to partition landings of yellowtail snapper, mutton snapper, and black grouper between the Gulf and South Atlantic Councils by sector. Commercial landings are assigned to sub-region (Gulf of Mexico or South Atlantic) based on fisher-reported catch area. For example, landings reported north of U.S. 1 are considered to be within the Gulf of Mexico jurisdiction and south of U.S. 1 landings are considered to be within the South Atlantic jurisdiction. Headboats based from Texas to Gulf-based in Monroe County are within the Gulf of Mexico jurisdiction, and headboats from North Carolina to the Florida Keys are within the South Atlantic jurisdiction. Marine Recreational Fisheries Statistics Survey (MRFSS) data was post-stratified to break the Florida Keys out from the Gulf of Mexico landings. The MRFSS landings from the Florida Keys were re-assigned to the South Atlantic Council, because most legal sized yellowtail snapper, black grouper, and mutton snapper are likely caught in South Atlantic waters (GMFMC CL/AM Amendment 2011).

Landings indicate that the yellowtail snapper fishery has historically been dominated by the commercial fishery. It is important to note that during the time periods considered in Alternative 3, neither the commercial nor the recreational sector exceeded their respective ACLs in the South Atlantic waters and the Stock ACL in the Gulf waters.

Table 6. Commercial and recreational landings of yellowtail snapper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight. Gulf commercial landings data for 1993 are confidential.

Year	Commercial		Recreational	
	<i>Gulf</i>	<i>South Atlantic</i>	<i>Gulf</i>	<i>South Atlantic</i>
1993	Confidential	1311367	51015	1189637
1994	1344942	860543	11762	880763
1995	591074	1265856	3434	660358
1996	485120	973815	2854	554130
1997	218384	1455496	2008	702997
1998	341479	1183074	4965	487063
1999	601027	1245345	39260	288951
2000	388984	1203154	4781	395845
2001	246849	1174008	7045	328458
2002	341823	1069057	7782	407848
2003	463743	948886	11472	510314
2004	478221	1002309	17937	698058
2005	510437	814899	31176	576247
2006	542237	694958	21477	560320
2007	350079	628608	19726	786399
2008	460569	910323	6056	746313
2009	891925	1085281	19250	348536
2010	569275	1126231	8783	434259
2011	769730	1125220	25560	390998
2012	630984	1439586	5087	493409
2013	728387	1305002	6991	666026

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Actions 3-6 pertain exclusively to mutton snapper.

Action 3: Partial Delegation of Commercial and/or Recreational Management of Mutton Snapper to the State of Florida in Federal Waters Adjacent to the State of Florida

Note: Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Actions 4, 5, and 6.

Alternative 1: No action. Retain management of Mutton Snapper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for Mutton Snapper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Alternative 3: Determine specific commercial management items for delegation to the State of Florida for Mutton Snapper:

Option 3a: Size limits

Option 3b: Seasons

Option 3c: Trip limits

Option 3d: Minor modifications to existing allowable gear

Note: Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management (implementation) plan outlining changes for review and approval by the Gulf and South Atlantic Councils. The Councils are considering delegating certain management actions to the State of Florida for future modifications to mutton snapper management; however, there are some changes the Councils are proposing now to modify management measures for mutton snapper.

IPT Note: To apply the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)) the process for delegating management measures to the State of Florida will need further discussion and clarification. Specifically, the Joint Council Committee recommendation that would require the State of Florida to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils may ultimately not be a required.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d and 3d from Action 1 if the Councils cannot determine what exactly is desired by “minor modifications to existing allowable gear”. Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

IPT Note: Delegating the setting of bag limits and trip limits under Alternatives 2 and 3 (Options 2c and 3c) in this action seems to duplicate efforts in Actions 5 and 6. If it is the Councils’ desire is to delegate management measures to the State of Florida as outlined in this action, then the Councils’ may wish to reconsider the establishment of bag and trip limits for mutton snapper (Actions 5 and 6).

**MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 3.
APPROVED BY SAFMC SG AP (11/0)**

COUNCIL ACTION

- OPTION 1. APPROVE THE ACTION 3 ALTERNATIVES FOR DETAILED ANALYSES.**
- OPTION 2. MOVE OPTIONS 2D AND 3D TO THE CONSIDERED BUT REJECTED APPENDIX AND APPROVE THE REMAINING ACTION 3 ALTERNATIVES FOR DETAILED ANALYSES.**
- OPTION 3. MOVE ACTION 3 TO THE CONSIDERED BUT REJECTED APPENDIX.**
- OPTION 4. OTHERS??**

Discussion

This action considers partially delegating the management of mutton snapper to the State of Florida for the recreational (**Alternative 2**) and/or commercial (**Alternative 3**) fisheries. The harvest of mutton snapper is almost entirely from Florida (**Tables 3 and 4**). The Councils would remain responsible for setting ACLs and for establishing AMs. Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. Additionally, prior to implementing any changes in management items delegated herein, the Joint Council Committee recommended that the State of Florida be required to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils. This may not be required based on the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)). The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state’s regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state’s regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf

and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of mutton snapper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the mutton snapper season opens for both Councils on January 1.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for mutton snapper, including: **Option 2a**- size limits; **Option 2b**- seasons; **Option 2c**- bag limits; and **Option 2d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Alternative 3 would determine specific commercial management items for delegation to the State of Florida for mutton snapper, including: **Option 3a**- size limits; **Option 3b**- seasons; **Option 3c**- trip limits; and **Option 3d**- minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of commercial fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Action 4: Establish and Consolidate ABCs and ACLs for Mutton Snapper

Note: Alternatives in this Action may be selected in conjunction with those in Actions 3, 5, and 6. More than one alternative may be selected as preferred in this action.

Alternative 1. No action. Maintain the current commercial and recreational ACLs for mutton snapper based on the South Atlantic Councils Snapper Grouper Fishery Management Plan and maintain the current total ACL for mutton snapper in the Gulf based on the Reef Fish Resources FMP.

Alternative 2: Manage mutton snapper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic:

Option 3a: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3b: Base sector allocations for waters off Florida on average landings from 2009-2013

Option 3c: Base sector allocations for waters off Florida on average landings from 2004-2013

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

**MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 4.
APPROVED BY SAFMC SG AP (11/0)**

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 4 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 2. MOVE ACTION 4 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 3. OTHERS??

Discussion

This action considers establishing and combining Gulf and South Atlantic ACLs for mutton snapper into one Southeastern U.S. ABC and ACL. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective SSC for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for the OFL and ABC for mutton snapper. Although mutton snapper has been managed as two different stocks for regulatory purposes, the stock assessment (SEDAR 15A 2008) and recent update assessment (2015 SEDAR 15A Update) considers mutton snapper from the Gulf and South Atlantic to be a single biological stock. For the purposes of management the ACL could be equal to the ABC, since mutton snapper are not

presently overfished or experiencing overfishing (SEDAR 15A 2008). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for mutton snapper based on yield projections from the most recent stock assessment (SEDAR 15A 2008). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for mutton snapper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1990-2008 + 50% of catch history from 2006-2008 resulting in 79% of the ABC going to the South Atlantic and 21% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would manage mutton snapper as a single unit with an overall combined multijurisdictional ABC and ACL. This method of management could still have within it recreational and commercial fishing allocations. However, neither sector would be closed in a fishing year so long as the overall ACL had not been met, if that accountability measure (AM) was selected as preferred.

Alternative 3 would use both Councils' agreed upon acceptable biological catch (ABC) for mutton snapper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3a – 3c**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. The current years used for the jurisdictional apportionment for mutton snapper are established by using 50% of catch history from 1990-2008 instead of 1993. The Councils used 50% of the catch history from 1993-2008 for the yellowtail snapper jurisdictional apportionment. **Option 3b** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 7** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 8**. Sector allocation options were determined with landings constrained to be no higher than the ACL for each respective sector in each Council's jurisdiction. For mutton snapper, the respective ACLs were not exceeded.

Table 7. Sector allocation options for mutton snapper for Alternative 3 of Action 4. Percentages were derived from landings in whole weight.

Mutton Snapper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	32%	68%
Option 3b	25%	75%
Option 3c	27%	73%

Table 8. Commercial and recreational landings of mutton snapper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight. Gulf commercial landings data for 1993-1996 are confidential. For explanation of landings data see Action 2 discussion.

Year	Commercial		Recreational	
	<i>Gulf</i>	<i>South Atlantic</i>	<i>Gulf</i>	<i>South Atlantic</i>
1993	Confidential	169112	4664	540658
1994	Confidential	176022	4946	399568
1995	Confidential	196265	2767	458726
1996	Confidential	207243	20493	314405
1997	69841	221674	2303	339350
1998	73343	282490	10665	312690
1999	84854	168141	3583	266928
2000	80146	124475	1717	340501
2001	99960	133047	4077	302430
2002	101446	132219	2705	422465
2003	124508	144109	9891	555855
2004	201938	145861	13296	396210
2005	140947	96298	2243	466909
2006	214115	74839	1976	631323
2007	133086	88550	34047	748118
2008	81391	76705	20281	822520
2009	43689	78132	5766	436032
2010	54242	74737	1541	569471
2011	94238	66158	1391	281247
2012	88695	77122	7156	477022
2013	107814	73392	4960	481731

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the mutton snapper fishery has historically been dominated by the recreational fishery. It is important to note that during the time periods considered in **Alternative 3**, neither the commercial nor the recreational sector exceeded their respective ACLs.

Action 5. Modify Mutton Snapper Recreational Bag Limit in Gulf of Mexico and South Atlantic

Note: Alternatives in this Action may be selected in conjunction with those in Actions 3, 4, and 6.

Alternative 1: No action. Mutton snapper is part of the aggregate 10 snapper bag limit in the Gulf of Mexico, the South Atlantic, and the State of Florida.

Alternative 2: Remove mutton snapper from the recreational aggregate bag limit and change the recreational bag limit for mutton snapper during the regular season (July-April) and during the spawning season (May-June).

Option 2a: 10 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Option 2b: 5 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Option 2c: 4 fish/person/day in the regular season, 2 fish/person/day during the spawning season

Alternative 3: Retain mutton snapper within the aggregate 10 snapper bag limit in the Gulf of Mexico and the South Atlantic, but specify bag limits for mutton snapper within the snapper recreational aggregate bag limit during the regular season (July-April) and during the spawning season (May-June).

Option 3a: Within the aggregate snapper bag limit, no more than 10 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Option 3b: Within the aggregate snapper bag limit, no more than 5 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Option 3c: Within the aggregate snapper bag limit, no more than 4 fish/person/day in the regular season and no more than 2 fish/person/day during the spawning season may be mutton snapper.

Note: The Councils are considering delegating certain management actions to the State of Florida for future modifications to mutton snapper management; however, there are some changes the Councils are proposing now to modify management measures for mutton snapper.

IPT Note: The Councils' may wish to revisit the inclusion of both Options 2b/c and 3b/c, since they differ by only 1 fish per person per day. If the Councils wish to include both options, then additional rationale will help frame subsequent analyses.

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Establishing recreational bag limits in this action seems to duplicate efforts in Action 3. If it is the Councils' desire to establish recreational bag limits for mutton snapper in the manner shown in this action then the Councils may wish to reconsider delegating the

establishment and modification of bag limits for mutton snapper to the State of Florida as outlined in Action 3. It would seem to be contradictory to consider delegating the recreational bag limits to the State of Florida in one action, and then to rationalize appropriate bag limit modifications under a Council management strategy in another action.

Note: In the Gulf of Mexico, the 10 snapper-per-person aggregate includes all snapper species in the reef fish management unit except red snapper, vermilion snapper, and lane snapper (Table 5). In the South Atlantic, the 10 snapper-per-person aggregate includes all snapper species in the snapper grouper management unit except red snapper and vermilion snapper (Table 5). Cubera snapper less than 30" total length (TL) are included in the 10 fish bag limit. The aggregate 10 snapper bag limit includes a maximum of 2 cubera snapper per person (not to exceed 2 per/vessel) for fish 30" TL or larger off Florida.

Note: State of Florida has the same regulations for the recreational sector as both Councils; however, the commercial sector in state waters is managed using regulations identical to the South Atlantic Council's commercial regulations.

**MOTION: AP SUPPORTS ALTERNATIVE 2, OPTION 2B, FOR ACTION 5.
APPROVED BY SAFMC SG AP (13/0)**

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 5 ALTERNATIVES FOR DETAILED ANALYSES.

**OPTION 2. APPROVE THE ACTION 5 ALTERNATIVES FOR DETAILED ANALYSES
AND SELECT ALTERNATIVE 2, OPTION 2B AS PREFERRED.**

OPTION 3. OTHERS??

Discussion

There is concern by the public regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season in the Florida Keys despite the healthy status of the mutton snapper stock. In 2010, the Snapper Grouper Advisory Panel (SGAP) recommended that the South Atlantic Council consider a spawning area closure or a seasonal closure in May and June of each year. Furthermore, the SGAP recommended that the mutton snapper bag limit be reduced to 3 fish per person per day. According to the most recent stock assessment of mutton snapper in the southeastern United States (SEDAR 15A 2008), mutton snapper are neither overfished ($SSB_{2006}/SSB_{30\%SPR} = 1.14$) nor experiencing overfishing ($F_{2006}/F_{30\%SPR} = 0.51$). An update stock assessment of mutton snapper is expected to be made available to the Councils by June 2015. Currently, mutton snapper is part of the 10 snapper aggregate in the Gulf and South Atlantic (Table 9). Current regulations for mutton snapper in the Gulf and South Atlantic are shown in Table 10.

Table 9. Species composition of the 10 snapper aggregate in the Gulf and South Atlantic.

Gulf of Mexico	South Atlantic
Gray snapper	Gray snapper
Mutton snapper	Mutton snapper
Yellowtail snapper	Yellowtail snapper
Cubera snapper	Cubera snapper
Queen snapper	Queen snapper
Blackfin snapper	Blackfin snapper
Silk snapper	Silk snapper
Wenchman	Dog snapper
	Lane snapper
	Mahogany snapper

Table 10. Current recreational mutton snapper fishing regulations in State waters off Florida, the Gulf of Mexico and the South Atlantic (June 2015).

Species	Regulations	State Waters Gulf and South Atlantic	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Bag Limit (per person/day)	10 snapper aggregate (per person/day)		
	Season	Year round		

The peak of mutton snapper recreational landings occur during the May-June spawning season (Wave 3) in the South Atlantic during 2012 and 2013 (**Table 11**). Impacts of various bag limits for 2011-2013 are shown in **Table 12**. An examination of the recent years of complete data (2011- 2013) revealed there were only 72 trips (0 in Texas, 6 private/charter and 66 headboat trips) in the Gulf of Mexico region that landed mutton snapper. Because there were not enough samples for the Gulf of Mexico region to complete a meaningful analysis, the recreational bag limit analysis for mutton snapper is focused on the South Atlantic region (Appendix D).

The main difference between **Alternatives 2** and **3** is that **Alternative 2** removes mutton snapper from the snapper recreational aggregate bag limit, while **Alternative 3** retains mutton snapper within the snapper recreational aggregate bag limit. Both **Alternatives 2** and **3** establish specific bag limits for mutton snapper during the regular and spawning seasons, respectively. For both alternatives, **Options 2a and 3a** consider maintaining the recreational bag limit of 10 fish/person/day during the July-April regular season, and reducing the recreational bag limit to 2 fish/person/day during the spawning season. **Options 2a and 3a** would be expected to reduce recreational harvest during the May-June (Wave 3) spawning season by 22% for the headboat sector and 20% for the private/charter sector; however, there would be no reduction in recreational harvest during July-April (**Table 12**). **Option 2b and 3b** would specify a 5 fish/person/day for the recreational sector during July-April, and 2 fish/person/day during the May-June spawning season. **Option 2b and 3b** would be expected to reduce recreational harvest during the regular season by 6% for the headboat sector, and 6% for the private/charter sectors. **Options 2c and 3c** would specify a 4 fish/person/day for the recreational sector during July-April, and 2 fish/person/day during the May-June spawning season. **Options 2c and 3c**

would be expected to reduce recreational harvest during the regular season by 9% for the headboat sector, and 5% for the private/charter sectors. A 2 fish/person/day spawning season recreational bag limit would be expected to reduce harvest by 22% and 20% for the headboat and private/charter sectors, respectively during the May-June spawning season (**Table 12**). If **Alternative 2** is selected by itself, it could potentially increase the opportunity for the recreational harvest of the snapper species still included as part of the snapper recreational aggregate bag limit.

Table 11. South Atlantic recreational (private, charter, headboat) mutton snapper landings by wave. Source: http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/index.html.

Year	1	2	3	4	5	6	Total
2012	46,282	102,210	182,880	77,015	27,275	34,366	470,028
2013	50,961	36,208	175,774	91,913	90,689	36,186	481,731

Table 12. Percent reductions in landings for various bag limits generated from South Atlantic recreational landings for the years 2011 and 2013. The reductions were calculated in terms of mutton snapper numbers with respect to dataset (MRIP and headboat) and non-spawning (July to April) and spawning (May-June) season.

Bag Limit	MRIP			Headboat		
	Jul-Apr	May-Jun	All Year	Jul-Apr	May-Jun	All Year
10	0.0	0.0	0.0	0.0	0.0	0.0
9	0.2	1.3	0.4	0.3	0.4	0.3
8	0.4	2.5	0.9	0.7	0.8	0.7
7	1.3	3.8	1.8	1.3	2.0	1.5
6	2.3	5.1	2.9	2.9	3.8	3.1
5	3.5	6.3	4.1	5.5	6.2	5.7
4	5.1	8.4	5.8	9.4	9.7	9.5
3	8.5	12.7	9.3	15.3	14.7	15.2
2	14.1	20.3	15.3	25.0	21.7	24.2
1	29.3	34.2	30.3	37.5	32.4	36.3

The distribution of mutton snapper catch-per-angler is shown in **Figure 2**. As can be seen, most anglers catch three or fewer mutton snapper. Furthermore, most of the mutton snapper landings are from the Southeast (**Figure 3**) data collection area which is in the South Atlantic Council jurisdiction.

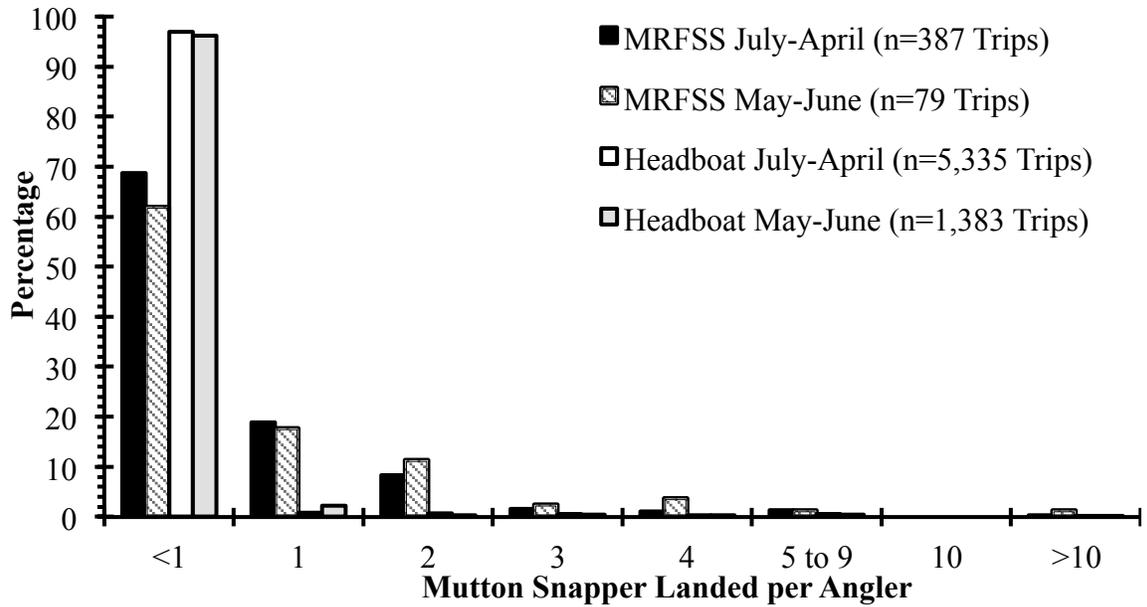


Figure 2. Distribution of South Atlantic mutton snapper landed per angler by season from the two recreational datasets (MRIP and Headboat) from 2011 to 2013. The regular season is from July to August and the spawning season is from May to June.

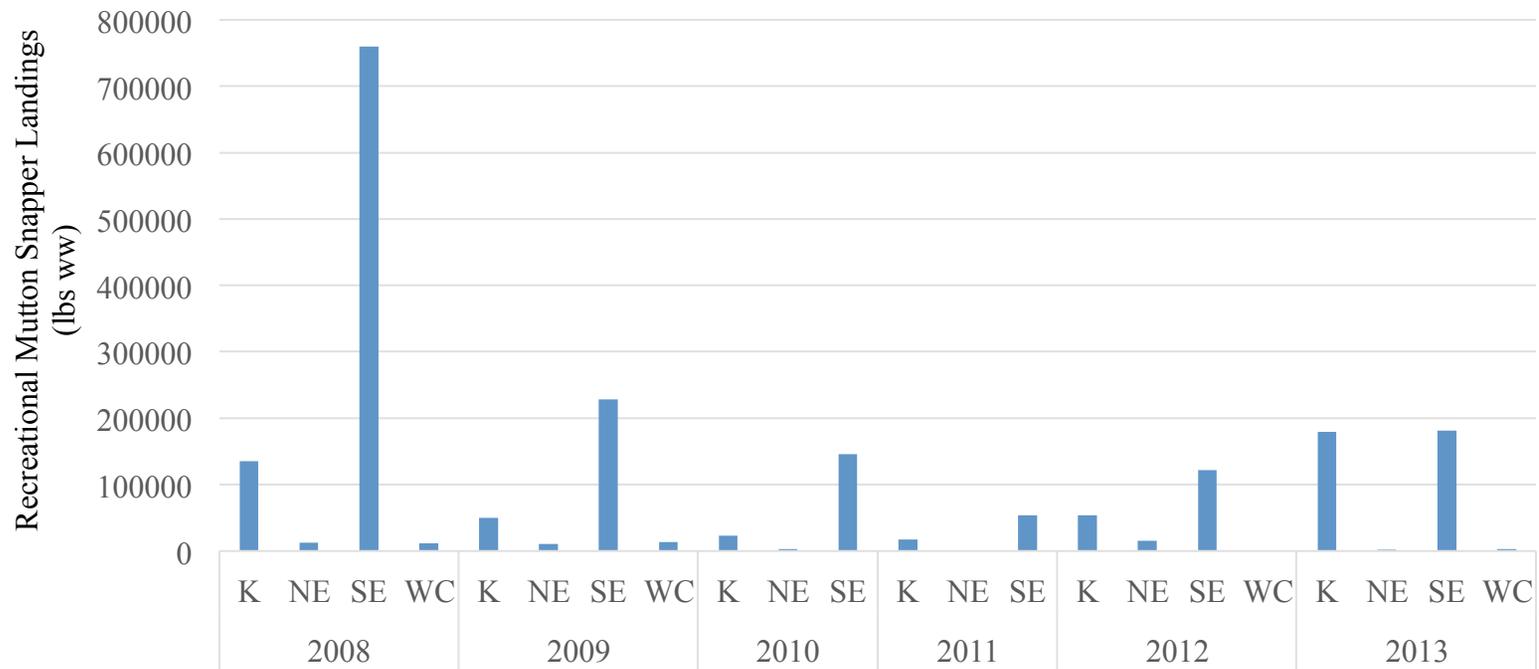


Figure 3. Total recreational landings (lbs ww) of mutton snapper from Florida waters from 2008-2013 by reporting region: K = Keys (Monroe County), NE = Northeast (Nassau County to Brevard County), SE = Southeast (Indian River County to Dade County), WC = West Central (Collier County to Citrus County). The Panhandle of Florida (otherwise denoted as “P”; Levy County to Escambia County) is not represented here due to the absence of mutton snapper landings in the Panhandle region.

Action 6. Modify Mutton Snapper Commercial Trip Limit in the Gulf of Mexico and South Atlantic

Note: Alternatives in this Action may be selected in conjunction with those in Actions 3, 4, and 5.

Alternative 1: No action. During May-June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf or South Atlantic from July through April.

Alternative 2: Establish a commercial trip limit for mutton snapper during the regular season (July through April) in the Gulf of Mexico and the South Atlantic.

Option 2a: 10 fish/person/day

Option 2b: Some higher bag or trip limit.

Alternative 3: Specify a commercial trip limit for mutton snapper during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 3a: 2 fish/person/day

Option 3b: 5 fish/person/day

Option 3c: 10 fish/person/day

Option 3d: No bag or trip limit

Alternative 4: Specify a commercial trip limit for mutton snapper that is identical to the recreational bag limit during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Alternative 5: Specify a commercial trip limit for mutton snapper for the handline sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 5a: 2 fish/person/day

Option 5b: 5 fish/person/day

Option 5c: 10 fish/person/day

Option 5d: Some other trip limit

Alternative 6: Specify a commercial trip limit for mutton snapper for the longline sector during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic.

Option 6a: 500 pounds whole weight trip limit

Option 6b: Some other trip limit

Note: The Councils are considering delegating certain management actions to the State of Florida for future modifications to mutton snapper management; however, there are some changes the Councils are proposing now to modify management measures for mutton snapper.

IPT Note: Staff needs clarification if this action pertains to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Establishing commercial trip limits in this action seems to duplicate the efforts of Action 3. If it is the Councils' desire to establish trip limits for mutton snapper in the manner shown in this action then the Councils may wish to reconsider delegating the establishment and modification of trip limits for mutton snapper to the State of Florida as outlined in Action 3. It would seem to be contradictory to consider delegating the setting of trip limits to the State of Florida in one action, and then to rationalize appropriate bag limit or trip limit modifications under a Council management strategy in another action.

IPT Note: The Councils may wish to consider vessel limits for commercial mutton snapper fishing. The biological effects of bag limits could vary depending on the number of crew aboard a commercial fishing vessel, making biological effects more difficult to determine. For example, the biological effects of four crew members retaining the per-person trip limit in Alternative 5 would be greater than the same for only two crew members. Analysis of Alternative 5 may prove difficult, since there is no way to know how many crew could be on board a commercial fishing vessel on any given day.

**MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 6.
APPROVED BY SAFMC SG AP (13/0)**

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 6 ALTERNATIVES FOR DETAILED ANALYSES.

**OPTION 2. APPROVE THE ACTION 6 ALTERNATIVES FOR DETAILED ANALYSES
AND SELECT ALTERNATIVE 1 AS PREFERRED.**

OPTION 3. MOVE ACTION 6 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. OTHERS??

Discussion

Some members of the public have expressed concerns regarding fishing effort on mutton snapper spawning aggregations during the May-June peak spawning season in the Florida Keys despite a healthy status of the mutton snapper stock. This action considers alternatives for mutton snapper commercial trip limits in the Gulf of Mexico and the South Atlantic. Current commercial fishing regulations for mutton snapper are detailed in **Table 13 (Alternative 1)**. During May and June, the commercial sector in the South Atlantic is restricted to 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive. There is no bag or trip limit for the commercial sector in the Gulf or South Atlantic during the July-April regular season. The commercial sector in the Gulf has no bag limit or trip limit restrictions during the mutton snapper peak spawning season (May-June).

Table 13. Current commercial mutton snapper fishing regulations in State waters off Florida, the Gulf of Mexico and the South Atlantic (June 2015).

Species	Regulations	State Waters Gulf and South Atlantic	Federal Waters Gulf of Mexico	Federal Waters South Atlantic
Mutton Snapper	Size Limit	16" TL		
	Trip Limit	None		
	Closed Season	None		
	Bag Limit	May-June: Restricted to 10 fish/person/day or trip	None	May-June: Restricted to 10 fish/person/day or trip

Tables 14 and 15 show commercial landings of mutton snapper by gear type from 2004-2013 for the Gulf and South Atlantic Councils, respectively. In the Gulf, bottom longline gear has historically been the predominate gear used to harvest mutton snapper (**Table 14**). In 2008, bottom longline regulations were modified to reduce interactions with protected sea turtle species, which could be one reason bottom longlines landings were reduced in 2009-2013 (GMFMC 2009). The predominate gear in South Atlantic waters has been vertical line gear for harvesting mutton snapper (**Table 15**). Trap gear was phased out in the Gulf in 2007; however, trap landings of mutton snapper are still reported in the South Atlantic and are likely bycatch from the spiny lobster fishery (Matthews et al. 2005).

Table 14. Commercial landings of mutton snapper by gear in the Gulf of Mexico for 2004-2013. Landings are reported in pounds whole weight. Confidential landings are labeled as "NA".

Year	Vertical	Longline	Traps	Diving	Other
2004	34,944	161,006	5,166	822	0
2005	20,634	115,772	2,952	1,271	NA
2006	25,345	186,193	994	1,029	NA
2007	20,335	110,979	631	612	NA
2008	14,745	65,227	647	759	NA
2009	12,258	29,589	847	811	NA
2010	18,262	35,294	NA	358	NA
2011	28,227	64,412	NA	729	NA
2012	27,013	59,375	NA	568	NA
2013	19,782	86,277	NA	1,073	0

Source: Commercial ACL dataset. Gulf vertical line includes: hook-and-line by hand and hook-and-line power assisted (bandit). "Other" includes landings from seine nets and unclassified gear.

Table 15. Commercial landings of mutton snapper by gear in the South Atlantic for 2004-2013. Landings are reported in pounds whole weight. Confidential landings are labeled as “NA”.

Year	Vertical	Longline	Traps	Diving	Other
2004	98,513	36,609	6,225	3,805	709
2005	81,551	4,626	2,662	5,023	2,436
2006	59,071	8,774	3,427	2,959	608
2007	59,955	17,564	5,918	3,770	1,343
2008	61,836	8,692	2,296	3,052	829
2009	69,088	2,827	1,873	3,429	915
2010	66,464	644	4,048	2,759	822
2011	54,997	NA	7,111	3,599	372
2012	66,912	NA	3,875	6,156	NA
2013	60,586	NA	3,321	8,865	NA

Source: Commercial ACL dataset. South Atlantic vertical line includes: hook-and-line by hand, hook-and-line power assisted (bandit) and hook-and-line troll. “Other” includes landings from the following gears: gill nets, lift nets, seine nets, and unclassified gear.

The commercial landings of mutton snapper for all Florida counties are highest during the May-June peak spawning period (**Figure 4**). Overall Florida landings of mutton snapper were highest in 2008 and decreased through 2011. Landings increased in 2012 and 2013 (**Figure 5**). An examination of the monthly distribution of mutton snapper landings from commercial logbook and dealer reports shows similar trends (**Tables 16a** and **16b**). In addition, commercial landings of mutton snapper in the South Atlantic are highest during the May-June spawning season despite the current 10 fish/person/day bag limit.

Alternative 2, Option 2a would establish a commercial trip limit for mutton snapper during the regular season (July-April) of 10 fish/person/day. Currently, there are no commercial bag or trip limits in effect for commercial harvest of mutton snapper during the regular season. Using commercial trip interview program landings for the Southeastern U.S. the average weight of a landed mutton snapper from 2009-2013 ranges from 8.1-8.8 pounds whole weight (ww) or 7.3-7.9 pounds gutted weight (gw) depending on the region. A 10 fish/person/day bag limit would correspond to about an 88 pound ww (79 gw) trip limit in the Gulf of Mexico and about an 81 pound ww (73 gw) trip limit in the South Atlantic. **Alternative 2, Option 2a** would correspond to 65% reduction in commercial mutton snapper landings in the Gulf and a 20% reduction in commercial landings in the South Atlantic (**Table 17**). The combined percent reduction estimated for Gulf and South Atlantic waters is estimated to be 45%. **Option 2b** would establish a commercial bag or trip limit in excess of 10 fish per person per day. **Table 17** used 12 fish per person per day as an example which is estimated to result in an increase in mutton snapper landings by 12% in the Gulf and 26% in the South Atlantic, respectively (**Table 17**).

Alternative 3, Options 3a through **3c** would specify a commercial trip limit for mutton snapper during the spawning season (May-June) of 2, 5, or 10 fish/person/day. **Option 3d** would not specify a commercial bag limit or trip limit for mutton snapper during the spawning season. A 2 fish/person/day commercial bag limit would be expected to reduce harvest in the Gulf and South

Atlantic combined by 21% during the May-June spawning season; a 5 fish/person/day commercial bag limit would be expected to reduce harvest by 16%; and a 10 fish/person/day would be expected to reduce commercial harvest of mutton snapper during the spawning season by 7% (**Table 17**).

Alternative 4 would specify a commercial trip limit for mutton snapper that is identical to the recreational bag limit during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic. This alternative is estimated to reduce commercial mutton snapper landings in the Gulf of Mexico by 12% and provide no reduction in landings for the South Atlantic Council (**Table 17**).

Alternatives 5 would specify a commercial trip limit for mutton snapper for vertical line gear during the spawning season (May and June) in the Gulf of Mexico and the South Atlantic. **Option 5a** would set a vertical line trip limit of 2 fish/person/day corresponding to 3% reduction in commercial mutton snapper landings in the Gulf and 25% reduction in commercial landings in the South Atlantic (**Table 17**). **Option 5b** would set a vertical line trip limit of 5 fish/person/day corresponding to 3% reduction in commercial mutton snapper landings in the Gulf and 18% reduction in commercial landings in the South Atlantic. **Option 5c** would set a vertical line trip limit of 10 fish/person/day corresponding to 2% reduction in commercial mutton snapper landings in the Gulf and no reduction in commercial landings in the South Atlantic. **Option 5d** would set some other vertical line trip limit. Until the Councils' determine what that limit would be, this option cannot be analyzed.

Alternative 6 Option 6a would set a longline gear trip limit of 500 pounds whole weight corresponding to a 4% reduction in commercial mutton snapper landings the Gulf and no reduction in commercial mutton snapper landings in the South Atlantic. **Alternative 6, Option 6b** would set some other trip limit. Until the Councils' determine what that limit would be, this option cannot be analyzed. For example if a 50 lb ww longline gear trip limit was established, a 12% reduction in landings is estimated for the Gulf and no reduction in landings is estimated for the South Atlantic (**Table 17**).

Table 16a. Monthly distribution of mutton snapper landings from commercial logbook in the Gulf and South Atlantic during 2009-2013

Month	Total	South Atlantic	Gulf
1	5.8%	5.5%	6.1%
2	9.0%	6.5%	11.3%
3	6.4%	5.6%	7.1%
4	7.2%	6.1%	8.2%
5	16.9%	22.6%	11.6%
6	10.4%	14.0%	7.1%
7	11.8%	9.8%	13.7%
8	7.5%	8.3%	6.7%
9	6.1%	5.5%	6.7%
10	6.9%	5.4%	8.3%
11	5.6%	5.6%	5.7%
12	6.3%	5.1%	7.5%

Table 16b. Monthly distribution of mutton snapper landings from dealer reported landings (Accumulative Landings System) in the Gulf and South Atlantic during 2009-2013.

Month	Total	South Atlantic	Gulf
1	5.5%	5.7%	5.4%
2	8.6%	6.8%	10.3%
3	6.5%	5.5%	7.5%
4	7.1%	6.5%	7.6%
5	16.3%	20.8%	11.9%
6	10.9%	14.7%	7.4%
7	11.5%	9.0%	13.9%
8	7.4%	8.3%	6.5%
9	6.0%	5.3%	6.7%
10	7.4%	5.5%	9.2%
11	5.9%	6.0 %	5.7%
12	6.9%	5.9%	7.9%

Table 17. Percent increases and decreases in landings for various proposed commercial trip limit alternatives. Percent increases are positive numbers and percent decreases are negative numbers. Both the percent increases and decreases came from mutton snapper commercial logbook data from 2011 to 2013.

Alternative	Option	Season	Gulf of Mexico	South Atlantic	Gulf and South Atlantic
Alt 2	Option 2a: 10 fish	July-April	-65%	-20%	-45%
	Option 2b: 12 fish		12%	26%	19%
Alt 3	Option 3a: 2 fish	May-June	-16%	-27%	-21%
	Option 3b: 5 fish		-14%	-20%	-16%
	Option 3c: 10 fish		-12%	0	-7%
	Option 3d: No limit		0	NA	NA
Alt 4	10 fish	May-June	-12%	0	-7%
Alt 5	Option 5a: 2 fish, Vertical line Sector	May-June	-3%	-25%	-12%
	Option 5b: 5 fish, Vertical line Sector		-3%	-18%	-8%
	Option 5c: 10 fish, Vertical line Sector		-2%	0%	-6%
Alt 6	Option 6a: 500 lbs ww, Longline sector	May-June	4%	0	2%
	Option 6b: 50 lbs ww, Longline sector		-12%	0	-6%

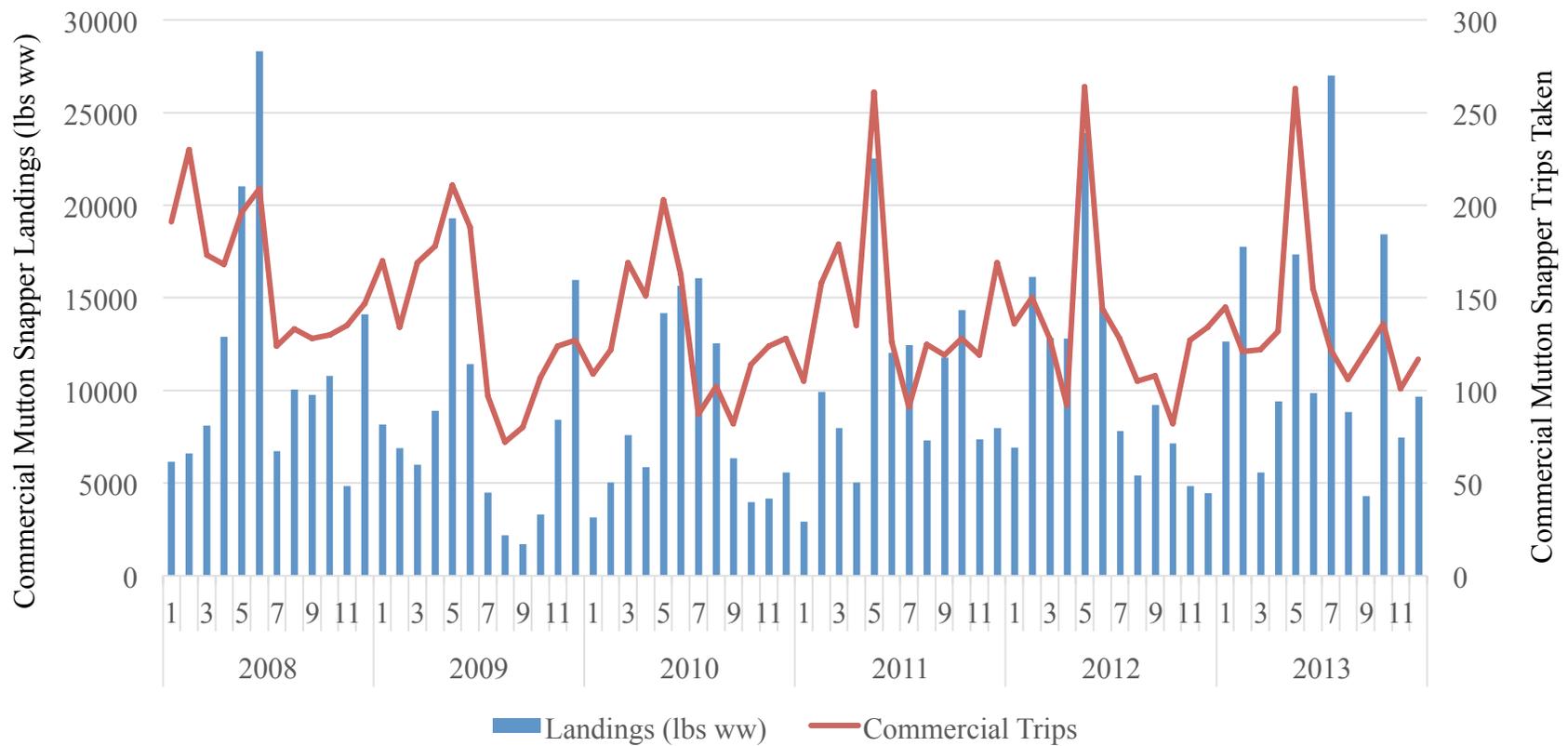


Figure 4. Commercial mutton snapper landings and trips by month from 2008 to 2013. Left y-axis (blue bars) is total commercial mutton snapper landings (lbs ww) for all Florida counties. Right y-axis (red line) is total commercial mutton snapper trips taken.

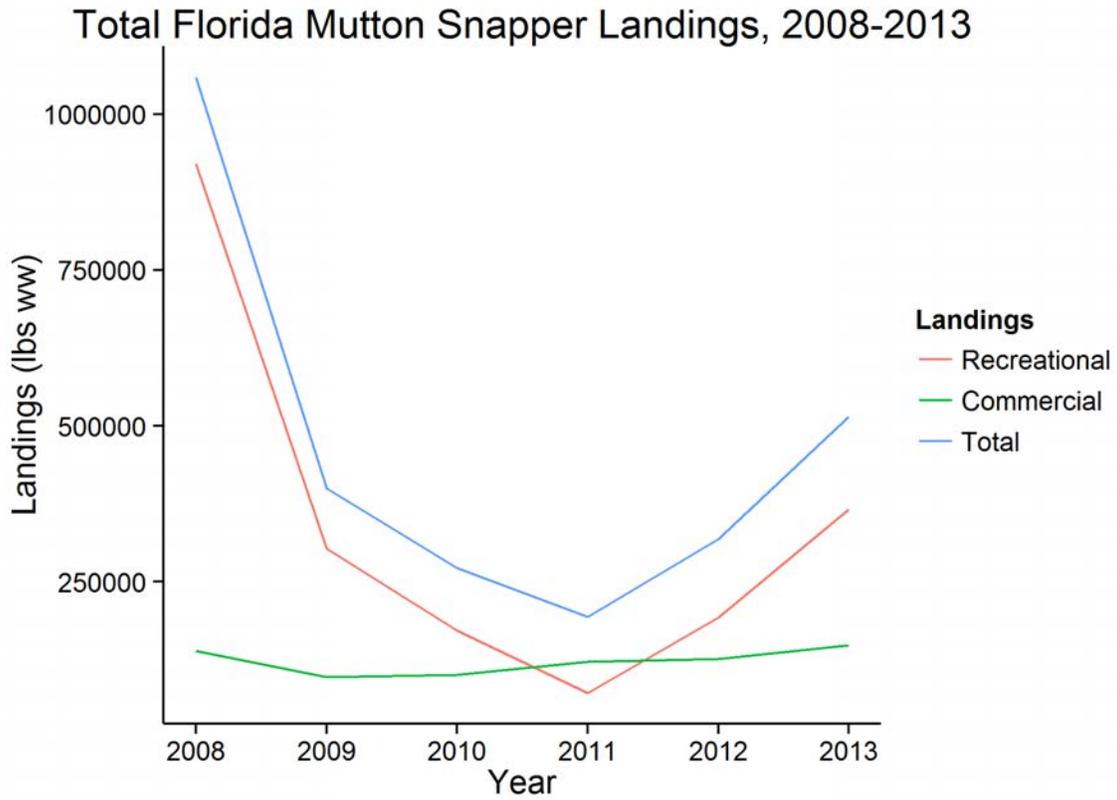


Figure 5. Total landings of mutton snapper in Florida (lbs ww). Data are from the Florida Fish and Wildlife Conservation Commission recreational landings and commercial trip ticket programs.

Actions 7 & 8 pertain exclusively to black grouper.

Action 7: Partial Delegation of Recreational Management of Black Grouper to the State of Florida in Federal Waters Adjacent to the State of Florida

Note: Under this action, the Councils will remain responsible for setting annual catch limits and determining appropriate accountability measures. Alternatives in this Action may be selected in conjunction with those in Actions 8, 9, and 10.

Alternative 1: No action. Retain recreational management of black grouper in the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Determine specific recreational management items for delegation to the State of Florida for black grouper:

Option 2a: Size limits

Option 2b: Seasons

Option 2c: Bag limits

Option 2d: Minor modifications to existing allowable gear

Note: Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management (implementation) plan outlining changes for review and approval by the Gulf and South Atlantic Councils. The Councils are considering delegating certain management actions to the State of Florida for future modifications to black grouper management; however, there are some changes the Councils are proposing now to modify management measures for black grouper.

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: The IPT recommends removing Options 2d. If the Councils cannot determine what exactly is desired by “minor modifications to existing allowable gear”. Analyses are not currently possible without knowing which modifications will be open to consideration by the Councils.

IPT Note: If it is the Councils’ desire to delegate recreational management measures to the State of Florida then the Councils’ may wish to reconsider the establishment of bag limits and closed season in Action 11. It would seem to be contradictory to consider delegating the setting of recreational management measures to the State of Florida in one action, and then to rationalize appropriate bag limits and season closures under a Council management strategy in another action.

**MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 7.
APPROVED BY SAFMC SG AP (14/0)**

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 7 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 2. MOVE OPTION 2D TO THE CONSIDERED BUT REJECTED APPENDIX AND APPROVE THE REMAINING ACTION 7 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 3. MOVE ACTION 7 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. OTHERS??

Discussion

This action considers alternatives that would partially delegate the management of black grouper to the State of Florida for the recreational (**Alternative 2**) sector. **Tables 3** and **4** reveal that harvest of black grouper is almost entirely from Florida with a very low percentage of landings occurring from other Gulf and South Atlantic States. Delegation of commercial management measures for black grouper is not currently being considered by the Joint Council Committee because it is currently part of the shallow-water grouper Individual Fishing Quota (IFQ) program in the Gulf of Mexico. The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP (Appendix B). The delegation of management authority to the states requires a three-quarters majority vote of the voting members of both the Gulf Council and the South Atlantic Council (Appendix B). The Councils' would remain responsible for setting annual catch limit (ACL) values and for establishing accountability measures (AMs) as outlined by the Joint Council Committee. Any existing permit requirements would remain in effect for fishing in the respective jurisdictions. Additionally, prior to implementing any changes in management items delegated herein, the State of Florida will be required to submit a management plan outlining changes for review and approval by the Gulf and South Atlantic Councils. This may not be required based on the Magnuson-Stevens Act delegation provision (16 U.S.C. §1856(a)(3)).

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix B). If National Marine Fisheries Service (NMFS) determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Gulf and South Atlantic Councils find that the region has corrected the inconsistencies. In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the State of Florida would be case specific.

In **Alternative 1**, all management of black grouper would be retained by the Councils. The regulations outlined in **Tables 1** and **2** would remain in effect, along with season opening and closing dates and current permissible gears. Currently, the black grouper season is open from May 1 through December 31 in the South Atlantic for both the commercial and recreational sectors. In the Gulf the recreational sector open year round, if fishing shoreward of the 20 fathom depth contour from February 1 through March 31.

Alternative 2 would determine specific recreational management items for delegation to the State of Florida for black grouper, including: **Option 2a-** size limits; **Option 2b-** seasons; **Option 2c-** bag limits; and **Option 2d-** minor modifications to existing gear. Multiple options may be selected as preferred for this alternative, thereby delegating one or multiple facets of recreational fisheries management to the State of Florida. It is the Joint Council Committees' preference that the Councils remain responsible for establishing and implementing ACLs and AMs.

Action 8: Establish and Consolidate ABCs and ACLs for Black Grouper

Note: Alternatives in this Action may be selected in conjunction with those in Actions 7, 9, and 10. More than one alternative may be selected as preferred in this action.

Alternative 1. No action. Maintain the current recreational ACLs based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

Alternative 2: Manage black grouper as a single unit with an overall combined multijurisdictional acceptable biological catch (ABC) and annual catch limit (ACL).

Alternative 3. Use both Councils' agreed upon ABC for black grouper and allocate the recreational ACLs for the Gulf and South Atlantic:

Option 3a: Combine the current recreational allocations (i.e., 63.12% of the ACL for the South Atlantic and 27% of the ACL for the Gulf) for black grouper into a single recreational allocation.

Option 3b: Use the following sector allocation formula: divide the sector allocations based on the ratio of landings with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013.

Option 3c: Base sector allocations on average landings from 2009-2013.

Option 3d: Base sector allocations on average landings from 2004-2013.

**MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 8.
APPROVED BY SAFMC SG AP (14/0)**

IPT Note: Staff needs clarification if all actions pertain to waters adjacent to State of Florida or throughout the Gulf and South Atlantic Council jurisdictions.

IPT Note: Consider moving Alternative 3 Option 3a to the considered, but rejected appendix based on the fact that the recreational portion of the Gulf black grouper ACL is undefined. There is no defined allocation of recreational harvest, instead black grouper is included in the shallow-water grouper complex (see discussion for more information).

COUNCIL ACTION

OPTION 1. APPROVE THE ACTION 8 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 2. MOVE ACTION 8 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 3. OTHERS??

Discussion

This action considers establishing and combining the Gulf and South Atlantic ABCs and ACLs for black grouper in the Southeastern U.S. The NMFS would continue to monitor the landings and notify the Councils when the ACL is met or projected to be met. The respective SSCs for each Council would meet jointly to review stock assessment information, and would collectively determine appropriate values for OFL and ABC for black grouper. Although black grouper has

been managed as two different stocks for regulatory purposes, the stock assessment (SEDAR 19 2010) considered black grouper from the Gulf and South Atlantic to be a single biological stock. For the purposes of management of black grouper, the ACL could be set equal to the ABC, since black grouper are not currently overfished or undergoing overfishing (SEDAR 19 2010). Currently, only landings data are being used to determine allocations for this amendment. The Councils are considering other criteria in addition to landings data, such as social and economic considerations, for determining allocations in the future.

Currently, each Council's SSC agrees to an ABC for black grouper based on yield projections from the most recent stock assessment (SEDAR 19 2010). The current jurisdictional apportionment is based on the Florida Keys (Monroe County) jurisdictional boundary between the Gulf and South Atlantic Councils for black grouper ABC. The jurisdictional split of the ABC was established by using 50% of catch history from 1986-2008 + 50% of catch history from 2006-2008 resulting in 47% of the ABC going to the South Atlantic and 53% of the ABC going to the Gulf. This methodology was established in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011) (**Alternative 1**).

Alternative 2 would manage black grouper as a single unit with an overall combined multijurisdictional ABC and ACL. This method of management could still have within it recreational and commercial fishing allocation. However, neither sector would be closed in a fishing year so long as the overall ACL had not been met, if that AM was selected as preferred.

Alternative 3 would use both Councils' agreed upon acceptable biological catch (ABC) for black grouper and allocate the commercial and recreational ACLs for the Gulf and South Atlantic using one of the time period options. When determining the resultant sector allocations for **Options 3b – 3d**, sector landings will be capped at their respective sector ACLs (where appropriate), to ensure that overfishing in some years does not result in biased allocation ratios. **Option 3a** would combine the current recreational allocations (i.e., 63% of the ACL for the South Atlantic and 27% of the ACL for the Gulf) for black grouper into a single recreational allocation. The respective commercial allocations for each Council would continue to be managed directly by the responsible Council. This option may be inherently problematic for several reasons, first the recreational portion of the Gulf black grouper ACL and annual catch target (ACT) is undefined because there is no defined allocation of recreational harvest, instead black grouper is included in the shallow-water grouper complex (GMFMC 2011). The ACL for the shallow-water groupers is determined using black grouper as the indicator species for the complex. This means that the Gulf recreational allocation for black grouper is undefined and would need to be revisited.

Option 3b would divide the sector allocations based on the ratio of landings, with 50% of the weighting given to the mean of the landings from 1993-2008, and 50% on the mean of the landings from 2009-2013. **Option 3c** would base sector allocations for waters off the State of Florida on average landings from 2009-2013. **Option 3d** would base sector allocations for waters off the State of Florida on average landings from 2004-2013. **Table 19** outlines the resultant allocations for **Options 3a – 3c** of **Alternative 3**, based on the recreational and commercial landings in **Table 20**. Sector allocation options were determined with landings

constrained to be no higher than the ACL for each respective sector in each Council’s jurisdiction. For black grouper, the respective ACLs were not exceeded.

Table 18. Sector allocation options for black grouper for Alternative 3 of Action 8. Percentages were derived from landings in whole weight.

Black Grouper Sector ACL Options		
Option	Commercial	Recreational
Option 3a	<i>Would vary annually based on yield projections</i>	
Option 3b	62%	38%
Option 3c	48%	52%
Option 3d	58%	42%

Table 19. Commercial and recreational landings of black grouper in the Gulf of Mexico and South Atlantic for 1993-2013. Landings are reported in pounds whole weight.

Year	Commercial		Recreational	
	<i>Gulf</i>	<i>South Atlantic</i>	<i>Gulf</i>	<i>South Atlantic</i>
1993	515679	146214	13903	169438
1994	431911	131164	26451	217951
1995	309725	201737	63266	177669
1996	306206	190494	29489	372712
1997	185267	169530	54740	465053
1998	254355	174739	138058	272127
1999	362967	128968	43216	66471
2000	416218	122650	14505	107069
2001	389736	136082	30654	154036
2002	334195	149681	16054	130980
2003	389081	151382	18404	234406
2004	372206	147167	8352	189348
2005	217295	115345	45363	164478
2006	225776	81753	1555	124960
2007	137965	95501	20413	193300
2008	67007	52722	4583	179112
2009	38649	46726	23154	137771
2010	27537	44057	391	36186
2011	50526	62407	667	51898
2012	54165	50813	30718	149353
2013	63400	54075	3815	99096

Source: SERO ALS Database (commercial landings) and MRIP (recreational landings)

Landings indicate that the black grouper fishery has historically been dominated by the commercial fishery. However, recreational landings have increased in the more recent time series (2009-2013), resulting in the ratio of landings between the sectors to slightly favor the

recreational sector. It is important to note that during the time periods considered in **Alternative 3**, neither the commercial nor the recreational sector exceeded their respective ACLs.

Actions 9 & 10 pertain to seasonal closures in the shallow-water grouper fisheries of the Gulf of Mexico and the South Atlantic. Seasonal closures are time-based closures to fishing effort to conserve or protect fish stocks from harvest during periods of increased vulnerability, such as during spawning seasons.

Action 9. Modify Shallow-water Grouper Species Compositions and Seasonal Closures in the Gulf and South Atlantic

Note: Alternatives in this action may be selected in conjunction with those in Actions 7, 8, and 10. Currently, more than one alternative may be selected as preferred for this action.

Alternative 1: No action. Retain the existing respective shallow-water grouper species compositions and seasonal closures in the Gulf and South Atlantic Councils.

Alternative 2: Remove the shallow-water grouper closure for all affected grouper species in the Gulf of Mexico and the South Atlantic:

Option 2a: from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida.

Option 2b: ~~Throughout each Council's jurisdiction.~~

Alternative 3: Establish identical regulations for shallow-water grouper species compositions for the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida:

Option 3a: Adopt the Gulf shallow-water grouper species composition for the Gulf and South Atlantic.

Option 3b: Adopt the South Atlantic shallow-water grouper species composition for the Gulf and South Atlantic.

Option 3c: Specify a new and identical shallow-water species complex for the Gulf and South Atlantic.

Alternative 4: Establish identical regulations for the shallow-water grouper seasonal closures in the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida:

Option 4a: Adopt the Gulf shallow-water grouper seasonal closures for the Gulf and South Atlantic.

Option 4b: Adopt the South Atlantic shallow-water grouper seasonal closures for the Gulf and South Atlantic.

Option 4c: Establish new and identical regulations for shallow-water grouper seasonal closures in the Gulf of Mexico and the South Atlantic.

Alternative 5: Establish identical regulations for the shallow-water grouper seasonal closures throughout the Gulf and South Atlantic:

~~**Option 5a:** Adopt the Gulf shallow-water grouper seasonal closures for the Gulf and South Atlantic.~~

~~**Option 5b:** Adopt the South Atlantic shallow-water grouper seasonal closures for the Gulf and South Atlantic.~~

~~**Option 5c:** Establish new and identical regulations for shallow-water grouper seasonal closures in the Gulf of Mexico and the South Atlantic.~~

Alternative 6: Modify the shallow-water grouper seasonal closure off Monroe County, Florida to allow harvest of other shallow-water grouper species and only close harvest of gag.

Note: Items in ~~strike through~~ were recommended to be moved to the Considered but Rejected Appendix by the Gulf Council in April 2015.

IPT Note: If it is the Councils' intent to modify shallow-water grouper species compositions the IPT recommends splitting this action into two separate actions addressing species compositions and seasonal closures, respectively.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 10 (now Number 9 above).

APPROVED BY SAFMC SG AP (13/0)

MOTION: COUNCIL CONSIDER MOVING THE MANAGEMENT BOUNDARY FOR SNAPPER GROUPER SPECIES FROM THE GULF/SOUTH ATLANTIC COUNCIL BOUNDARY NORTH TO SHARK POINT FOR THE SNAPPER GROUPER FISHERY MANAGEMENT UNIT.

APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION

OPTION 1. MOVE OPTION 2B AND ALTERNATIVE 5, OPTIONS 5A-5C TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 2. APPROVE THE REMAINING ACTION 9 ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 3. APPROVE THE IPT RECOMMENDATION TO SPLIT THIS ACTION INTO TWO SEPARATE ACTIONS ADDRESSING SPECIES COMPOSITIONS AND SEASONAL CLOSURES, RESPECTIVELY.

OPTION 4. MOVE ACTION 9 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 5. OTHERS??

Discussion:

In the Gulf of Mexico, a separate recreational gag season was developed as part of the gag rebuilding plan (GMFMC 2012). Because other SWG stocks are considered healthy, the utility of the SWG closure was questioned. In addition, much of the dominant gag spawning grounds are now protected by time-area closures. In response to this, the Gulf Council submitted a framework action that among other things, eliminated the February 1 through March 31 SWG

closure shoreward of 20 fathoms in the Gulf of Mexico (GMFMC 2012). These new regulations were adopted and implemented in 2013. The SWG closure is still enforced in the exclusive economic zone in the Gulf for waters seaward of 20 fathoms (~36.5 m, or 120 feet). It should be noted that the SEDAR 33 stock assessment, in combination with additional analyses as requested by the Gulf Council's SSC, determined that the Gulf of Mexico gag population was rebuilt at their June 2014 meeting.

The January-April commercial and recreational spawning season closure for South Atlantic SWG was put into place through the final rule for Amendment 16 to the Snapper Grouper FMP (SAFMC 2008). Off the southeastern United States, gag spawn from December through May, with a peak in March and April (McGovern et al. 1998). There is some evidence that spawning may occur earlier off Florida compared to other more northern areas. Gag may make annual late-winter migrations to specific locations to form spawning aggregations, and fishermen know many of these locations. McGovern et al. (2005) found gag were capable of extensive movement and suggested some large scale movement may be related to spawning. In 1998, the South Atlantic Council took action to reduce fishing mortality and protect spawning aggregations of gag and black grouper. Actions included a March-April spawning season closure for the commercial sector. While a March-April commercial closure may offer some protection to spawning aggregations including the selective removal of males, the January-April spawning season closure provided greater protection. Although gag spawn from December through May, aggregations are in place before and after spawning activity (Gilmore and Jones 1992). Therefore, males can be removed from spawning aggregations early in the spawning season, and this could affect the reproductive output of the aggregation if there were not enough males present in an aggregation for successful fertilization of eggs. Amendment 16 (SAFMC 2008) also established a provision to close other SWG including black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney, which are also known to spawn during January-April. Further protection for gag and SWG were provided through the establishment of ACLs and AMs in Amendment 17B to the Snapper Grouper FMP (SAFMC 2010b) and the Comprehensive ACL Amendment (SAFMC 2011), respectively. Thus, the seasonal closure provides protection to SWG during their spawning season when SWG species may be exceptionally vulnerable to fishing pressure, and ACLs and AMs are in place to help ensure overfishing does not occur. Information on SWG in the South Atlantic is provided in **Table 21**.

Alternative 1 would retain the existing respective shallow-water grouper species compositions and seasonal closures in the Gulf and South Atlantic Councils. **Alternative 2** would remove the shallow-water grouper closure for all affected grouper species in the Gulf of Mexico and the South Atlantic either from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida (**Option 2a**) ~~or throughout each Council's jurisdiction (**Option 2b**)~~. Law enforcement personnel have commented that the geographic boundaries proposed in **Alternative 2, Option 2a** may be easier to abide by and enforce. The Dade/Monroe County line in the east is a well-known and acknowledged boundary, and the waters west of Shark Point on the west coast of Monroe County do not constitute heavily used fishing grounds.

Alternative 3 would establish identical regulations for shallow-water grouper species compositions for the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida by adopting either the Gulf shallow-water grouper species composition (**Option 3a**) or the South Atlantic shallow-water grouper species composition (**Option 3b**) for the Gulf and South Atlantic, or by specifying a new and identical shallow-water species complex for the Gulf and South Atlantic (**Option 3c**). Developing identical regulations for shallow-water grouper species compositions in both Councils' jurisdictions would simplify management for fishermen, especially those who may fish in both Councils' jurisdictions on a single trip. **Alternative 4** would establish identical regulations for the shallow-water grouper seasonal closures in the Gulf and South Atlantic from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida by adopting the Gulf shallow-water grouper seasonal closures (**Option 4a**) or the South Atlantic shallow-water grouper seasonal closures (**Option 4b**) for the Gulf and South Atlantic, or by establishing new and identical regulations for shallow-water grouper seasonal closures in both Councils' jurisdictions (**Option 4c**). ~~**Alternative 5** would establish identical regulations for the shallow-water grouper seasonal closures in the same manner and with the same options as **Alternative 4**, except that the resultant regulations would be applicable throughout the Gulf and South Atlantic.~~ **Alternative 6** would modify the shallow-water grouper seasonal closure off Monroe County, Florida to allow harvest of other species and only close harvest of gag. **Alternative 6** would allow fishermen to pursue shallow-water grouper species determined in **Alternative 3** (if **Alternative 3** is selected as preferred), while protecting the recovery of gag in the South Atlantic.

Spawning season closures were established by both Councils based on the effects of fishing pressure on the reproductive characteristics of shallow-water grouper (SWG) are most often seen in the average size of fish landed, and in changes in sex ratios over time (Coleman et al. 1996; Koenig et al. 2000). Long-term effects can include decreases in fecundity, population abundance, and concomitantly, catch limits. Commercially and recreationally important SWG species which would be subject to additional exploitation, such as red grouper (*Epinephelus morio*), black grouper (*Mycteroperca bonaci*), gag (*M. microlepis*), yellowfin grouper (*M. venenosa*), yellowmouth grouper (*M. interstitialis*), and scamp (*M. phenax*), all of which are protogynous species (Shapiro 1987, Böhlke and Chaplin 1993) attracted to high-relief sites. Gag, scamp, and black grouper form predictable, localized, and seasonal spawning aggregations, increasing their vulnerability to exploitation (Gilmore and Jones 1992; Coleman et al. 1996; Coleman et al. 2000; Brule et al. 2003). Yellowfin and yellowmouth groupers may be similarly vulnerable; however, substantially less empirical life history information is available for these two species (**Table 20**).

Table 20. Gulf of Mexico shallow-water grouper spawning information and recreational season closures. The shallow-water grouper complex applies to both the recreational and commercial sector in the Gulf of Mexico; however, the commercial sector is managed with an individual fishing quota system so the season closures listed below only apply to the recreational sector.

Gulf of Mexico Shallow-Water Grouper Complex					
Species	Current Recreational Closure	Spawning Season	Spawning Depth	Northernmost Distribution	Data Source(s)
Gag	1/1-6/30 and 12/4-12/31	January-May	50-120 m	Northern Florida Panhandle	SEDAR 33
Black Grouper	2/1- 3/31 > 20-fath	February-April	≥ 30 m	Middle Grounds/Big Bend	SEDAR 19
Red Grouper	2/1- 3/31 > 20-fath	March-May	25-120 m	Northern Florida Panhandle	SEDAR 12, 2009 SEDAR 12 Update
Scamp	2/1- 3/31 > 20-fath	January-May	30-100 m	Gulf-wide	Heemstra and Randall 1993, Coleman et al. 2011
Yellowfin Grouper	2/1- 3/31 > 20-fath	February-April	30-40 m	Gulf-wide	Nemeth et al. 2006
Yellowmouth Grouper	2/1- 3/31 > 20-fath	March-May	≤ 150 m	Gulf-wide	Heemstra and Randall 1993; Bullock and Murphy 1994

Table 21. South Atlantic shallow-water grouper complex spawning information. The shallow-water complex applies to both the commercial and recreational sectors in the South Atlantic.

Species	Current Rec & Comm Closure	Peak Spawning Season	General Spawning Depth	Data Source(s)
Gag	January-April	January-May	24-117 m	McGovern et al. 1998; SEDAR 10
Black Grouper	January-April	January-March	≥ 30 m	Crabtree and Bullock 1998; SEDAR 19
Red Grouper	January-April	February-April	30-90 m	Williams and Carmichael 2009; SEDAR 19
Scamp	January-April	March-May	33-93 m	Williams and Carmichael 2009; Harris et al. 2002
Yellowfin Grouper	January-April	March in FL Keys		Taylor and McMichael 1983
Yellowmouth Grouper	January-April	March-May in Gulf		Bullock and Murphy 1994
Red Hind	January-April	December-February in Caribbean		Thompson and Munro 1978
Rock Hind	January-April	January through March off Cuba		García-Cagide et al. 1994; Rielinger 1999
Graysby	January-April	March, May-July in Caribbean		Erdman 1976
Coney	January-April	November to March off Puerto Rico		Figuerola et al. 1997

Action 10. Modify Black Grouper Fishery Closures and Bag Limits in the Gulf of Mexico and the South Atlantic.

Note: Alternatives in this action may be selected in conjunction with those in Actions 7, 8, and 9.

Alternative 1: No Action – Do not modify black grouper recreational closures in the Gulf of Mexico or recreational and commercial closures in the South Atlantic. Maintain currently established seasonal bag limits in both the Gulf of Mexico and the South Atlantic, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits.

Alternative 2: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf and of the recreational and commercial seasons in the South Atlantic.

Alternative 3: Establish a recreational seasonal closure for black grouper for the Gulf and the South Atlantic. *(Multiple options may be chosen)*

Option 3a: January

Option 3b: February

Option 3c: March

South Atlantic Council would prefer the following Options:

Option 3a: January – March

Option 3b: January

Option 3c: February

Option 3d: March

Alternative 4: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Florida.

Alternative 5: Remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Monroe County, Florida.

~~**Alternative 6:** Remove black grouper from recreational aggregate bag limits in the Gulf of Mexico.~~

Alternative 7: Remove black grouper from recreational aggregate bag limits in the South Atlantic.

Alternative 8: Establish a recreational bag limit for black grouper.

Option 8a: One fish/person/day

Option 8b: Two fish/person/day

Option 8c: Three fish/person/day

Option 8d: Four fish/person/day

Option 8e: Apply this bag limit only to the following area(s):

Sub-option 8a: Off Monroe County

Sub-option 8b: In federal waters off Florida

~~Sub-option 8c: In federal waters of the Gulf and the South Atlantic~~

Alternative 9: Modify the commercial seasonal closure for black grouper in the Gulf of Mexico and the South Atlantic.

Option 3a: January

Option 3b: February

Option 3c: March

Added by the South Atlantic Council. This addition is not supported by the Gulf Council.

Note: Items in ~~strike through~~ were recommended to be moved to the Considered but Rejected Appendix by the Gulf Council in April 2015.

Note: The Councils are considering delegating certain management actions to the State of Florida for future modifications to black grouper management; however, there are some changes the Councils are proposing now to modify management measures for black grouper.

IPT Note: The IPT recommends splitting this action into two separate actions addressing seasonal closures and bag limits, respectively.

IPT Note: Establishing bag limits under Alternative 8 of Action 11 seems to duplicate efforts in Alternative 2, Option 2c of Action 7. If it is the Councils' desire to establish bag limits for black grouper in the manner shown in Action 11, then the Councils may wish to reconsider delegating the setting and changing of bag limits for black grouper to the State of Florida as outlined in Action 7.

The South Atlantic Council wants to include discussion and a new alternative considering changes to commercial black grouper management, including seasonal closures and trip limits. These changes would affect the Gulf shallow-water grouper IFQ program. The Gulf Council does not support the inclusion of this discussion.

MOTION: AP SUPPORTS ALTERNATIVE 1, NO ACTION, FOR ACTION 11 (now Number 10 above).

APPROVED BY SAFMC SG AP (13/0)

COUNCIL ACTION

OPTION 1. MOVE ALTERNATIVE 6 AND SUB-OPTION 8C TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 2. MODIFY ALTERNATIVE 3 OPTIONS TO REFLECT OPTIONS 3A – 3D.

OPTION 3. MOVE ALTERNATIVE 9 TO THE CONSIDERED BUT REJECTED APPENDIX

OR MODIFY ALTERNATIVE 9 TO ONLY APPLY TO THE SOUTH ATLANTIC (COUNCILS TO SPECIFY).

OPTION 4. APPROVE THE IPT RECOMMENDATION TO SPLIT THIS ACTION INTO TWO SEPARATE ACTIONS ADDRESSING SEASONAL CLOSURES AND BAG LIMITS, RESPECTIVELY.

OPTION 5. MOVE ACTION 10 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 6. OTHERS??

Discussion

Modifying the current black grouper closures in the Gulf of Mexico and the South Atlantic could provide or remove protections to spawning aggregations, especially during peak spawning activity in January through March. The protection of spawning aggregations has shown to be beneficial to other heavily-targeted protogynous groupers (see Gulf of Mexico gag, SEDAR 33). Also, modifying the inclusion of black grouper in recreational bag limits in the Gulf of Mexico and the South Atlantic could provide additional harvest capacity for the recreational sector in the south Florida region, and may increase removals of other shallow-water groupers which may be under rebuilding plans. Removal of black grouper from the shallow-water grouper aggregate bag limit could permit the additional harvest of other shallow-water grouper species still included in bag limit. The same can be said about the potential additional harvest of other reef fish species included in the reef fish aggregate bag limit.

Alternative 1 would retain the current black grouper recreational closure in the Gulf of Mexico, and the recreational and commercial closures in the South Atlantic. Currently established seasonal bag limits in both the Gulf of Mexico and the South Atlantic would also remain the same, with black grouper included as a component of the shallow-water grouper and reef fish aggregate bag limits.

Alternative 2 would remove black grouper from the shallow-water grouper closure of the recreational season in the Gulf and of the recreational and commercial seasons in the South Atlantic, thus allowing harvest throughout the South Florida region year-round. Alternatively,

Alternative 3 would establish a recreational seasonal closure for black grouper during January only (**Option 3a**), during February only (**Option 3b**), or during March only (**Option 3c**). Multiple months can be selected for **Alternative 3** if a closure is determined necessary for multiple months.

Alternative 4 would remove black grouper from the shallow-water grouper closures of the recreational season in the Gulf of Mexico and the recreational and commercial seasons in the South Atlantic in federal waters off Florida. This would open black grouper up to recreational fishing effort beyond 20 fathoms in Gulf waters off Florida during February and March, and to recreational and commercial fishing effort in Atlantic waters off Florida from January through April.

Alternative 5 would have the same effects as **Alternative 4**, except that **Alternative 5** would only apply to those waters off Monroe County, Florida.

~~**Alternative 6** would remove black grouper from recreational aggregate bag limits in the Gulf of Mexico, and **Alternative 7** would do the same in the South Atlantic. **Alternatives 6** and **7** have the potential to result in increased harvest capacity for those species remaining in the shallow-water grouper aggregate bag limits, as black grouper would no longer account for some portion of those bag limits. Such a removal would permit the harvest of additional fish still included within those respective aggregate bag limits.~~

Alternative 8 would establish a recreational bag limit for black grouper, with one of the following options: **Option 8a**: One fish/person/day; **Option 8b**: Two fish/person/day; **Option 8c**: Three fish/person/day; and **Option 8d**: Four fish/person/day. **Option 8e** of **Alternative 8** would apply the bag limit option selected from **Options 8a-8d** only to the following area(s): **Sub-option 8a**: Off Monroe County or **Sub-option 8b**: In federal waters off Florida; ~~or **Sub-option 8c**: In federal waters of the Gulf and the South Atlantic.~~ Due to a paucity of data, it is not possible to conduct a thorough analysis of this alternative for Gulf waters. An analysis of **Alternative 8** for South Atlantic waters is provided in Appendix E.

Action 11 pertains to harmonizing size and bag limits for shallow-water grouper species. Any changes selected in Action 9 will directly impact which species are included in the following action.

Action 11: Harmonize bag and size limits for species in shallow-water grouper complex seasonal closures in Federal Waters Adjacent to Monroe County, Florida.

Alternative 1: No action – Retain the current bag and size limits for species in shallow-water grouper complex seasonal closures in federal waters adjacent to Monroe County, Florida.

Alternative 2: Harmonize the bag limits for species included in the shallow-water grouper seasonal closures ~~in the exclusive economic zone of the Gulf of Mexico and the South Atlantic in~~ federal waters adjacent to Monroe County, Florida.

Alternative 3: Harmonize the size limits for species included in the shallow-water grouper seasonal closures ~~in the exclusive economic zone of the Gulf of Mexico and the South Atlantic in~~ federal waters adjacent to Monroe County, Florida.

Modified by the South Atlantic Council. These alternatives are not supported by the Gulf Council.

Note: Species included in the shallow-water complex considered for Action 11 will be subject to the preferred alternatives selected in Action 9.

IPT Note: The wording approved by the South Atlantic Council for Alternatives 2 and 3 (~~in strikethrough~~) needs to be amended to reflect that Action 11 addresses only federal waters adjacent to Monroe County, Florida.

MOTION: ADOPT ALTERNATIVES 2 & 3 IN ACTION 12 (now Number 11 above) WITH THE WORDING: IN FEDERAL WATERS ADJACENT TO MONROE COUNTY, FLORIDA. APPROVED BY SAFMC SG AP (14/0)

COUNCIL ACTION

OPTION 1. APPROVE THE MODIFIED LANGUAGE FOR ALTERNATIVES 2 AND 3.
OPTION 2. MOVE ACTION 11 TO THE CONSIDERED BUT REJECTED APPENDIX.
OPTION 3. OTHERS??

Action 12 pertains to modifications of permissible gear types.

Action 12. Changes to Circle Hook Requirement in Gulf and South Atlantic Jurisdictional Waters

Note: This action may be selected in conjunction with Actions 1, 3, and 7. Multiple alternatives may be selected as preferred for this action.

Alternative 1: No action – Retain the current hook requirements in the exclusive economic zone of the Gulf of Mexico and the South Atlantic.

Alternative 2: Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in the exclusive economic zone of the Gulf of Mexico.

Option 2a: For the recreational fishing sector

Option 2b: For the commercial fishing sector

Alternative 3: Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper south of 28° North latitude in the exclusive economic zone of the Gulf of Mexico.

Option 3a: For the recreational fishing sector

Option 3b: For the commercial fishing sector

Alternative 4: Require the use of circle hooks when fishing with natural bait for all snapper-grouper species south of 28° North latitude in the exclusive economic zone of the South Atlantic.

Option 4a: For the recreational fishing sector

Option 4b: For the commercial fishing sector

Alternative 5. Remove the requirement to use circle hooks when fishing with natural bait for all species in the snapper grouper complex north of 28° North latitude in the exclusive economic zone of the South Atlantic.

Option 5a: For the recreational fishing sector

Option 5b: For the commercial fishing sector

Alternative 6. Remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in federal waters from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida

Option 6a: For the recreational fishing sector

Option 6b: For the commercial fishing sector

IPT Note: The IPT recommends the removal of Alternative 5, as it is outside of the scope of this amendment. The area being referenced in Alternative 5 includes areas north of the State of Florida.

The South Atlantic Council would like to retain Alternative 5, as it would allow them to address other aspects of Snapper-Grouper management in one document. The Gulf Council discouraged the inclusion of items which are outside the scope of this amendment.

MOTION: AP RECOMMENDS REMOVING CIRCLE HOOK REQUIREMENT IN SOUTH ATLANTIC FOR RECREATIONAL SECTOR (ALTERNATIVE 5, OPTION 5A).

Disapproved by SAFMC SG AP (2/10)

COUNCIL ACTION

OPTION 1. MODIFY THE LANGUAGE FOR ALTERNATIVE 2 TO SPECIFY A BOUNDARY SOUTH OF 28 DEGREES NORTH OR SHARK POINT OR THE SA/GM COUNCIL BOUNDARY.

OPTION 2. APPROVE THE MODIFIED ALTERNATIVE 2 AND THE REMAINING ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 3. MOVE ACTION 12 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. OTHERS??

Discussion:

Action 12 pertains to modifications of permissible gear types. In 2008, the Gulf Council adopted a preferred management alternative in Amendment 27 to the Reef Fish Fishery Management Plan, which required recreational anglers fishing in federal waters to use non-stainless steel circle hooks when catching reef fishes with natural bait (50 CFR 622.41). Circle hooks are defined by regulation as “a fishing hook designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape.” Florida matched federal regulations, with the added specification that a circle hook must have zero degrees of offset (Florida Administrative Code §68B-14.005).

In 2010, the South Atlantic Council approved Amendment 17A to the snapper grouper Fishery Management Plan (SAFMC 2010a), which required recreational and commercial anglers fishing in federal waters to use non-stainless steel circle hooks (offset or non-offset) when fishing for all species in the snapper grouper complex when using hook-and-line-gear with natural baits in waters North of 28 degrees North latitude. This requirement was effective March 3, 2011.

Multiple reef fish species managed by the Gulf Council occur in waters south of 28°N latitude. A recent stock assessment on red snapper recognized and incorporated reduced discard mortality as a result of the requirement to use circle hooks when fishing with natural bait (SEDAR 31 2013). Sauls and Ayala (2012) observed red snapper caught with circle hooks and J hooks within the recreational sector and reported a 63.5% reduction in potentially lethal hooking injuries for red snapper caught with circle hooks (6.3% potentially lethal injuries, versus 17.1% with J hooks) (SEDAR 31 2013). SEDAR 33 (2014a, b) examined the effects of hook type on gag and greater amberjack and determined that the generally low level of recreational discard mortality for both species (both prior to and after the 2008 circle hook requirement) negated the realization of benefits from using circle hooks (Sauls and Ayala 2012; Sauls and Cermak 2013; Murie and Parkyn 2013).

Alternative 1 would retain the current circle hook requirements in Gulf of Mexico jurisdictional waters, requiring recreational anglers fishing in federal waters to use non–stainless steel circle hooks when catching reef fish with natural bait. Biological impacts from this alternative are not expected to change from present conditions. Any biological benefit(s) to the current circle hook requirement would be expected to persist.

Alternative 2 would remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper in the Gulf of Mexico. **Option 2a** would remove the requirement for the recreational fishing sector, and **Option 2b** would remove the requirement for the commercial fishing sector. Anglers have informed resource managers of an increased propensity for gut-hooking yellowtail snapper when fishing with circle hooks due to the small size of hook needed to successfully hook yellowtail snapper. Anglers indicate that the smaller circle hooks are swallowed completely into the stomach, increasing the likelihood of the hook snagging somewhere in the fish’s digestive tract. If J-hooks are permitted for use, anglers argue, they will be able to hook yellowtail snapper in the mouth more frequently due to the morphology of the fish’s mouth.

In the absence of scientific literature to characterize differences in lethal hooking injuries from different hook types for yellowtail snapper, the biological effects of removing the circle hook requirement are largely unknown. However, requiring the use of one hook type for multiple cohabitating species and not for another may result in a management measure which is difficult to enforce. Anglers fishing for yellowtail snapper with hooks other than circle hooks would not be likely to keep from landing any of the other reef fish species for which circle hooks are required. Incidental catch of fish other than yellowtail snapper under **Alternative 2 Option 2a** may have deleterious biological effects on bycatch, including those species which are currently under rebuilding plans (red snapper and gray triggerfish). These effects could be influential elsewhere in the Gulf, as yellowtail snapper are increasingly found off Texas. A potential exception to these possible impacts applies to the commercial fishing sector (**Option 2b**), where the fishing practices used almost exclusively target yellowtail snapper. Commercial fishermen indicate that they use chum bags on the surface to encourage yellowtail snapper to school near the transom of the fishing vessel, and then use natural bait on small hooks to catch and land the fish. The commercial fishermen also indicate that their release tools allow them to release yellowtail snapper which have been caught with J-hooks more easily than those caught with circle hooks, resulting in decreased handling times for fish which are to be discarded.

Alternative 3 would remove the requirement to use circle hooks when fishing with natural bait for yellowtail snapper south of 28°N latitude in the EEZ in the Gulf (**Figure 6**). **Option 3a** would remove the requirement for the recreational fishing sector, and **Option 3b** would remove the requirement for the commercial fishing sector. **Alternative 3** would be expected to have similar negative biological consequences as **Alternatives 2**, albeit to a lesser degree than both. Under **Alternative 3**, all yellowtail snapper which occur in the Gulf south of 28°N latitude would be vulnerable to fishing pressure from hook types other than circle hooks. Permitting the use of any hook type may have negative effects on the rebuilding plans of other reef-associated species (such as red snapper), and may result in increased discard mortality in multiple fisheries.

Alternative 4 would require the use of circle hooks when fishing with natural bait for all snapper-grouper species south of 28° North latitude in the exclusive economic zone of the South Atlantic for the recreational fishing sector (**Option 4a**) and/or the commercial sector (**Option 4b**). Such a requirement would make the snapper-grouper regulations in the South Atlantic commensurate with the reef fish regulations for the Gulf of Mexico. Additionally, benefits to the biological environment may be realized for those species with documented decreases in post-release mortality when caught with circle hooks as opposed to other hook types.

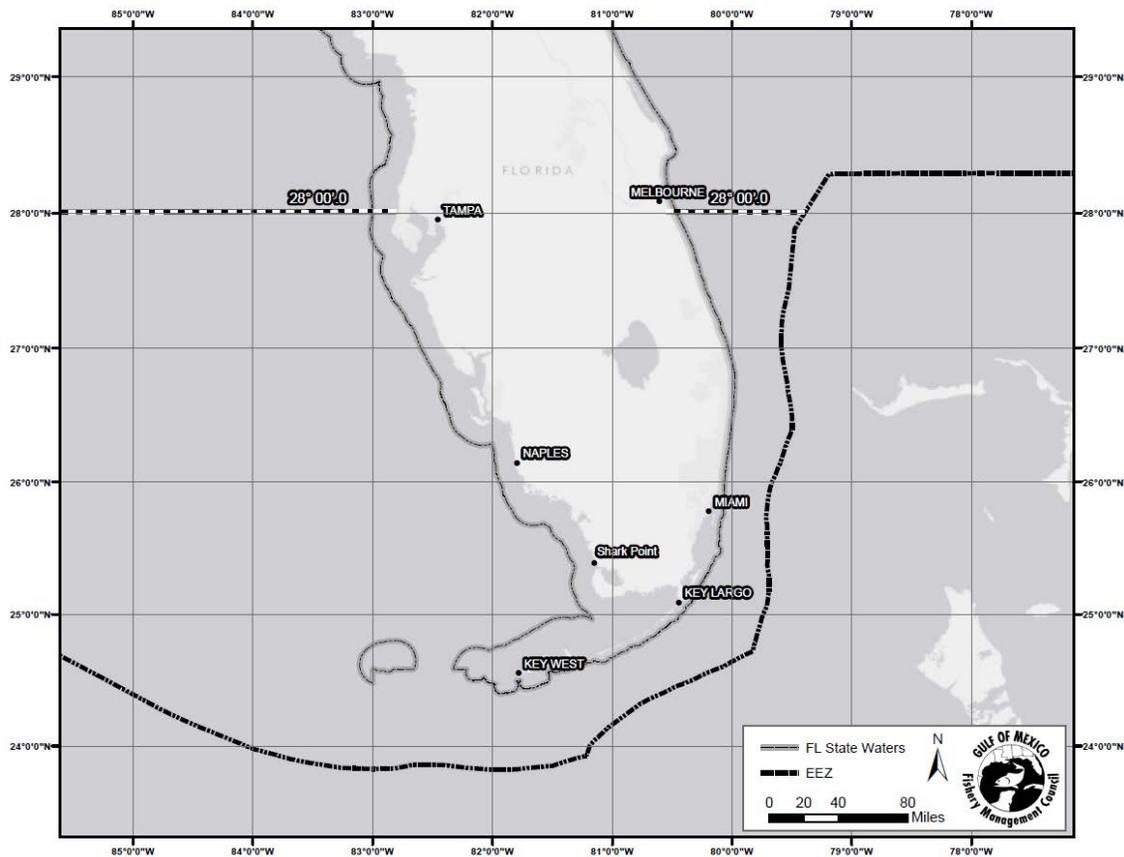


Figure 6. State of Florida with proposed 28 degree North latitude boundary in the Gulf and South Atlantic Councils’ jurisdictions.

Alternative 5 would remove the requirement to use circle hooks when fishing with natural bait for all species in the snapper grouper complex north of 28° North latitude in the exclusive economic zone of the South Atlantic for the recreational fishing sector (**Option 5a**) and/or the commercial sector (**Option 5b**). This alternative would create consistent fishing regulations for the selected sector(s) throughout the South Atlantic Council’s jurisdiction. Any socio-economic benefits currently realized south of 28° North latitude would be realized north of that line, as would any biological impacts.

Alternative 6 would remove the requirement to use circle hooks when fishing for yellowtail snapper in federal waters from the Dade/Monroe County line on the east coast of Florida to Shark Point on the west coast of Monroe County, Florida (**Figure 7**) for the recreational fishing

sector (**Option 6a**) and/or the commercial sector (**Option 6b**). Circle hooks are currently not required when fishing for yellowtail snapper south of 28° N latitude in the exclusive economic zone of the South Atlantic. The primary harvest areas for both the recreational and commercial sectors exist south of ~26° N latitude (Monroe and Dade counties, >70% recreational and >97% commercial). When commercial fishing for yellowtail snapper, fishermen use chum to bring the fish to the surface. Small hooks are baited with natural bait and fish are typically hooked at the surface within five meters of the fishing vessel. This practice has been shown to limit bycatch of non-yellowtail snapper species, since fishermen can actively monitor which fish are pursuing a bait. Additionally, commercial fishermen believe that the combination of hook size and historical fishing practices can serve as safeguards against bycatch of undersized yellowtail snapper and non-yellowtail snapper species.

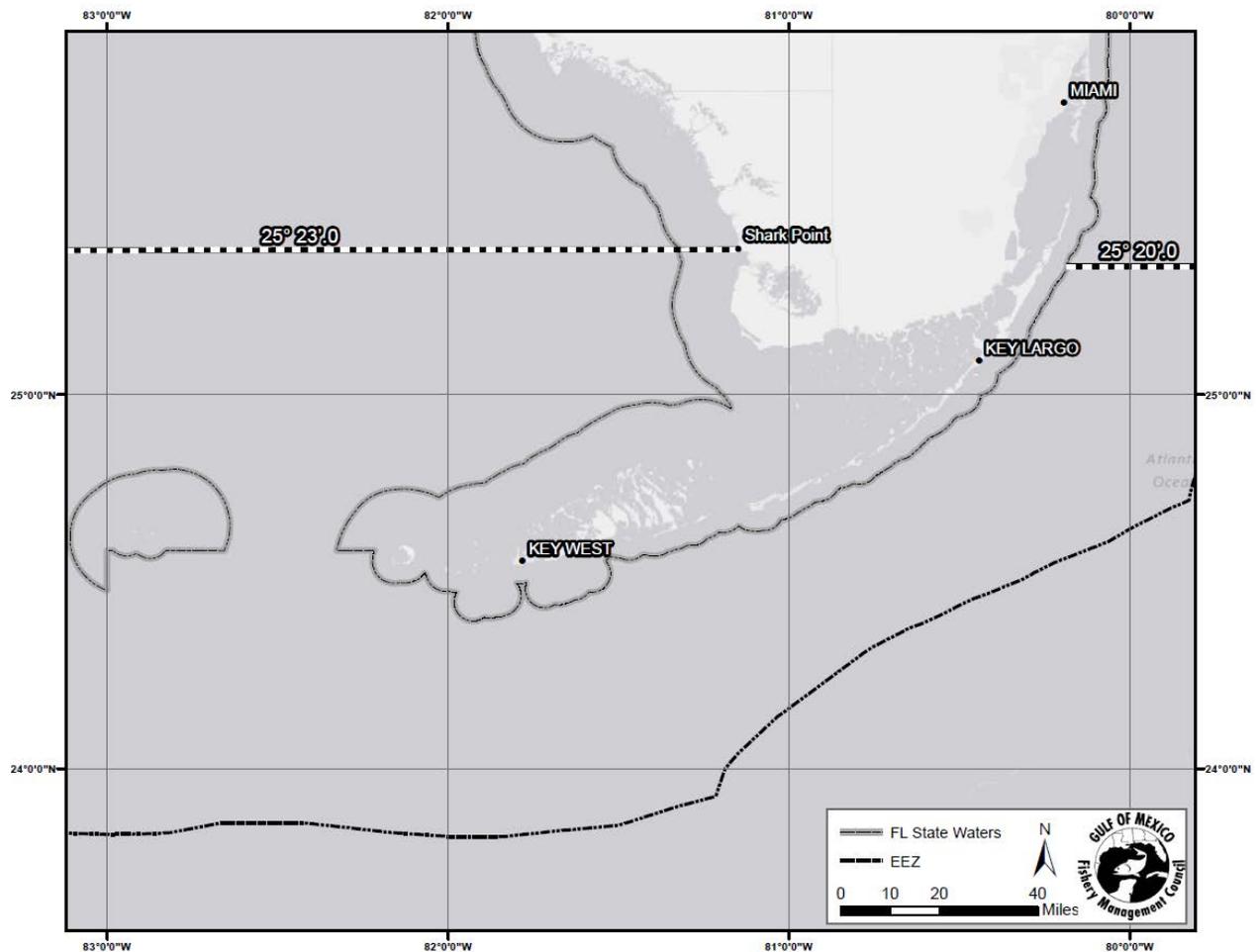


Figure 7. State of Florida with proposed Shark Point boundary line on the west coast of Florida and Dade/Monroe County line on the east coast of Florida.

Action 13 pertains exclusively to accountability measures. Accountability measures are used by the Councils to compensate for overages in a given fishing year, to decrease the probability that deleterious impacts to fisheries will persist for long time periods.

Action 13: Specify Accountability Measures for South Florida Species

Note: Under some circumstances more than one alternative could be selected as preferred.

Alternative 1: No action. Maintain the current recreational and commercial accountability measures (AMs) for yellowtail snapper, mutton snapper, and black grouper based on the Reef Fish Resources and Snapper Grouper Fishery Management Plans for the Gulf and South Atlantic Councils, respectively.

South Atlantic: Commercial AM – In-season closure when the ACL is expected to be met and ACL reduced in following fishing season if species is overfished and ACL is exceeded.
Recreational AM – if ACL is exceeded, monitor landings in following season for persistence in landings and reduce the length of the following fishing season, if necessary.

Gulf: For Yellowtail Snapper and Mutton Snapper, if the combined commercial and recreational landings exceed the stock ACL, in-season AMs are in effect for the following year. If the combined landings reach or are projected to reach the stock ACL, both sectors will be closed for the remainder of that fishing year. For black grouper, this AM applies to the ACL for the other shallow-water grouper aggregate (black grouper, scamp, yellowmouth grouper, and yellowfin grouper).

Alternative 2: If the sum of the commercial and recreational landings exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, then the commercial and recreational sectors will be closed for the remainder of that fishing year. On and after the effective date of a closure, all sales, purchases harvest or possession of this species in or from the EEZ will be prohibited.

Option 2a: For yellowtail snapper

Option 2b: For mutton snapper

Option 2c: For black grouper

Alternative 3: If commercial landings ~~as estimated by the Science and Research Director~~ reach or are projected to reach the commercial ACL, ~~NMFS the Regional Administrator shall publish a notice to~~ **would** close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the EEZ would be limited to the recreational bag and possession limit. Additionally, if the commercial ACL is exceeded, ~~NMFS the Regional Administrator shall publish a notice to~~ **would** reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

Option 3a: For yellowtail snapper

Option 3b: For mutton snapper

Option 3c: For black grouper

Alternative 4: If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, NMFS the Regional Administrator shall publish a notice to would reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if NMFS the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Option 4a: For yellowtail snapper

Option 4b: For mutton snapper

Option 4c: For black grouper

Alternative 5: If recreational landings reach or are projected to reach the recreational annual catch limit ACL, NMFS would National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, NMFS determines that a closure is unnecessary.

Option 5a: If the species is overfished

Sub-option 5a(1): For yellowtail snapper

Sub-option 5a(2): For mutton snapper

Sub-option 5a(3): For black grouper

Option 5b: Regardless of stock status

Sub-option 5b(1): For yellowtail snapper

Sub-option 5b(2): For mutton snapper

Sub-option 5b(3): For black grouper

Alternative 6: The Councils would jointly set the ACL for the recreational and commercial sector. If the combined recreational ACL and commercial ACL is met or expected to be met, NMFS would close both sectors for the remainder of the fishing year.

Option 6a: yellowtail snapper

Option 6b: mutton snapper

Option 6c: black grouper

Note: The South Atlantic Council is considering changes to their accountability measures in Snapper-Grouper Amendment 34, which could change the no-action and action alternatives in Action 9. These changes have been transmitted to the Secretary of Commerce by the South Atlantic Council, and are currently in the NMFS review and rule-making process.

The South Atlantic Council would like for the language in Alternatives 3, 4, and 5 to mirror similar language found in the South Atlantic Council's Generic Accountability Measures Amendment. The language proposed herein has been provided by the Southeast Regional Office to be more similar to language NMFS is using or recommending in multiple other documents. The Gulf Council did not support modifying the language as presented.

The SAFMC SG AP did not discuss the accountability measures. They chose to wait until the Councils take action before they provide any input.

COUNCIL ACTION

OPTION 1. MODIFY THE LANGUAGE FOR ALTERNATIVES 3, 4, AND 5 TO TRACK THE LANGUAGE USED BY THE SOUTH ATLANTIC COUNCIL.

OPTION 2. MODIFY THE LANGUAGE FOR ALTERNATIVES 3, 4, AND 5 TO TRACK THE NEW LANGUAGE PROVIDED BY NMFS SERO.

OPTION 3. MOVE ALTERNATIVE 2 TO THE CONSIDERED BUT REJECTED APPENDIX.

OPTION 4. APPROVE THE MODIFIED ALTERNATIVES 3, 4, AND 5 AND THE REMAINING ALTERNATIVES FOR DETAILED ANALYSES.

OPTION 5. OTHERS??

Discussion

Alternative 2 follows the AMs that are in place for Gulf species; whereas, **Alternatives 3-5** follow AMs that are being considered for snapper-grouper species in the Comprehensive AM and Dolphin Allocation Amendment. **Alternative 6** would close the areas covered by a joint ABC and ACL to fishing for the species selected in the associated options only when the overall ACL is met. **Alternative 6** would require each Council to establish recreational and commercial ACLs for the preferred options.

Compared to **Alternative 1 (No Action)**, **Alternatives 2-6** would benefit the biological environment to varying degrees based on the sub-alternatives chosen under each alternative. For the recreational sector, the most biologically beneficial option is likely **Alternatives 5**. For the commercial sector, the most biologically beneficial option compared to **Alternative 1 (No Action)** is likely to be **Alternative 3**. None of the alternatives considered under this action would significantly alter the way in which the fisheries are prosecuted in the South Atlantic EEZ. No adverse impacts on endangered or threatened species are anticipated because of this action; nor are any adverse impacts on essential fish habitats or habitat areas of particular concern including corals, sea grasses, or other habitat types.

For the commercial sector, the alternatives may be ranked from lowest to highest probability of paybacks and short-term adverse economic effects as follows: **Alternative 1 (No Action)**, **Alternatives 2**, **Alternatives 6**, and **Alternative 3**. The likelihood that a species would be affected by this action is based primarily on the probability that its total ACL would be reached, and whether or not the species is overfished.

For the recreational sector, **Alternative 4** would be less likely to cause short-term direct economic effects compared to **Alternatives 5** and **6** because any closure would not occur until the second year of overages. However, **Alternatives 5** and **6** would be more likely to prevent long term, direct economic effects compared to **Alternative 4**.

For the commercial sector, maintaining the current AMs under **Alternative 1 (No Action)** would not be expected to result in additional negative effects on the commercial fleets of these fisheries, but could also negate benefits to the commercial sectors by not allowing flexibility in the

payback provisions, such as those in **Alternatives 3 and 6**. **Alternative 3** would provide the most flexibility for triggering the payback AM, in that the most critical conditions must be met before the payback is triggered, and would be expected to be most beneficial to commercial fishermen in that it would be less likely that a payback is required for an overage. Additionally, **Alternative 3** would be more consistent with AMs for other species such as king mackerel and Spanish mackerel in the South Atlantic.

For the recreational sector, maintaining the current AMs under **Alternative 1 (No Action)** would not be expected to result in additional negative effects on recreational fishermen and for-hire businesses, other than inconsistency in AMs among all species. For many of these species, establishment of a payback provision without a post-season AM under **Alternative 4** would create an increased likelihood that an overage of the recreational ACL could reduce fishing opportunities in the following year. However, **Alternatives 4** provides some flexibility in how a post-season payback would be triggered. The in-season closure AM for the recreational sector in **Alternatives 5 and 6** could have negative effects on recreational fishing opportunities and for-hire businesses for the stocks that do not have a recreational in-season AM in place. However, **Alternative 6** would reduce the likelihood of a recreational in-season closure.

Alternatives 2-6 may be associated with slight changes to the administrative environment based on the frequency with which each of the AM options for the commercial sector would be triggered. The payback provision under **Alternatives 3 and 4** would be triggered less frequently given that the species must be overfished and the total ACL exceeded, resulting in the lowest direct effects on the administrative environment. The administrative impacts associated with **Alternative 2** are largely the same as those under **Alternative 4**, with the addition of continued monitoring for persistence of increased landings when a species' recreational ACL has been exceeded. **Alternatives 3 and 4** are the least likely to be triggered. Overall, the administrative impacts of all the alternatives considered under this action, compared to **Alternative 1 (No Action)**, are expected to be minimal.

NEXT STEPS

OPTION 1. APPROVE FOR PUBLIC HEARINGS.

OPTION 2. DIRECT STAFF/IPT TO COMPLETE THE DOCUMENT AND PROVIDE TO EACH COUNCIL FOR THEIR NEXT MEETING (SAFMC SEPTEMBER 14-18; GMFMC AUGUST 10-14) WITH THE INTENT THAT THE JOINT AMENDMENT BE APPROVED FOR PUBLIC HEARINGS. PUBLIC HEARINGS WOULD BE HELD IN OCTOBER/NOVEMBER WITH EACH COUNCIL REVIEWING AND APPROVING FOR FORMAL REVIEW AT THEIR FOLLOWING MEETING (SAFMC DECEMBER 7-11; GMFMC 2016).

OPTION 3. OTHERS??

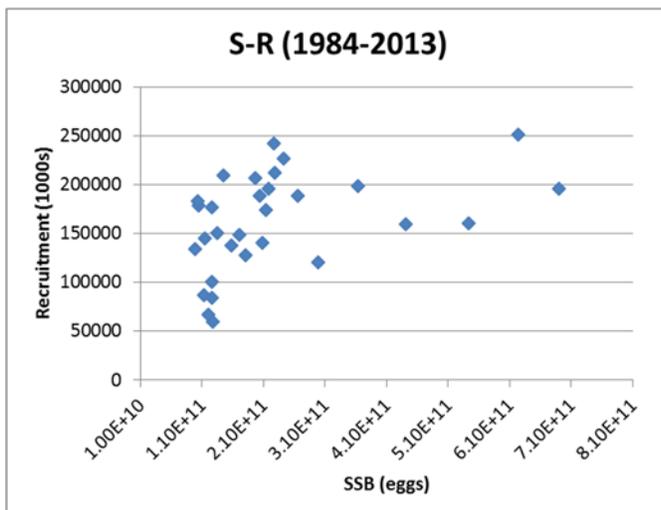
**Standing and Special Reef Fish SSC
Meeting Summary - Corrected
New Orleans, Louisiana
May 20, 2015**

The meeting of the Standing and Special Reef Fish SSC was held on May 20, 2015. The agenda and the minutes of the Standing and Special Reef Fish portion of the March 10-12, 2015 Standing, Special Spiny Lobster and Special Reef Fish SSC meeting were approved as written.

Luiz Barbieri agreed to be the SSC representative at the June 8-12, 2015 Council meeting in Key West.

Analysis of Alternative F_{MSY} proxies for Red Snapper

Dr. Dan Goethel presented a review of alternative F_{MSY} proxies for red snapper. Global MSY is the highest sustainable yield that could hypothetically be taken from a stock if fishing is restricted to an optimal age class using knife-edge selectivity (no harvest above or below that age class), no discard mortality, and the relationship between spawning stock biomass (SSB) and recruitment is known. Proxies for MSY are used for red snapper because the stock-recruit function is not well-defined (Figure 1). Additionally, it is impossible to implement optimal age selectivity from a management perspective, because catch cannot be constrained to a single age class, and control of bycatch and discarding is extremely difficult. Proxies are often utilized to approximate MSY or the associated SSB at MSY, and can be based on either yield-per-recruit (YPR) or spawning potential ratio (SPR) analyses. YPR aims to approximate MSY, but SPR aims at maintaining biomass within safe biological limits with no specific goal of maximizing yield.



assumed in MSY calculations) based on the tradeoff between growth (weight) and natural mortality. YPR analysis does not account for the relationship between spawners and recruits. Maximum YPR does not result in the MSY unless there is truly no spawner-recruit relationship. If a spawner-recruit relationship does exist, maximum YPR will usually overestimate MSY causing a lower resulting SPR¹. Recruitment overfishing can occur when maximum YPR is used as a management target if the stock is unable to replace itself (i.e., yield exceeds growth).

Due to the unrealistic assumption of knife-edge selectivity at an optimal age required for global MSY or maximum YPR, management often chooses to use a conditional MSY or YPR (depending on whether the stock-recruit relationship is known). Conditional analyses assume that existing selectivity and discard mortality patterns are maintained throughout the projections. The spawning stock biomass levels resulting from conditional MSY will be lower than global SSB_{MSY}, and the spawning stock biomass levels resulting from conditional maximum YPR will be even lower. As bycatch mortality increases, the resulting SSB tends to decrease, which can result in very low SPR values.

SPR analyses are life history-based proxies, which are dependent on the demographics of the species such as longevity, growth, and natural mortality. Yield is not an explicit consideration for SPR analysis. As with YPR, it does not account for a spawner-recruit relationship. Typical values for SPR proxies range from 20-60% of virgin spawning stock. Based on simulations (Clark, 1993), within this range of SPR levels the resulting equilibrium yield is at least 75% of MSY regardless of the true stock-recruit relationship.

Currently, a global MSY cannot be calculated for red snapper, because the spawner-recruit relationship is unknown. Additionally, global MSY or maximum YPR would be impossible to implement, because optimal selectivity is impractical to achieve. Despite the inability to achieve global MSY, the SSB associated with global MSY is still attainable if global MSY can be calculated. However, with no definitive stock-recruit relationship, the closest approximation to global MSY is true maximum yield-per-recruit (i.e., assuming a single fleet that harvests at an optimal age). The SEFSC has ongoing work attempting to calculate the true maximum YPR for red snapper, but the intricacies of the stock synthesis framework may impede the ability to determine a reliable value. Given the difficulties encountered with red snapper, the most appropriate proxy for MSY is likely to be the SSB or SPR associated with the maximum YPR, but this value has not yet been calculated.

The SEDAR 7 and 31 assessments used an alternate approximation to the global MSY referred to as 'MSY-link', which was calculated as the maximum YPR (i.e., because no stock-recruit relationship was implemented) when all sources of fishing mortality (directed, closed-season, and bycatch) were scaled up or down in the same proportion. Yield-per-recruit was then maximized by scaling the overall fishing mortality, while maintaining the ratios of relative fishing mortality by fleet. The SSB and associated SPR corresponding to the maximum yield obtained from the MSY-link scenario was then used as the SPR target proxy.

¹ Exceptions to maximum YPR exceeding MSY do exist, most notably with gag, where the stock assessment found that F_{MAX} was a more conservative estimate of F_{MSY} than $F_{30\% SPR}$. However, this may be due to the fact that gag is a protogynous hermaphrodite.

Using the MSY-link scenario, the 2005 SEDAR 7 red snapper assessment calculated SPR_{MSY} as $SPR_{MSY} = 26\%$. In the current analysis, the MSY-link scenario resulted in an $SPR_{MSY} = 23\%$. The change in SPR was due to different relative fishing mortalities in the terminal year of the assessment model. However, the MSY-link scenario is not a practicable proxy because it requires scaling bycatch fishing mortality in the same proportion as directed fishing mortality. Since projections indicate that short-term yield could be increased and the SPR proxy could still be obtained in 2032, the analyses implicitly suggest that bycatch should be increased. In practice, directed and discard mortality rates are not linked.

The SEFSC was asked to examine several levels of target SPR from 40% to 20%, plus the maximum conditional yield-per-recruit and the resulting SPR. The yield streams (Acceptable Biological Catches; ABCs) to rebuild by 2032 are shown in Table 1. Many of the scenarios would result in the stock able to rebuild to the target SPR level in 10 years or less, so yield streams assuming a 10-year rebuilding plan are shown in Table 2. The conditional maximum YPR resulted in a Gulfwide SPR of 12%, but this would cause an SPR in the eastern region of 2%.

Table 1. Yield streams and equilibrium yield for several levels of target SPR and the MSY-link scenario (23% SPR) for rebuilding by 2032.

ABC (Retained Yield Million Pounds Whole Weight) – Rebuild by 2032							
YEAR	SPR 40%	SPR 30%	SPR 26%	SPR 24%	SPR 22%	SPR 20%	MSY-LINK
2015	6.55	11.54	14.28	15.87	17.63	19.59	15.00
2016	7.26	11.79	13.96	15.11	16.31	17.55	14.25
2017	7.91	12.02	13.74	14.61	15.45	16.28	13.72
2018	8.32	11.99	13.38	14.05	14.67	15.26	13.10
2019	8.37	11.67	12.85	13.40	13.91	14.39	12.36
2020	8.31	11.40	12.49	12.99	13.46	13.90	11.86
2021	8.24	11.24	12.29	12.78	13.23	13.64	11.56
2022	8.21	11.15	12.18	12.65	13.08	13.48	11.38
2023	8.27	11.17	12.17	12.62	13.04	13.42	11.33
2024	8.35	11.22	12.19	12.63	13.03	13.40	11.31
2025	8.41	11.25	12.21	12.63	13.02	13.37	11.30
2026	8.47	11.29	12.22	12.63	13.01	13.35	11.29
2027	8.53	11.31	12.23	12.64	13.00	13.34	11.28
2028	8.58	11.34	12.24	12.64	13.00	13.32	11.28
2029	8.62	11.36	12.25	12.64	12.99	13.31	11.27
2030	8.66	11.38	12.26	12.64	12.99	13.30	11.26
2031	8.70	11.40	12.26	12.65	12.99	13.29	11.26
2032	8.73	11.41	12.27	12.65	12.99	13.29	11.25
Equil	9.05	11.61	12.40	12.74	13.04	13.30	11.26

Table 2. Yield streams and equilibrium yield for several levels of target SPR and the MSY-link scenario (23% SPR) for rebuilding within 10 years, by 2026.

ABC (Retained Yield Million Pounds Whole Weight) – Rebuild by 2016							
YEAR	SPR 40%	SPR 30%	SPR 26%	SPR 24%	SPR 22%	SPR 20%	MSY-LINK
2015	4.27	9.71	12.78	14.59	16.63	18.91	15.00
2016	4.92	10.23	12.80	14.19	15.64	17.14	14.25
2017	5.54	10.67	12.84	13.92	14.98	16.01	13.72
2018	5.98	10.84	12.67	13.52	14.33	15.07	13.10
2019	6.14	10.66	12.25	12.97	13.63	14.24	12.36
2020	6.16	10.47	11.93	12.59	13.20	13.76	11.86
2021	6.13	10.34	11.75	12.39	12.98	13.51	11.56
2022	6.13	10.27	11.66	12.28	12.84	13.35	11.38
2023	6.19	10.31	11.67	12.27	12.81	13.30	11.33
2024	6.27	10.37	11.70	12.28	12.81	13.28	11.31
2025	6.34	10.42	11.72	12.30	12.81	13.26	11.30
2026	6.40	10.46	11.75	12.31	12.81	13.24	11.29
Equil	7.03	10.88	12.00	12.47	12.88	13.22	11.26

Over the long-term, fishing at target SPR levels less than 30% will result in declines in the eastern Gulf stock of red snapper, while in the west the SPR will increase at all SPR levels between 20% and 40% (Figure 2). Current (2015) SPR levels are 11% for the eastern Gulf, 19% for the western Gulf, and 16% Gulfwide.

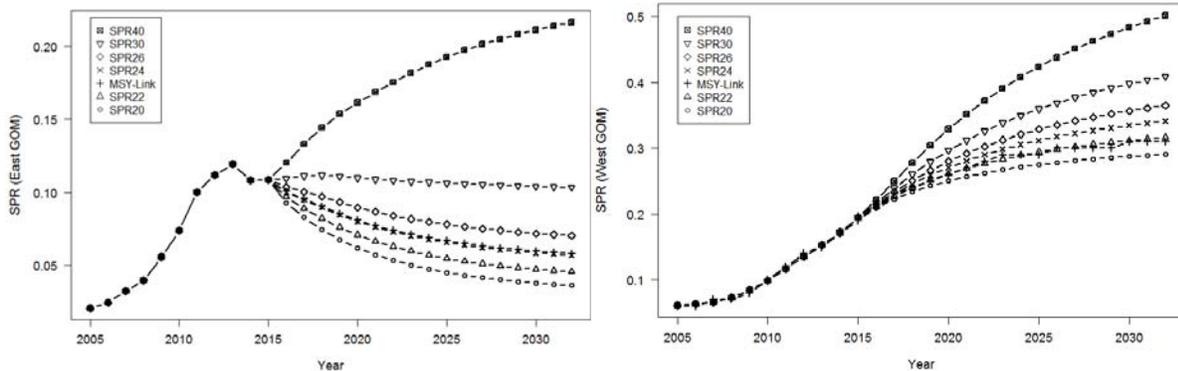


Figure 2. Regional trends in SPR when fishing for red snapper at target Gulfwide SPRs of 20% to 40% for a rebuilding target date of 2032.

Yield streams at conditional SPRs less than 26% provide short-term increases in ABC, but over the longer term target SPRs of 20% to 30% tend to converge to similar ABC levels (Figure 3).

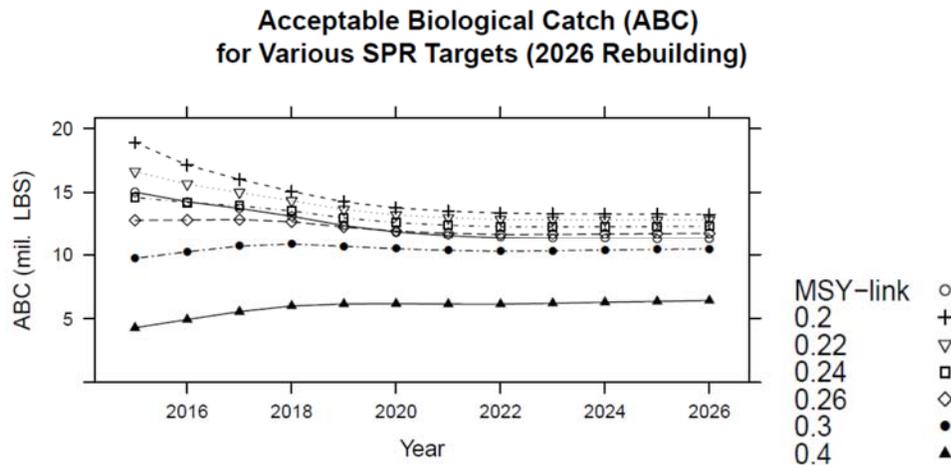


Figure 3. Trends in ABC yield streams for conditional SPR levels of 20% to 40% for a rebuilding target date of 2026.

The SSC concluded that even though the current proxy of 26% SPR was derived using the MSY-linked method, which is now considered impractical, there was little long-term benefit to changing the SPR. Additionally, lower target SPRs or conditional maximum YPR were projected to drive the stock in the eastern Gulf to very low SSB levels. The following motion was passed.

Motion: The SSC recommends, based on the latest analysis provided by the SEFSC, that there is insufficient biological evidence for a better MSY proxy than what is currently used by the Council (the yield corresponding to 26% SPR) for Gulf red snapper.

Motion carried unanimously

MRIP recalibration, selectivity changes and allocation

Dr. Shannon Cass-Calay gave two presentations on factors affecting changes in red snapper OFL and ABC projections. The first presentation reviewed the results of a series of sensitivity runs to evaluate the effect of recalibrated recreational removals and recreational selectivity on OFL and ABC projections. This analysis was previously presented to the Council. The sensitivity runs consisted of using the update assessment base model with the following projections:

- Project the annual OFLs at F26%SPR and the ABCs at FREBUILD from 2015-2032 using pre-MRIP recalibrated estimates.
- Project the annual OFLs at F26%SPR and the ABCs at FREBUILD from 2015-2032 using pre-MRIP recalibrated estimates and no new recreational selectivity block for 2011-2013

There is some evidence that recreational fishing selectivity in recent years has been shifting toward larger and older red snapper. Therefore, in these runs the model was allowed to re-estimate recreational selectivities in the most recent years (2011-2014). The OFL and ABC trends resulting from the two sensitivity runs and the base model run are shown in Figure 4.

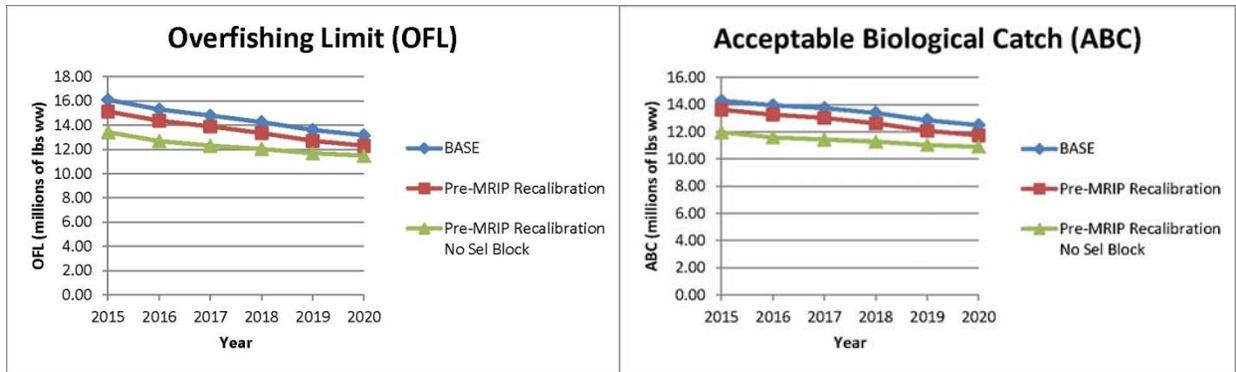


Figure 4. Trends in OFL and ABC projected by the red snapper update assessment base mode and two sensitivity runs.

The runs suggest that there are two reasons why higher OFLs and ABCs were projected in the update assessment: 1) use of the larger MRIP recalibrated estimates of recreational catch, and 2) recalibration of recreational selectivity in recent years.

The second presentation evaluated the effects of changing the commercial:recreational allocation. The recreational allocation was adjusted from the status quo 49% up to 70%. The Council has selected a recreational allocation of 51.5%. The resulting OFL and ABC yield streams are shown in Tables 3 and 4.

Table 3. Red Snapper OFL Yield streams and equilibrium yield for several allocations of recreational harvest and a target of 26% SPR by 2032.

OFL (Retained Yield Million LBS WW)						
YEAR	Rec 49%	Rec 51.5%	Rec 55%	Rec 60%	Rec 65%	Rec 70%
2015	16.10	16.35	16.70	17.19	17.69	18.17
2016	15.31	15.50	15.72	16.06	16.39	16.71
2017	14.79	14.96	15.12	15.38	15.64	15.89
2018	14.25	14.40	14.54	14.77	15.00	15.23
2019	13.60	13.73	13.87	14.09	14.31	14.52
2020	13.17	13.29	13.43	13.65	13.86	14.07
Equil	12.91	13.00	13.11	13.27	13.42	13.57

Table 4. Red Snapper ABC Yield streams and equilibrium yield for several allocations of recreational harvest and a target of 26% SPR by 2032.

ABC (Retained Yield Million Pounds Whole Weight)						
YEAR	Rec 49%	Rec 51.5%	Rec 55%	Rec 60%	Rec 65%	Rec 70%
2015	14.29	14.49	14.76	15.18	15.61	16.05
2016	13.96	14.13	14.31	14.62	14.93	15.24
2017	13.75	13.89	14.04	14.29	14.53	14.78
2018	13.39	13.52	13.65	13.87	14.09	14.32
2019	12.85	12.97	13.10	13.31	13.52	13.73
2020	12.49	12.60	12.73	12.94	13.15	13.35
Equil	12.40	12.48	12.59	12.73	12.87	12.98

The OFL and ABC yields for the directed fisheries increased with increasing recreational allocation. All of the above yield streams achieve a Gulfwide stock rebuilding to 26% SPR by 2032, but with regional differences. SPR in the western Gulf continues to increase, but the SPR in the eastern Gulf declines, and the decline is exacerbated by increasing allocation to the recreational sector. At 70%, the eastern SPR decreases to 4% of unfished condition in 2032 (Figure 5).

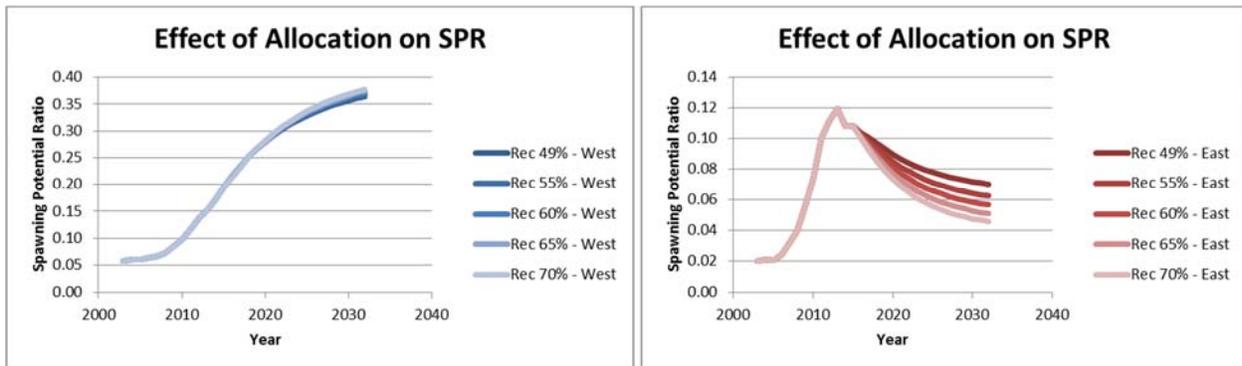


Figure 5. Regional trends in west and east red snapper SPR under various recreational allocations. Note that the graphs are drawn to different Y-axis scales.

The difference in SPR changes between the eastern and western stocks occurs because the distribution of the red snapper population and fishing effort differs. Increasing the recreational allocation disproportionately increases the fishing effort in the east (where most recreational fishing occurs) leading to an increased fraction of the population removed in the east as the recreational allocation increases. In addition, the selectivity patterns differ, with the recreational sector in the east selecting larger fish than the commercial sector.

One SSC member noted that the eastern SPR has been increasing until 2012, and asked for an explanation of why the trend changed. Dr. Cass-Calay explained that the increase until 2012 was due to reduced fishing mortality in the east and high recruitment years in the mid-2000s. However, from 2011-2014 there have been no strong recruitments observed, and some indices of

abundance have suggested a decline. The projections are carried forward with average recruitment and do not assume any strong recruitment years, resulting in continued declines.

One SSC member suggested that since OFL and ABC would increase with reallocation, the existing management measures would not exceed the new OFL and ABC. Therefore, the Council would have the option to not make any changes.

Following the presentations, the SSC passed the following motion:

Motion: The SSC reviewed the changing allocation scenarios between the commercial and recreational sectors of the Gulf red snapper fisheries and concluded that if the Council changes the allocation between the two sectors, this would prompt the need to reevaluate the OFL and ABC projections.

Motion carried unanimously

Evaluation of recent trends in gag CPUE indices

Dr. Cass-Calay reviewed 7 CPUE indices for gag that were updated through 2014. The 2013 SEDAR 33 gag stock assessment had used indices through 2012. Projected trajectories from SEDAR 33 based on average recruitment have not been realized. Recreational landings per angler hour have been declining since 2010 for headboats, and since 2008 for charter boats and private vessels. Fishery-independent indices have also shown declining CPUE indices in recent years. In addition, an index of recruitment success for northeastern Gulf of Mexico gag grouper by year based on a model that uses oceanographic conditions to project larval transport model runs projects below average recruitment since 2010 (Figure 6).

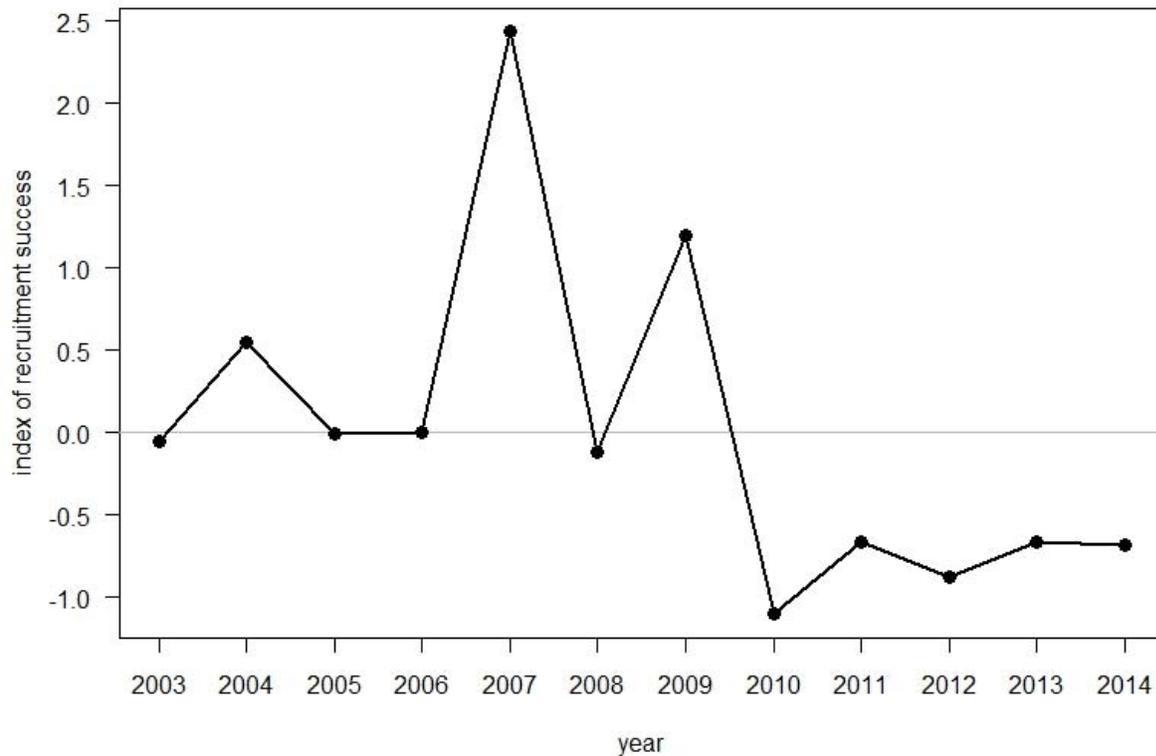


Figure 6. Expected recruitment anomalies for northeastern Gulf of Mexico gag grouper by year based solely on the effects of oceanographic conditions (update from SEDAR33-DW18).

Following presentation of the updated indices, the SSC passed the following motions.

**Motion: The SSC reviewed the updated gag indices of abundances provided by the SEFSC and considers the analysis the best scientific information available LB/BG
Motion carried unanimously**

**Motion: The SSC recommends that, given the recent declines in fishery dependent and fishery independent indices of abundance for gag, that the Council use caution when setting ACL and ACT for 2015-2017.
Motion carried 15 to 1**

Hogfish OFL and ABC

Mr. Dustin Addis (Florida FWC) presented a summary of OFL and ABC projections for the west Florida shelf hogfish stock. The SSC previously concluded that the west Florida Hogfish stock is neither overfished nor undergoing overfishing. The 2014 SEDAR 37 hogfish assessment used

data through 2012. Commercial and recreational catches for 2013 and 2014 were obtained from the FWRI Trip Tickets and Discard logbook program and from MRIP and the Southeast Region Headboat Survey respectively. 2015 catches were assumed to be the average of 2013-2014. Recreational discards were left out of assessment model but were included in the projections. Projections were made using Stock Synthesis 3 and $F_{30\% SPR}$ as a proxy for F_{MSY} . A yield stream of OFL was produced using a $P^* = 0.5$ and a yield stream of ABC was produced using a $P^* = 0.4$ with a CV of 0.37. Projection results are based on year 1 = 2016 and extending through 2026.

Yields are projected to decline from 2016 (Figure 7, Tables 5 and 6) toward equilibrium values of:

- OFL = 161,900 lbs. whole weight
- ABC = 159,261 lbs. whole weight
- OY = 151,826 lbs. whole weight

For reference, the current hogfish ACL in the Gulf of Mexico is 208,000 pounds.

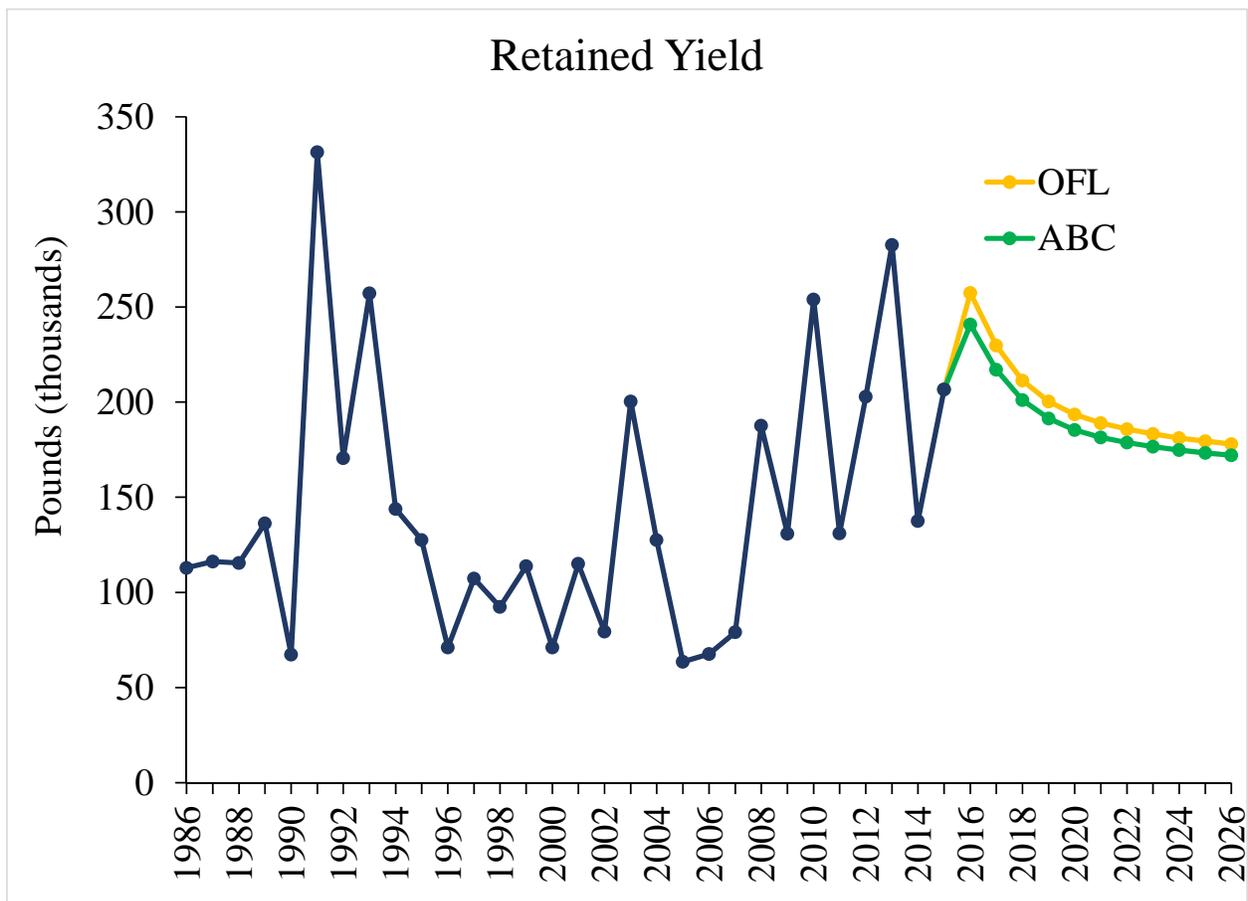


Figure 7. West Florida shelf hogfish stock OFL and ABC yield trends.

SSC members noted that declining yield streams appear to be a common feature of several stock OFL/ABC projections, and questioned if that was an artifact of Stock Synthesis. It was

suggested that this was more likely the result on recent high recruitment levels being replaced by average recruitment going forward.

Table 5. Projected OFL yield stream for the west Florida hogfish stock using $P^* = 0.5$.

West Florida Shelf Hogfish Stock Projected OFL (pounds are in whole weight)				
YEAR	Yield (pounds)	Yield (numbers)	Discards (pounds)	Discards (numbers)
2016	257,140	95,407	288	89
2017	229,432	84,073	276	84
2018	211,044	77,691	266	82
2019	200,060	74,272	257	81
2020	193,281	72,332	248	80
2021	188,783	71,125	240	80
2022	185,557	70,294	233	80
2023	183,048	69,679	227	80
2024	181,002	69,190	221	80
2025	179,277	68,777	215	80
2026	177,806	68,410	211	80

Table 6. Projected ABC yield stream for the west Florida hogfish stock using $P^* = 0.4$ and $CV = 0.37$.

West Florida Shelf Hogfish Stock Projected OFL (pounds are in whole weight)				
YEAR	Yield (pounds)	Yield (numbers)	Discards (pounds)	Discards (numbers)
2016	240,081	89,252	288	89
2017	216,808	79,429	278	85
2018	200,783	73,810	269	83
2019	191,139	70,778	261	82
2020	185,193	69,061	254	81
2021	181,275	68,000	247	81
2022	178,490	67,277	241	81
2023	176,341	66,748	235	81
2024	174,601	66,333	230	82
2025	173,143	65,985	225	82
2026	171,910	65,677	221	82

SSC members noted that ABC is close to OFL, but this is similar to results obtained by the PFMC’s ABC control rule when using a $CV = 0.37$. In keeping with recent practice and concerns about the uncertainty associated with long-range projections, the SSC recommended

OFL and ABC for just three years. In the motions below, OFL and ABC yields are rounded to four digits, also in keeping with recent practice.

Motion: The SSC recommends that the west Florida hogfish stock OFL yield stream for the years 2016 – 2018 using a P* of 0.5 be as follows:

2016	257,100 lbs. ww
2017	229,400 lbs. ww
2018	211,000 lbs. ww

Motion carried unanimously

Motion: The SSC recommends that the ABC for the west Florida hogfish stock for the years 2016-2018 using a P* of 0.4 and a CV of 0.37 be as follows in lbs. ww:

2016	240,400 lbs. ww
2017	216,800 lbs. ww
2018	200,800 lbs. ww

Motion carried unanimously

The SSC considered offering an alternative ABC based on a constant catch strategy. However, a motion to recommend a constant catch ABC based on the average of the 2016-2018 ABCs was withdrawn because it would have resulted in the ABC exceeding OFL in 2018. The Council, however, has the option to set a constant catch ACL at any level that does not exceed any of the annual ABCs.

SSC members felt that if the Council would like to have alternative constant catch ABC yield streams, there is a need for the SEFSC to develop a standardized method for calculating constant catch yield streams.

Dr. Luiz Barbieri discussed the South Atlantic SSC's OFL and ABC projections for the east Florida/Florida Keys hogfish stock, which is overfished and undergoing overfishing. This stock extends partially into Gulf Council jurisdictional waters, but mostly occurs in South Atlantic waters. South Atlantic SSC rebuilding projections were made at a $P^* = 0.275$. Given that the stock occurs primarily in South Atlantic waters, the SSC felt that the South Atlantic SSC should take the lead in setting OFL and ABC.

Motion: The SSC concurs with the SAFMC SSC OFL and ABC recommendations for the FL Keys eastern Florida hogfish stock. .

Motion carried unanimously

Mutton Snapper OFL and ABC

Mr. Joe O'Hop (Florida FWC) reviewed the analysis used to project OFL and ABC for the mutton snapper stock. Mutton snapper is a single stock that crosses Gulf and South Atlantic Council jurisdictions. The SSC had previously reviewed the SEDAR 15A mutton snapper

update assessment, but had not made any recommendations regarding stock status or OFL/ABC because of a lack of a quorum. The SSC decided to recommend stock status before proceeding to OFL/ABC recommendations.

Although a series of sensitivity runs produced varying results, the base model (yellow triangle in Figure 8) indicated that the fishing mortality rate was below the F_{MSY} proxy of $F_{30\% SPR}$, and the spawning stock biomass was above both MSST and the SSB_{MSY} proxy of $SSB_{30\% SPR}$.

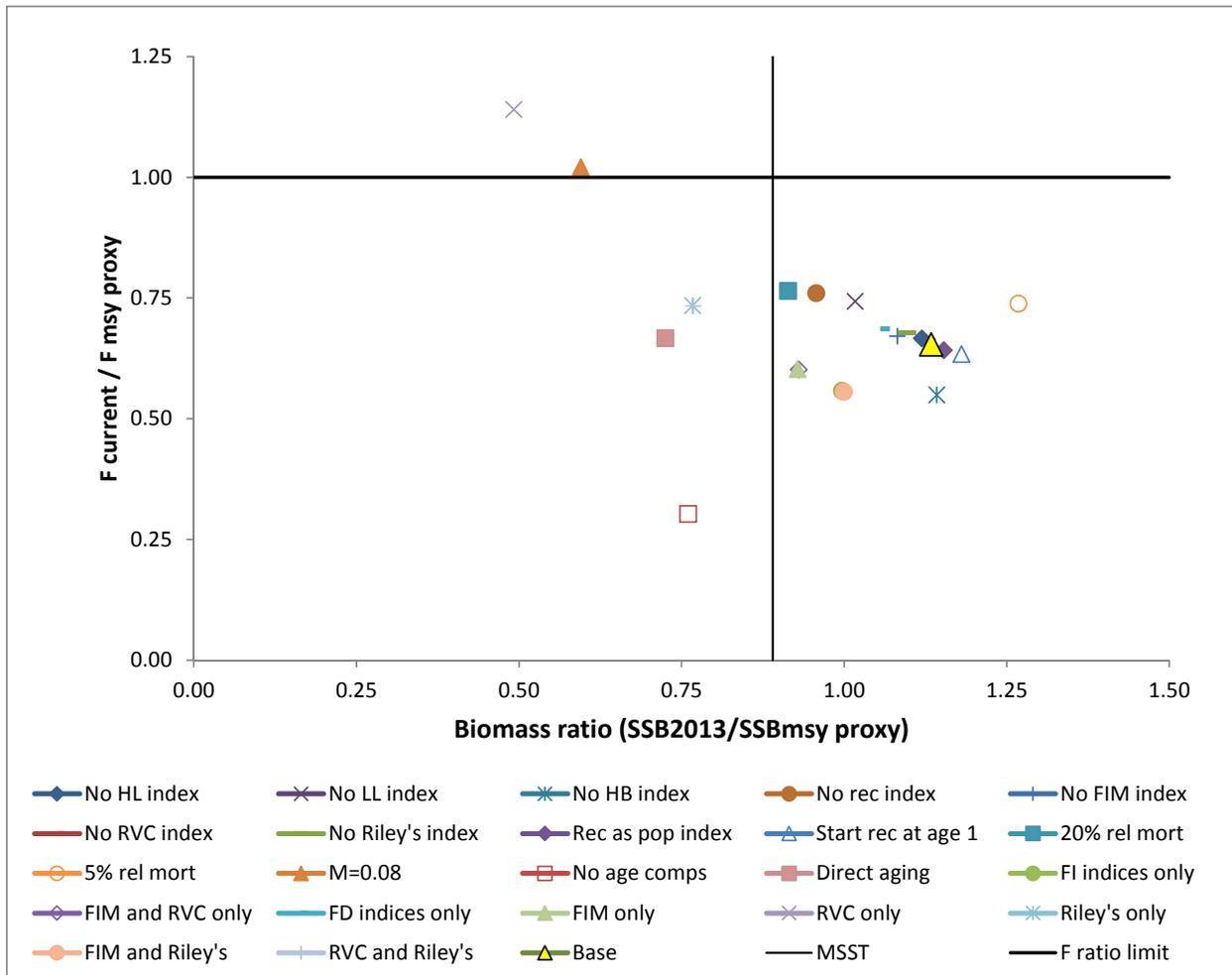


Figure 8. Summary of results of base model run and sensitivity runs of mutton snapper in SEDAR 15A update assessment.

Motion: Based on the SEDAR 15a Mutton snapper update assessment, the SSC considers the stock neither overfished nor undergoing overfishing

Motion carried by consensus

The SSC reviewed the OFL and ABC yields recommended by the South Atlantic SSC (Table 7).

Table 7. SAFMC SSC Mutton Snapper stock status and ABC recommendations.

Criteria		Deterministic	Probabilistic	
Overfished evaluation		Not overfished: SSB/MSST=1.12		
Overfishing evaluation		Not overfishing: F/F _{30%SPR} =0.65		
MFMT (F _{30%SPR})		0.18		
SSB _{30%SPR} (lbs females)		4,649,200		
MSST (lbs females)		4,137,700		
Y at F _{30%SPR} (MSY proxy, lbs)		912,500		
Y at F _{40%SPR} (lbs)		874,000		
ABC Control Rule Adjustment		20%		
P-Star		30%		
OFL RECOMMENDATION				
Year	Landed LBS	Discard LBS	Landed Number	Discard Number
2014	664,876	30,708	113,300	17,341
2015	664,877	44,496	125,245	25,215
2016	713,492	54,005	148,995	29,298
2017	751,711	55,962	164,150	29,660
2018	793,823	56,994	173,656	30,071
2019	835,318	58,170	180,716	30,430
2020	850,077	58,857	184,868	30,780
ABC RECOMMENDATION				
Year	Landed LBS	Discard LBS	Landed Number	Discard Number
2014	664,900	30,700	113,300	17,300
2015	664,900	44,800	125,800	25,400
2016	692,000	52,800	145,400	28,600
2017	717,200	53,700	157,500	28,400
2018	746,800	53,900	164,500	28,300
2019	774,400	54,400	169,300	28,300
2020	798,300	54,500	172,700	28,300

Motion: The SSC concurs with the OFL and ABC yield streams projected for Mutton snapper as adopted by the SAFMC SSC for the years 2016-2020

Motion carried 16 to 0

Other Business

The SSC is currently scheduled to elect a new Chair and Vice-chair at its next meeting (tentatively scheduled for July 2015). However, since this will be the first meeting of a reconfigured SSC, there may be several members who are new to the process. For this reason, some SSC members feel that the election should be deferred until the subsequent SSC meeting (tentatively scheduled for September 2015). This will be discussed at the first meeting of the reconstituted SSC.

SSC Members Present

Standing SSC

William Patterson, Chair
Luiz Barbieri, V. Chair
Harry Blanchet
Benjamin Blount
Shannon Cass-Calay
Bob Gill
Read Hendon
Walter Keithly
Kai Lorenzen
Jim Tolan
John Ward
Elbert Whorton

Special Reef Fish SSC

Jason Adriance
Robert Ellis
John Mareska
Brooke Shipley-Lozano

Council and Staff

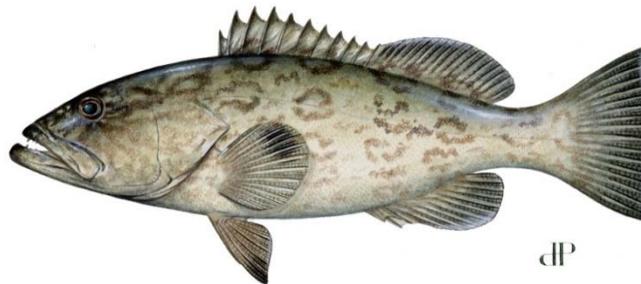
Steven Atran
Assane Diagne
Karen Hoak
Ava Lasseter
Camp Matens

Others

Dustin Addis, FL FWCC
Richard Brame, CCA
Ken Brennan, NMFS/SEFSC
Dale Diaz, MS DMR
Michael Drexler, Ocean Conserv.
Dan Goethel, NMFS/SEFSC
Joe O'Hop, FL FWCC
Jessica Stephen, NMFS/SERO
Russell Underwood
Wayne Werner

Gag

Annual Catch Limits, Annual Catch Targets, and Recreational Season Adjustments



GAG

Mycteroperca microlepis

Revised Options Paper for a Framework Action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

June 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA15NMF4410011.

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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AM	accountability measure
COI	U.S. Coast Guard certificate of inspection
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
FMP	fishery management plan
FWCC	Florida Fish and Wildlife Conservation Commission
GMFMC	Gulf of Mexico Fishery Management Council
gw	gutted weight
IFQ	individual fishing quota
IRFA	initial regulatory flexibility analysis
MFMT	maximum fishing mortality threshold
mp	million pounds
MSST	minimum stock size threshold
NMFS	National Marine Fisheries Service
OY	optimum yield
RA	regional administrator
RFA	regulatory flexibility analysis
RIR	regulatory impact review
SEDAR	Southeast Data, Assessment, and Review process
SSBR	spawning stock biomass per recruit
SSC	Scientific and Statistical Committee
SPR	spawning potential ratio
TAC	total allowable catch
TL	total length
VMS	vessel monitoring system
ww	whole weight

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CHAPTER 1. INTRODUCTION

1.1 Background

The 2006 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established new requirements to end and prevent overfishing through the use of annual catch limits (ACLs) and accountability measures (AMs). In 2009 a gag update assessment (SEDAR 10 Update 2009) indicated the gag stock size had declined since 2005. A large part of the decline was attributed to an episodic mortality event in 2005 (most likely associated with red tide) that resulted in an additional 18% of the gag stock being killed in addition to the normal natural and fishing mortalities. The update assessment indicated the Gulf gag stock was both overfished and undergoing overfishing, and the Gulf of Mexico Fishery Management Council (Council) was informed of this status determination in August 2009. In response, an interim rule was implemented on January 1, 2009 to reduce overfishing of gag, followed by permanent rules under Amendment 30B (GMFMC 2008). Amendment 32 (GMFMC 2011a) subsequently established a formal rebuilding plan for gag not to exceed 10 years.

A benchmark assessment for gag completed in 2014 (SEDAR 33 2014) indicated that the gag stock was no longer overfished or undergoing overfishing, and had rebuilt to above its maximum sustainable yield level. However, in 2014 a major red tide event occurred off of the Florida west coast in the region of greatest gag abundance. Due to uncertainty about the impact of this red tide event on the gag stock, the Scientific and Statistical Committee (SSC) recommended a conservative acceptable biological catch (ABC) that assumed the 2014 red tide event would have the same impact on the gag stock as the 2005 event. The Council requested that the SSC reevaluate its ABC recommendation, and in January 2015 the SSC received an analysis of the red tide event from the Florida Fish and Wildlife Research Institute which indicated that the impact of the 2014 red tide event was only 4% to 7% of the 2005 event. With this new information, the SSC revised its recommendation and recommended ABCs based on a projection scenario that assumed no significant impact from the 2014 red tide event.

Gulf of Mexico Fishery Management Council

- Responsible for conservation and management of fish stocks.
- Consists of 11 voting members who are appointed by the Secretary of Commerce, 1 voting member representing each of the five Gulf states, and the Regional Administrator for the National Marine Fisheries Service Southeast Region.
- Responsible for developing fishery management plans and recommending regulations to the National Marine Fisheries Service for implementation.

National Marine Fisheries Service

- Responsible for preventing overfishing while achieving optimum yield.
- Approves, disapproves, or partially approves Council recommendations.
- Implements regulations.

1.2 Purpose and Need

The purpose of this amendment is to modify the gag annual catch limit (ACL) and annual catch target (ACT), based on the 2014 SEDAR 33 benchmark stock assessment, and to modify the recreational fishing season to allow for the recreational ACT in the Gulf of Mexico to be harvested. The need is to allow each sector to harvest gag at a level consistent with achieving optimum yield while preventing overfishing, and to address social and economic impacts of keeping the recreational gag fishing season open to achieve optimum yield.

1.3 History of Management

Federal management of gag began in November 1984 with the implementation of the Reef Fish Fishery Management Plan and environmental impact statement (EIS). The initial regulations, designed to rebuild declining reef fish stocks, included prohibitions on the use of fish traps, roller trawls, and powerhead-equipped spear guns within an inshore stressed area and directed the National Marine Fisheries Service (NMFS) to develop data reporting requirements in the reef fish fishery.

In July 1985, the Florida Marine Fisheries Commission (now Florida Fish and Wildlife Conservation Commission - FWCC) established a Florida state regulation to set a minimum size limit of 18 inches total length for gag and several other shallow-water grouper species. This was followed in December 1986 by a state recreational bag limit of five grouper per person per day, with an off-the-water possession limit of 10 per person, for any combination of groupers excluding rock hind and red hind.

On August 11, 2009, the Council was notified by NMFS that the Gulf of Mexico gag stock was both overfished and undergoing overfishing based on the results of a 2009 update stock assessment. The remaining summary focuses on the history of gag management since the stock was declared overfished. For a full history of grouper management, refer to Amendment 30B, History of Management Activities Affecting Grouper Harvest.(GMFMC 2008).

Amendments

Amendment 29 (EA/RIR/IRFA), implemented January 1, 2010, established an IFQ system for the commercial grouper and tilefish fisheries.

Amendment 30B (FEIS/RIR/IRFA), implemented May 2009, established annual catch limits (ACLs) and accountability measures (AMs) for gag and red grouper, and managed shallow-water grouper to achieve optimum yield and improve the effectiveness of federal management measures. The amendment (1) defined the gag minimum stock size threshold (MSST) and optimum yield (OY); (2) set interim allocations of gag and red grouper between recreational and commercial fisheries; (3) made adjustments to the gag and red grouper TACs to reflect the current status of these stocks; (4) established ACLs and AMs for the commercial and recreational red grouper fisheries, commercial and recreational gag fisheries, and commercial aggregate shallow-water grouper fishery; (5) adjusted recreational grouper bag limits and seasons; (6)

adjusted commercial grouper quotas; (7) reduced the red grouper commercial minimum size limit; (8) replaced the one month February 15 through March 14 commercial grouper closed season with a four month seasonal area closure at the Edges, a 390 square nautical mile area in the dominant gag spawning grounds; (9) eliminated the end date for the Madison-Swanson and Steamboat Lumps marine reserves; and (10) required that vessels with federal commercial or charter reef fish permits comply with the more restrictive of state or federal reef fish regulations when fishing in state waters.

Amendment 31 (FEIS/RIR/IRFA), implemented May 26, 2010, (1) prohibited the use of bottom longline gear shoreward of a line approximating the 35-fathom contour from June through August; (2) established a longline endorsement; and (3) restricted the total number of hooks that may be possessed onboard each reef fish bottom longline vessel to 1,000, only 750 of which may be rigged for fishing. The boundary line was initially moved from 20 to 50 fathoms by emergency rule effective May 18, 2009 to protect endangered sea turtles. That rule was replaced on October 16, 2009 by a rule under the Endangered Species Act moving the boundary to 35 fathoms and implementing the maximum hook provisions.

Amendment 32 (EIS/RIR/RFA), implemented May 26, 2010, established a rebuilding plan for gag that would rebuild the stock in 10 years or less. The stock-ACL was set at the yield corresponding to the annual estimate of maximum sustainable yield, and the stock-ACT was set at the yield corresponding to optimum yield. The stock ACL and ACT were then allocated to the recreational and commercial sectors at 61% and 39%. The commercial gag ACT was reduced by an additional 14% to account for dead discards as a result of insufficient gag IFQ shares that had not been accounted for in the assessment. This adjusted ACT became the commercial gag quota. In addition, the amendment revised the use of multi-use IFQ shares and reduced the commercial gag minimum size limit to 22 inches total length. The amendment set the recreational gag season as July 1 through October 31, with a 22 inch total length minimum size limit and a 2-fish gag limit within the 4-fish aggregate grouper bag limit. The amendment also implemented overage adjustments for the gag recreational sector while the stock was under a rebuilding plan.

Amendment 38 (EA/RIR/RFA) was implemented March 1, 2013. It revised the post-season recreational accountability measure that reduces the length of the recreational season for all shallow-water grouper in the year following a year in which the ACL for gag or red grouper is exceeded. The modified accountability measure reduces the recreational season of only the species for which the ACL was exceeded.

Regulatory Amendments, Emergency and Interim Rules

A rule under the Endangered Species Act was implemented October 16, 2009 that prohibits bottom longlining for Gulf reef fish east of 85°30'W longitude (near Cape San Blas, Florida) shoreward of the 35-fathom depth contour, and it restricts the number of hooks on board to 1,000 hooks per vessel with no more than 750 hooks being fished or rigged for fishing at any given time. The rule replaced the 50 fathom boundary emergency rule in order to relieve social and economic hardship on longline fishermen who were prevented from fishing for shallow-water grouper by the emergency rule, and to keep fishing restrictions consistent with the Amendment 31 actions in place while proposed Amendment 31 is reviewed. [74 FR 53889].

In response to an uncontrolled oil spill resulting from the explosion on April 20, 2010 and subsequent sinking of the Deepwater Horizon oil rig approximately 36 nautical miles (41 statute miles) off the Louisiana coast, NMFS issued an emergency rule to temporarily close a portion of the Gulf of Mexico EEZ to all fishing [75 FR 24822]. The initial closed area extended from approximately the mouth of the Mississippi River to south of Pensacola, Florida and covered an area of 6,817 square statute miles. The coordinates of the closed area were subsequently modified periodically in response to changes in the size and location of the area affected by the spill. At its largest size on June 1, 2010, the closed area covered 88,522 square statute miles, or approximately 37 percent of the Gulf of Mexico EEZ. This closure was implemented for public safety.

While management measures for the gag rebuilding plan were being developed (Amendment 32), an interim rule was published on December 1, 2010 [75 FR 74654], to reduce gag landings consistent with ending overfishing. This interim rule implemented conservative management measures while a rerun of the update stock assessment was being completed. At issue was the treatment of dead discarded fish in the assessment. The rule reduced the commercial quota to 100,000 pounds gutted weight, suspended the use of red grouper multi-use individual fishing quota allocation so it would not be used to harvest gag, and to temporarily halted the recreational harvest of gag until recreational fishing management measures being developed in Amendment 32 could be implemented to allow harvest at the appropriate levels.

The gag 2009 update stock assessment was rerun in December 2010 addressing the problems with discards identified earlier in 2010. This assessment was reviewed in January 2011 by the Council's Scientific and Statistical Committee and presented to the Council at their February 2011 meeting. The assessment indicated that the gag commercial quota implemented in the December 1, 2010, interim rule could be increased and that a longer recreational season could be implemented. In response, the Council requested an interim rule while they continued to work on long-term measures including a gag rebuilding plan in Amendment 32. The interim rule set the commercial gag quota at 430,000 pounds gutted weight (including the 100,000 pounds previously allowed) for the 2011 fishing year, and temporarily suspended the use of red grouper multi-use IFQ allocation so it cannot be used to harvest gag. It also set a two-month recreational gag fishing season from September 16 through November 15. This temporary rule was effective from June 1, 2011 through November 27, 2011, and was extended for another 186 days or until Amendment 32 was implemented [76 FR 31874].

A December 2012 framework action (GMFMC 2012), implemented July 5, 2013, revised the recreational gag open season. It would still open on July 1, but instead of closing on October 31 it would close on the date when the ACT is projected to be reached. This framework action also modified the February 1 through March 31 recreational closed season on shallow-water grouper to apply only on waters beyond the 20-fathom boundary. In waters shoreward of 20 fathoms, recreational shallow-water grouper fishing would remain open except for gag, which is subject to a separate closed season. This modified closed season took effect with the 2014 calendar year.

An April 2013 framework action removed the requirement to have onboard and use venting tools when releasing reef fish, effective September 3, 2013.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 - Modifications to the Gag Annual Catch Limits and Annual Catch Targets

All weights are in million pounds gutted weight. The stock annual catch limit (ACL) is allocated 61% recreational, 39% commercial.

Alternative 1. No Action. Maintain the acceptable biological catch (ABC), ACL, and annual catch target (ACT) at the existing 2015 level.

Year	ABC/Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL	ACT/Quota
2015+	3.12	1.903	1.708	1.217	0.939

Alternative 2. Set ACL and ACT mid-way between status quo and the projected equilibrium optimum yield. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL/Quota	ACT
2015+	3.80	2.32	2.13	1.48	none

Alternative 3 Set ACL and ACT based upon the projected equilibrium optimum yield. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL/Quota	ACT
2015+	4.46	2.72	2.50	1.74	none

Alternative 4. Set ACL and ACT based upon SSC recommendations for ABC, 2015-2017. Set a constant ACL at the lowest ABC recommended by the SSC. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	Stock ACL	Recreational		Commercial	
		ACL	ACT	ACL/Quota	ACT
2015+	4.57	2.79	2.57	1.78	none

Alternative 5. Set ACL and ACT based upon SSC recommendations for ABC, 2015-2017. Set the stock ACL = ABC for each year. Set the recreational ACT buffer at 8% based on the ACL/ACT control rule, and do not use a commercial ACT.

Year	Recreational			Commercial	
	ABC/Stock ACL	ACL	ACT	ACL/Quota	ACT
2015	5.21	3.18	2.93	2.03	none
2016	4.75	2.90	2.67	1.85	none
2017+	4.57	2.79	2.57	1.78	none

Discussion: All of the alternatives set a constant catch ACL except **Alternative 5**, which adopts an annual ACL that changes each year.

Alternative 1, no action, represents a small increase in the ACL from 2014 levels, based on the 2009 update assessment. These ACLs and ACTs were established under Amendment 32 (GMFMC 2011a), prior to the adoption of the Generic ACL/AM Amendment (GMFMC 2011b), and are based partially on a different procedure than used today which was established in Amendment 30B (GMFMC 2008). Under the Amendment 30B procedure, the sector-ACL was set at the sector-specific allocation of ABC, as is done today. The ACT was set at the sector-specific allocation of the yield corresponding to $F_{0.9}$. Both sectors received an ACL and an ACT. The grouper-tilefish individual fishing quota (IFQ) program began in 2010. Due to the limited amount of gag IFQ allocation available in the initial years of the gag rebuilding plan, gag bycatch and discards from fishermen targeting red grouper or other fish were considered to be higher than assumed in the assessment projections. Consequently, Amendment 32 (implemented in 2011) added an additional 14% buffer to the commercial ACT to explicitly account for dead discards by the commercial sector that were not accounted for in the assessment analyses. This resulted in the commercial ACT shown in **Alternative 1**. This ACT is also the current commercial quota.

Alternatives 2, 3, 4, and 5 eliminate the commercial ACT. Unlike the earlier assessment, the SEDAR 33 benchmark assessment for gag did account for all sources of discard mortality, negating the need for a supplemental buffer. In addition, commercial quotas for species managed under the grouper-tilefish IFQ program have never been exceeded, and gag is no longer overfished. Under the ACL/ACT control rule adopted in 2012 (GMFMC 2011b), this results in a buffer of 0%; thus no reduction from the ACL is recommended by the control rule. Since establishing a commercial ACT is no longer needed (if it was established, it would be set equal the ACL), **Alternatives 2-5** would eliminate the commercial ACT, and set the commercial quota equal to the ACL. If it becomes necessary to reinstate a commercial ACT in the future, it can be done under the generic framework procedure.

Alternative 2 is a precautionary catch level that allows some increase in the ACL but also takes into account uncertainty due to anecdotal information that the stock may not be in as good shape as suggested by the assessment.

Alternative 3 is based on maintaining the stock at or above its projected equilibrium optimum yield (OY) level. The OY is defined as the yield when fishing at a fishing mortality rate equal to 75% of the MSY fishing rate. An analysis of fishing at OY indicates that, at equilibrium, stocks will produce between 95% and 98% of the MSY yield while maintaining the spawning stock biomass level between 127% and 131% of the MSY biomass level (Restrepo et al. 1998).

Note that Table 2.1.1 shows the projected estimate of equilibrium OY higher than both equilibrium ABC and equilibrium OFL. This should not be the case. OY should be lower than ABC and OFL. This artifact highlights the uncertainty of long-range projections, and infers that the equilibrium estimates for OFL, ABC, and OY will need to be revised in a future stock assessment. However, since the projected equilibrium OY is lower than any of the ABCs for 2015-2017, it can be adopted as a conservative ACL pending the next assessment (which is scheduled as an update assessment in 2016).

Alternative 4 sets a constant catch ACL at the lowest ABC recommended by the SSC for the 2015-2017 projections. This is the highest constant catch ACL that can be set without exceeding the ABC in one or more years.

Alternative 5 sets an ACL that changes each year at the highest level allowed by the recommended ABC for each year 2015-2017 (Table 2.1.1). This would allow the greatest overall catch of gag during the three-year period, but would also result in a declining ABC and ACL over time due to strong year-classes exiting the resource and being replaced by year-classes with average or below average recruitment. The 2017 ACL would remain in place in subsequent years unless adjusted by subsequent rulemaking.

Additional Information

The Council's Scientific and Statistical Committee (SSC) reviewed the SEDAR 33 gag benchmark assessment (SEDAR 33 2014) in June 2014¹. Based on the results of the assessment, the SSC concluded that the gag stock was neither overfished nor undergoing overfishing. Therefore, a rebuilding plan is no longer needed. However, due to concerns that a red tide event occurring in 2014 could potentially have as great an impact as the 2005 red tide event, the SSC recommended a precautionary ABC of 3.07 mp gutted weight² until more could be known about the 2014 red tide event. The Council requested that the SSC review its recommendation and provide more rationale for comparing the 2014 red tide event to the 2005 event, and in January 2015, the SSC reevaluated its recommendation³. At that meeting, staff from the Florida Fish and Wildlife Research Institute presented a more detailed analysis of gag mortality due to red tide events from 2002-2014⁴. The results of the analysis estimated that the 2014 red tide event was

¹ GMFMC. 2014. Standing and Special Reef Fish SSC (with Ecosystem SSC present) Meeting Summary – revised, June 3-5, 2014. Tab B-6 in the June 2014 Council briefing book. Available from the Council's FTP site or on request to the Council.

² GMFMC. 2014. Standing and Special Reef Fish SSC Meeting Summary, October 1-2, 2014. Tab B-16 in the October 2014 Council briefing book. Available from the Council's FTP site or on request to the Council.

³ Standing, Special Reef Fish and Special Mackerel SSC Meeting Summary, January 6-8, 2015. Tab B-4 in the January 2015 Council briefing book. Available from the Council's FTP site or on request to the Council.

⁴ Chagaris, D. 2015. Final-Estimation of red tide mortality on gag grouper. PowerPoint presentation to the SS at its January 2015 meeting. Available on request to the Council.

responsible for just 1.8% to 3.5% of the total gag biomass killed, which was about average for a normal year. The 2014 red tide was estimated to have only 4% to 7% of the impact of the 2005 event. Based on the results of the red tide analysis, the SSC revised their OFL projections upward for gag during 2015-2017. They also revised their ABC recommendations. However, the SSC felt that the buffer between ABC and OFL resulting from the ABC control rule was too small to provide protection against overfishing (exceeding OFL). Therefore, the SSC decided to recommend a yield stream based on the OY yields (Table 2.1.1).

OFL and ABC were undefined by the SSC for years beyond 2017 due to uncertainty about the longer range projections. However, projections through 2018 were provided to the SSC (Table 2.1.1). These projections suggest that OFL and ABC yields will continue to decline at least through 2018, and possibly beyond since the equilibrium levels are lower. This infers that maintaining the quota at the 2017 level could lead to overfishing (i.e., exceeding the OFL) as early as 2018.

Table 2.1.1. OFL, ABC, and OY projections for gag based on SEDAR 33 benchmark assessment and assuming no red tide mortality in 2014.

Year	OFL	ABC from control rule	OY (ABC recommended by SSC)
2015	6.77	6.43	5.21
2016	5.84	5.57	4.75
2017	5.38	5.13	4.57
2018	5.10	4.86	4.50
Equilibrium	4.45	4.21	4.46

Units are in million pounds gutted weight. The SSC did not recommend an OFL and ABC for 2018, but were provided with projections for that year which are included in the table.

2.2 Action 2 – Modifications to the Recreational Gag Fishing Season

Alternative 1: No action. The recreational gag season will remain July 1 through December 2 (147 days) unless shortened due to a projection that the annual catch target (ACT) will be reached sooner.

Alternative 2: Remove the December 3-31 fixed closed season. The recreational gag season will remain open through the end of the year or until a projection that the ACT will be reached sooner. Note: If Alternative 2 is selected, Alternative 3 or 4 may also be selected.

Alternative 3: Remove the January through June gag seasonal closure. Begin the season on January 1 and close when the recreational ACT is projected to be reached.

Option 3a. Maintain the February 1 through March 31 closed season on recreational harvest of gag beyond the 20-fathom boundary. Fishing for gag will be allowed shoreward of the boundary during those months.

Option 3b. Remove the February 1 through March 31 closed season on recreational harvest of gag beyond the 20-fathom boundary. Fishing for gag will be allowed in all federal waters during those months. The 20-fathom closer will continue to be in effect for other shallow-water grouper.

Option 3c. Close the gag recreational season from February 1 through March 31 in all Federal waters.

Alternative 4: Remove the January through June gag seasonal closure. Set an opening date for the recreational gag season such that the ACT is projected to be reached after December 31 (based on the 2016 ACT).

Option 4a. Maintain the February 1 through March 31 closed season on recreational harvest of gag beyond the 20-fathom boundary. Fishing for gag will be allowed shoreward of the boundary during those months if gag season is open.

Option 4b. Remove the February 1 through March 31 closed season on recreational harvest of gag beyond the 20-fathom boundary. Fishing for gag will be allowed in all federal waters during those months if gag season is open.

Option 4c. Open January 1 through 31, close February 1 through March 31 to recreational harvest of gag in all waters, and re-open on the date such that the 2016 ACT is projected to be reached after December 31.

Discussion: There is currently a closed season for all shallow-water grouper from February 1 through March 31 of each year in offshore waters beyond a series of boundary lines that approximate the 20-fathom depth contour (GMFMC 2012). During this period, recreational harvest of shallow-water grouper (red, black, gag, yellowfin, yellowmouth, and scamp) is

prohibited. Shoreward of this boundary, harvest of shallow-water grouper is allowed, except for gag which is under a January 1 through June 30 closed season. If the open season for gag is modified to include days from February or March, that opening will apply only shoreward of the 20-fathom boundary during those days. Beyond 20 fathoms, harvest would continue to be closed to all shallow-water grouper including gag.

Alternative 1 leaves the recreational gag season at its current dates of July 1 through December 2. Preliminary landings estimates for 2014 indicate that the recreational sector landed 870,720 lbs. of gag, just 54% of the ACT. Depending upon the selection of a preferred alternative in Action 1, the ACT for 2015-2017 will increase by between 43% and 67%. It is unlikely that the recreational sector will be able to catch its allocation.

Alternative 2 removes the December 3-31 fixed closed season. A December 2012 framework action adjusted the recreational season to close on the date when NMFS projects the ACT will be reached. For 2013, NMFS projected that the ACT would be reached on December 2. This closed date was established as a fixed closed season rather than one that could be adjusted each year in response to new ACT projections. Consequently, the recreational gag season continued to close on December 3 regardless of whether the ACT was reached. This alternative removes the December 3 closure date and allows the season to remain open for any length of time up to December 31 or until the ACT is projected to be reached. This alternative can be selected in combination with either **Alternative 3** or **Alternative 4**.

Alternative 3 sets a gag recreational season that opens on January 1 and closes when the recreational ACT is projected to be reached. **Option 3a** leaves the February-March shallow-water grouper closed season beyond the 20-fathom boundary in place. Gag recreational harvest would be closed seaward of the 20-fathom boundary but would be open shoreward of the boundary during these months. These days are counted as open days when calculating the number of days in the gag fishing season. **Option 3b** eliminates the February-March closed season beyond the 20-fathom boundary for gag, so that gag could be caught in all waters during this period. The 20-fathom boundary closure would remain in place for other shallow-water grouper. **Option 3c** closes February-March to harvest of gag in all waters. The recreational gag season would open in January, close February and March, and then reopen on April 1 and remain open until the ACT is projected to be reached. Table 2.2.1 shows the projected season dates and number of fishing days under each combination of Action 1 alternative and Action 2, Alternative 3 option.

Alternative 4 sets an opening date for the gag recreational season that is projected to allow the 2016 gag season to remain open (other than fixed closures) through December 31 without exceeding the ACT. **Option 4a** leaves the February-March shallow-water grouper closed season beyond the 20-fathom boundary in place. Gag recreational harvest would be closed seaward of the 20-fathom boundary but would be open shoreward of the boundary during these months if the gag season is open. These days are counted as open days when calculating the number of days in the gag fishing season. **Option 4b** eliminates the February-March closed season beyond the 20-fathom boundary for gag, so that gag could be caught in all waters during this period if the gag season is open. The 20-fathom boundary closure would remain in place for other shallow-water grouper. **Option 4c** closes February-March to harvest of gag in all waters. The

recreational gag season would open in January, close February and March, and then reopen on the date that is projected to allow the 2016 gag season to remain open (other than fixed closures) through December 31 without exceeding the ACT. Table 2.2.2 shows the projected season dates and number of fishing days under each combination of Action 1 alternative and Action 2, Alternative 4 option.

Note that these estimated projections apply to 2016 only and are subject to revision. The projection model does not account for effort shifting that may take place during a seasonal closure, nor does it consider any changes in the average size of gag over time. Additionally, reductions in harvest from closure dates are relative to future projected landings. Actual future landings may be higher or lower than projected, resulting in harvest reductions being over or underestimated.

Table 2.2.1. Estimated gag recreational seasons under combinations of Action 1 alternatives and Action 2, Alternative 3 options.

Action 1 Alternative	Action 2 Alternative 3 Option		
	Alt. 3a 20-fathom closure in effect	Alt. 3b No 20-fathom closure	Alt. 3c Feb-Mar closed in all waters
Alternative 1	1/1 – 8/15 (227 days)	1/1 – 8/10 (222 days)	1/1 – 8/28 (181 days)
Alternative 2	1/1 – 10/10 (283 days)	1/1 – 9/25 (268 days)	1/1 – 11/18 (263 days)
Alternative 3	1/1 – 12/13 (347 days)	1/1 – 12/3 (337 days)	No closure (306 days)
Alternative 4	1/1 – 12/24 (358 days)	1/1 – 12/14 (348 days)	No closure (306 days)
Alternative 5	No closure (365 days)	1/1 – 12/29 (363 days)	No closure (306 days)

Season closes at 12:01 am on the day following the last date of the season

Table 2.2.2. Estimated gag recreational seasons under combinations of Action 1 alternatives and Action 2, Alternative 4 options.

Action 1 Alternative	Action 2 Alternative 4 Option		
	Alt. 4a 20-fathom closure in effect	Alt. 4b No 20-fathom closure	Alt. 4c Open Jan, closed Feb-Mar in all waters, then open on date that will remain open through 12/31
Alternative 1	6/21 – 12/31 (194 days)		1/1 – 1/31, 7/5 – 12/31 (211 days)
Alternative 2	4/28 – 12/31 (248 days)		1/1 – 1/31, 5/17–12/31 (260 days)
Alternative 3	1/26 – 12/31 (340 days)	2/10 – 12/31 (325 days)	1/1 – 1/31, 4/1 – 12/31 (306 days)
Alternative 4	1/11 – 12/31 (355 days)	1/25 – 12/31 (341 days)	1/1 – 1/31, 4/1 – 12/31 (306 days)
Alternative 5	No closure (365 days)	1/4 – 12/31 (362 days)	1/1 – 1/31, 4/1 – 12/31 (306 days)

Season closes at 12:01 am on the day following the last date of the season

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Gulf of Mexico Gag Recreational Closure Analysis

Estimates of recreational landings during closed months were necessary to make predictions of closure dates. This was difficult because the Gulf of Mexico gag fishery has experienced numerous closures over the past 10 years. Data from the 2009 were used as a proxy for future recreational landings for waves 1 through 3 (January to June). Landings from this year were chosen because this is the most recent year where the recreational sector was open during all three of these waves. Gag was open in Waves 1 through 3 in 2010 but there was a large cold water fish kill event in January of 2010, and a relatively large portion of the Gulf of Mexico was closed in 2010 due to the Deepwater Horizon oil spill. Therefore, 2009 landings were used instead of 2010 landings. Waves 1 and 2 of 2009 were not open the entire wave because of the seasonal closure of February 1st through March 31. Total wave 1 and 2 landings were calculated using the daily landings per day in 2009 from each individual wave, and multiplying it by the number of days in the entire wave. Wave 3 landings in 2009 did not have a closure and were not modified. Data from 2013 were used as a proxy for future recreational landings for waves 4 through 6 (July to December). Landings from this year were chosen because this is the most recent year where the recreational sector was open during all three of these waves. Landings for waves 4 and 5 in 2013 did not have a closure and were not modified. Wave 6 was not open the entire wave because of a closure from December 3rd to December 31st, 2013. Total wave 6 landings were calculated using the daily landings per day in 2013 from each individual wave and multiplying it by the number of days for the entire wave. Figure 1 provides a visual representation of the landings.

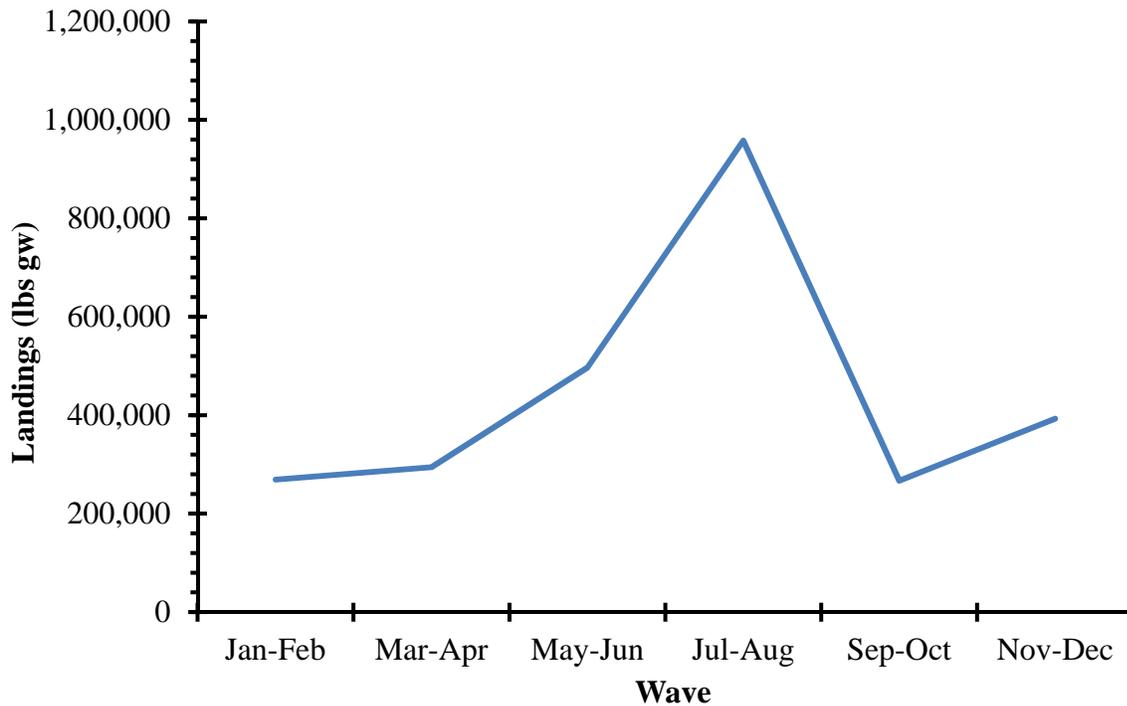


Figure 1. Gulf of Mexico gag recreational landings by wave. Landings for waves 1 through 3 came from 2009 landings data, and landings from waves 4 through 6 came from 2013 landings. Landings are in pounds gutted weight (lbs gw).

Addressing 20 Fathom Closure

The gag grouper recreational fishery has been closed in February 1st to March 31 every year since 2009. However, there was a change to this closure in 2013 where a Framework Action continued a closure of harvest of gag grouper in February 1 through March 31 but only at depths of 20 fathom and deeper. There are no relatively recent landings data to evaluate the impact the 20 fathom closure had on gag landings. However, there was a fisheries dependent study (Sauls et al. 2014) that surveyed Gulf of Mexico recreational fishermen and recorded gag catch by depth. The study collected data from 2009 through 2014 and determined 2.7% of Headboat and 25.4% of Charter gag recreational landings occurred at or deeper than 20 fathoms. No data is available on the Private sector and this sector was assumed to have the same landings as the Charter sector. The impact the 20 fathom closure had on gag landings was addressed by reducing the landings by 2.7% for Headboat and 25.4% for Charter and Private gag landings.

Decision Model

The landings and impact of the 20 Fathom closure were incorporated into a decision model that allows the user to pick closure dates, and then evaluate the landings results. The closure dates is chosen as the day before the landings exceed the annual catch target (ACT). Details of a decision model can be found at SERO-LAPP-2012-03.

Economic Effects

Dynamic economic effects projections are built into the gag recreational decision tool (RDT). The estimates are displayed in 2014 dollars. Baseline economic values for the recreational gag fishery were estimated using the RDT with all options set to current management alternatives. For the recreational sector, economic effects are measured as changes in consumer surplus (CS) from the status quo. The RDT converts estimated pounds (gw) landed to number of fish using mean weights of gag from each wave of data. The number of fish projected to be harvested is then multiplied by the willingness to pay (WTP) to catch and keep an additional grouper¹. This provides an estimate of the CS derived from harvesting gag, as discussed in Section 3.3.2 of the current amendment. The RDT displays the total change in CS from the status quo under any

¹ The WTP value is a scalar and does not depend on the size of each individual fish harvested.

combination of ACT and season closure alternatives². The alternatives considered in this action would increase the season length and/or the ACT for gag, so they would be expected to result in a positive change in CS.

No estimates of producer surplus (PS) for the for-hire component of the recreational sector are provided. It is assumed that gag would be landed in addition to other species on a trip, including other types of grouper, and that the proposed action would have no effect on the number of recreational trips that would be expected to occur under the status quo. Therefore, no change in for-hire PS would be expected. This assumption is supported by analysis of the Marine Recreational Information Program (MRIP) data at the trip level, which shows, on average (2010-2014), one gag and six other fish (including other grouper species) were landed on each trip that harvested gag. If the gag season were shortened, it would be expected that anglers would still fish for these other species, and if it were lengthened, it would be expected that anglers would harvest gag that would have otherwise been discarded.

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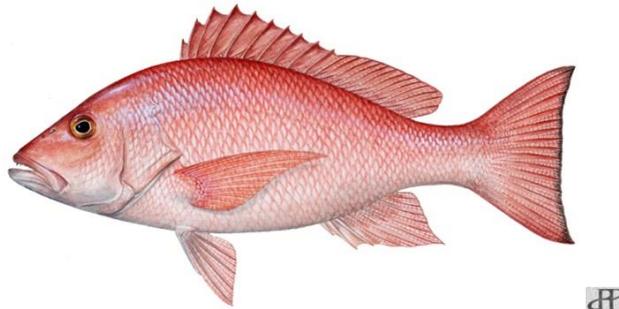
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² Estimates of the change in CS by mode (Private, Headboat, Charter and Shore) are included under the "Economics" tab of the Excel spreadsheet.

Red Snapper Allocation



Public Hearing Draft for Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

**Including Draft Environmental Impact Statement,
Fishery Impact Statement, Regulatory Impact Review,
and Regulatory Flexibility Act Analysis**

June 2015



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Gulf of Mexico Reef Fish Amendment 28

Draft Environmental Impact Statement (DEIS) Cover Sheet

Red Snapper Allocation Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, including a Draft Environmental Impact Statement (DEIS), Fishery Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Act Analysis.

Abstract:

This DEIS is prepared pursuant to the National Environmental Policy Act to assess the environmental impacts associated with a regulatory action. The DEIS analyzes the impacts of a reasonable range of alternatives intended to evaluate changing the current commercial: recreational red snapper allocation of 51:49 percent, respectively. The purpose of this action is to reallocate the red snapper harvest consistent with the 2015 red snapper assessment update to ensure the allowable catch and recovery benefits are fairly and equitably allocated between the commercial and recreational sectors to achieve optimum yield.

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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ALS	Accumulated Landings System
AM	accountability measure
Committee	Reef Fish Committee
Council	Gulf of Mexico Fishery Management Council
DEIS	Draft Environmental Impact Statement
EEZ	exclusive economic zone
EFH	Essential Fish Habitat
EA	Environmental Assessment
EIS	Environmental Impact Statement
EJ	Environmental Justice
ESA	Endangered Species Act
FMP	Fishery Management Plan
FTE	full-time equivalent
HBS	Southeast Headboat Survey
IFQ	individual fishing quota
LAPP	Limited Access Privilege Program
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MRFSS	Marine Recreational Fisheries Survey and Statistics
MRIP	Marine Recreational Information Program
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	overfishing limit
PDF	probability density function
RFFA	reasonably foreseeable future action
RQ	regional quotient
SAV	submerged aquatic vegetation
SEAMAP	Southeast Area Monitoring and Assessment Program
Secretary	Secretary of Commerce
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office of NMFS
SESSC	Socioeconomic Scientific and Statistical Committee
SSBR	spawning stock biomass per recruit
SSC	Scientific and Statistical Committee
SPR	spawning potential ratio
TAC	total allowable catch
TL	total length
TPWD	Texas Parks and Wildlife Department
VEC	valued environmental components
VOC	volatile organic compounds
ww	whole weight

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EXECUTIVE SUMMARY

The red snapper stock in the Gulf of Mexico (Gulf) has been declared overfished based on the Status of U.S. Fisheries Report to Congress¹, but is not undergoing overfishing. . The Gulf of Mexico Fishery Management Council (Council) has worked toward rebuilding the red snapper stock since 1997 and the stock is currently in the 15th year of a 32-year rebuilding plan.

The most recent stock assessment update² indicates the stock is recovering. Currently, the commercial sector fishing for red snapper is regulated by a 13-inch total length (TL) minimum size limit and managed under an individual fishing quota program. Recreational fishing for red snapper is managed with a 16-inch TL minimum size limit, 2-fish bag limit, and a season beginning on June 1 and ending when the recreational quota is projected to be caught. Other reef fish fishery management measures that affect red snapper fishing include permit requirements for the commercial and for-hire sectors as well as season-area closures.

Since 2007, the recreational red snapper season length has become progressively shorter and frustrated the recreational sector because of limited red snapper fishing opportunities. Current recreational fishing season length projections are dependent on several factors, including estimated red snapper average weights and daily catch rates. As the daily catches and average weight of landed red snapper have increased, the season has become progressively shorter despite increasing quotas. As a result, overharvests by the recreational sector have occurred in every year but two. This has led to the use of an annual catch target set below the recreational quota to project season lengths from. The commercial sector has the potential for a year-round season and has consistently harvested below its quota since the implementation of the Individual Fishing Quota (IFQ) program in 2007.

In recent years, the Council has expressed its intent to evaluate and possibly adjust the allocation of reef fish resources between the commercial and recreational sectors. These Council discussions have included consideration of comprehensive changes to the structure of the recreational sector and to sector allocations for red snapper and several grouper species. Reef Fish Amendment 1 (GMFMC 1989) specified a framework procedure for setting the total allowable catch to allow for annual management changes. A part of that specification was to establish a species' allocation. These were based on the percentage of total landings during the base period of 1979-1987. For red snapper, the commercial sector landed 51% and the recreational sector landed 49% of red snapper over the base period, hence the current 51% commercial:49%: recreational allocation.

The Council's evaluation of the allocations between the commercial and recreational sectors is consistent with NOAA's Catch Share Policy³. The Policy recommends that, for all fishery

¹ http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/

² The written report for the 2014 red snapper update assessment is in preparation. A version of the PowerPoint presentation describing the assessment was presented to the Council at its January 2015 meeting, and is available at the January 2015 briefing materials on the Council website (<http://www.gulfcouncil.org>) or by going directly to: http://www.gulfcouncil.org/council_meetings/Briefing%20Materials/BB-01-2015/B%20-%202014%20Red%20Snapper%202014%20Update%20Presentation.pdf

³ <http://www.st.nmfs.noaa.gov/economics/fisheries/commercial/catch-share-program/>

management plans (FMPs), “the underlying harvest allocations to specific fishery sectors (i.e., commercial and recreational) should be revisited on a regular basis, and the basis for the allocation should include consideration of conservation, economic, and social criteria used in specifying optimum yield and in furtherance of the goals of the underlying FMP.”

In response to the challenges inherent to allocating limited resources between competing interests, the Council established an Ad Hoc Allocation Committee composed of Council members to assist in drafting an allocation policy that would streamline future allocation decisions. The Council’s allocation policy was adopted in early 2009 and provides principles, guidelines, and suggested methods for allocating fisheries resources between or within sectors (Appendix B). In February 2012, the National Marine Fisheries Service (NMFS) released a technical memorandum on the principles and practice of allocating fishery harvests, which provides additional guidance to the Council (Plummer et al. 2012).

This action addresses red snapper allocation. Specifically, the purpose of this action is to reallocate the red snapper harvest consistent with the 2015 red snapper assessment update to ensure the allowable catch and recovery benefits are fairly and equitably allocated between the commercial and recreational sectors to achieve optimum yield. The need is to base sector allocations on the best scientific information available, while achieving optimum yield, particularly with respect to food production and recreational opportunities, and rebuilding the red snapper stock.

Reef Fish Amendment 28 analyzes one action with nine alternatives (including no action) that evaluate different allocation ratios of the stock red snapper annual catch limit between the commercial and recreational sectors. The following is a description of the alternatives.

Alternative 1 (no action) would continue to allocate 49% of the red snapper quota to the recreational sector and 51% to the commercial sector. As mentioned above, this allocation was established in 1990 through Amendment 1 and was based on the historical average red snapper landings by each sector for the base period of 1979-1987.

Alternatives 2, 3, and 4 are similar in that they consider fixed percentage increases to the recreational red snapper allocation of 3%, 5%, and 10%, respectively, from **Alternative 1** (no action). The respective increases would yield recreational allocations of 52%, 54%, and 59%, respectively, of the red snapper annual catch limit. Commercial and recreational red snapper quotas that would result from the alternative allocations included in this action are shown in the table below.

Alternatives 5, 6, and 7 allocate increases in annual catch limit (ACL) above a certain threshold. At or below the threshold, red snapper would continue to be allocated with 51% of the red snapper ACL comprising the commercial quota and 49% comprising the recreational quota. Above the threshold, either all the increase in the ACL would go to the recreational sector (**Alternative 6**), or 75% of the increase would go to the recreational sector and 25% to the commercial sector (**Alternatives 5 and 7**). For **Alternatives 5 and 6**, the threshold would be 9.12 million pounds (mp), which was the red snapper total allowable catch from 1996 through 2006. The threshold for **Alternative 7** is 10.0 mp. Note that for these alternatives, the annual

percent allocations changes between 2016 and 2017 (see the table below). This is because the the stock annual catch limit for 2016 and 2017 is different. For 2016, the commercial and recreational allocations for these alternatives range from 33.3% and 66.7% (**Alternative 6**) to 43.6% and 56.4% (**Alternative 7**), respectively. For 2017, the commercial and recreational allocations for these alternatives range from 33.9% and 66.1% (**Alternative 6**) to 43.9% and 56.1% (**Alternative 7**), respectively.

Preferred Alternative 8 and **Alternative 9** would base reallocation on the effects of revised recreational data used in the update stock assessment that led to a higher stock ACL. These revisions included calibrated Marine Recreational Information Program (MRIP) catch estimates in the recreational sector and changes in the recreational size selectivity due to recreational fishermen targeting larger fish. Under **Preferred Alternative 8**, the resulting allocation is calculated by 1) adding the increase in the annual catch limit projections attributed to the using the calibrated MRIP catch estimates to the recreational sector, and 2) averaging the projected increases over a 2015 to 2017 time period. Thus, **Preferred Alternative 8** would allocate 51.5% and 48.5% of the red snapper quota to the recreational and commercial sectors, respectively. In addition to the amount of quota attributable to the recalibration of MRIP catch estimates, **Alternative 9** would allocate the amount of quota attributable to the change in size selectivity by the recreational sector. Amounts of quota due to the change in selectivity were also derived from the projections provided by the SEFSC and included in Appendix H. As done for **Preferred Alternative 8**, **Alternative 9** averages the allocation change over the 2015 to 2017 time period and yields recreational and commercial allocations of 57.5% and 42.5%, respectively.

A summary of the alternatives and the percent allocations is provided in a summary table below where ACL is the annual catch limit and Avg is the average.

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 1: Status Quo	2016	13.960	7.120	51.0%	6.840	49.0%
	2017	13.740	7.007	51.0%	6.733	49.0%
Alternative 2: Increase the recreational sector's allocation by 3%	2016	13.960	6.701	48.0%	7.259	52.0%
	2017	13.740	6.595	48.0%	7.145	52.0%
Alternative 3: Increase the recreational sector's allocation by 5%	2016	13.960	6.422	46.0%	7.538	54.0%
	2017	13.740	6.320	46.0%	7.420	54.0%
Alternative 4: Increase the recreational sector's allocation by 10%	2016	13.960	5.724	41.0%	8.236	59.0%
	2017	13.740	5.633	41.0%	8.107	59.0%
Alternative 5: After RS TAC reaches 9.12 mp, allocate 75% of ACL increases to the rec sector	2016	13.960	5.861	42.0%	8.099	58.0%
	2017	13.740	5.806	42.3%	7.934	57.7%
Alternative 6: After RS TAC reaches 9.12 mp, allocate all ACL increases to the rec sector	2016	13.960	4.651	33.3%	9.309	66.7%
	2017	13.740	4.651	33.9%	9.089	66.1%
Alternative 7: After RS TAC reaches 10.0 mp, allocate 75% of ACL increases to the rec sector	2016	13.960	6.090	43.6%	7.870	56.4%
	2017	13.740	6.035	43.9%	7.705	56.1%
Preferred Alternative 8: Allocate increases due to the recalibration of MRIP catch estimates to recreational sector; For each sector, average percentages between 2015 and 2017	2015	14.300	6.951	48.6%	7.349	51.4%
	2016	13.960	6.768	48.5%	7.192	51.5%
	2017	13.740	6.645	48.4%	7.095	51.6%
	Avg.			48.5%		51.5%
Alternative 9: Allocate increases due to the recalibration of MRIP catch estimates and to the change in size selectivity to rec sector; For each sector, average percentages between 2015 and 2017	2015	14.300	6.105	42.7%	8.195	57.3%
	2016	13.960	5.911	42.3%	8.049	57.7%
	2017	13.740	5.829	42.4%	7.911	57.6%
	Avg.			42.5%		57.5%

An evaluation of the effects of the alternatives on the physical and biological/ecological environments relative to the no action alternative indicates that this action does not directly affect these environments and likely has only minimal indirect effects. The magnitude of these effects should be positively correlated with the change in allocation. For the physical environment, some effort shifting between sectors is likely to occur for red snapper; however, because the reef fish fishery is a multispecies fishery, any shifting is likely to be small given the overall effort of the fishery as a whole. For the biological/ecological environment, increases in the rate of commercial dead discards would be expected to occur as a result of this action as fish in access of the commercial quota that could have been caught under a 51% commercial allocation (**Alternative 1**) would be discarded. For the recreational sector, this action is expected to result in a decrease in dead discards as fish caught in access of a 49% recreational allocation

(Alternative 1) could be kept rather than discarded. Additionally, the frequency or magnitude of harvest overages from the recreational sector may be reduced as a result of shifting more allocation to the recreational sector.

All the alternatives propose to redistribute allocation from the commercial to the recreational sector, thus, the social effects of this action are expected to be negative for the commercial sector and positive for the recreational sector. Although the extent of anticipated disruptions cannot be quantified, effects would be expected relative to the amount of quota that is reallocated, such that greater negative effects correspond with a greater shift in allocation. Direct effects would be expected due to a decrease in available commercial quota. Some instability in the individual fishing quota program would be expected and be evidenced by short-term volatility in the quota market. Potential adverse long-term impacts would result if confidence in the future of the quota market and commercial fishing industry is undermined.

The reallocation alternatives in this amendment would increase the percentage of the red snapper quota allocated to the recreational sector (and decrease the commercial sector's share by an equivalent percentage). Therefore, any one of these alternatives compared to **Alternative 1** would be expected to result in economic losses to the commercial sector and generate economic benefits for the recreational sector. The economic effects expected to result from reallocations of the red snapper quota between the recreational and commercial sectors are usually evaluated based on aggregate (sum of recreational and commercial) changes in economic benefit relative to a baseline allocation (51% commercial and 49% recreational). Although it logically follows that the allocation of greater proportions of the red snapper quota to a given sector would be expected to result in greater economic benefits for that sector and lower economic benefits for the other sector, inferences about overall changes in economic efficiency are not provided here because it cannot be assumed that the resource allocation within each sector is efficient. The resource allocation within the commercial sector, which is managed under an IFQ system, would constitute a reasonable approximation for an efficient resource allocation. However, the open access management approach in the recreational sector cannot be conducive to an efficient allocation of red snapper within the recreational sector. As suggested in Holzer and McConnell (2014) and in Abbott (2015), changes in net benefit estimates based on the traditionally accepted application of the equimarginal principle and associated inferences about economic efficiency are not valid when each sector's quota is not efficiently allocated within the sector. Therefore, it is not possible to provide policy-relevant rankings of the reallocation alternatives in this amendment based on the expected net economic outcome, i.e., the sum of the change in economic benefits to the recreational and commercial sectors. It can only be stated that greater percentages of the red snapper quota allocated to the recreational sector would be expected to increase economic benefits to the recreational sector and decrease benefits to the commercial sector.

In addition to potential changes in net benefits, several other factors should be considered in the evaluation of the economic effects that would be expected to result from the reallocation alternatives. These factors include the Magnuson-Stevens Fishery Conservation and Management Act mandates, discrepancies between Council-determined allocations and actual percentages of total red snapper landings attributed to each sector, potential impacts of increased

scarcity of IFQ allocation, and considerations relative to which sectors may be better or worse off following a reallocation.

This action does directly affect the administrative environment. Putting in a new allocation would require rulemaking, but this is a routine event and should only minimally impact this environment. Indirect effects of setting new allocations require monitoring of the resultant quotas, enforcement of the quotas, and setting management measures to minimize the risk of quotas being exceeded. However, these activities would continue regardless of which alternative is selected. Therefore, the indirect effects from each alternative should be similar.

A cumulative effects analysis identified seven valued environmental components. These were habitat, managed resources (red snapper and other reef fish species), vessel owners, captain and crew (commercial and for-hire), wholesale/retail businesses, anglers, infrastructure, and administration. The cumulative effects of changing the allocation of red snapper on the biophysical environment are likely neutral because it should not have much effect on overall fishing effort and the amount of fish harvested. For the socioeconomic environments, effects would be positive for the recreational sector and negative for the commercial sector.

FISHERY IMPACT STATEMENT

[To be completed.]

CHAPTER 1. INTRODUCTION

1.1 Background

The red snapper stock in the Gulf of Mexico (Gulf) has been declared overfished based on the Status of U.S. Fisheries Report to Congress⁴ and is in the 14th year of a 32-year rebuilding plan. The Gulf of Mexico Fishery Management Council (Council) has worked toward rebuilding the red snapper stock since 1997 and overfishing was projected to have ended in 2009. Overfishing was not officially declared to end in the Status of U.S. Fisheries Report until 2012 after the new overfishing definition developed in the Generic Annual Catch Limits and Accountability Measures (ACLs/AMs) Amendment was implemented (GMFMC 2011a).

Gulf of Mexico Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consists of 17 voting members: 11 appointed by the Secretary of Commerce; 1 representative from each of the 5 Gulf States, the Southeast Regional Administrator of National Marine Fisheries Service (NMFS); and 4 non-voting members
- Responsible for developing fishery management plans and amendments, and recommends actions to NMFS for implementation

National Marine Fisheries Service

- Responsible for compliance with federal, state, and local laws and regulations
- Responsible for preventing overfishing while achieving optimum yield
- Approves, disapproves, or partially approves Council recommendations
- Implements regulations

Since 2007, the recreational red snapper season length has become progressively shorter (Figure 1.1) and overharvests have occurred in every year but one since 2007 (Figure 2.1.1). The commercial sector has the potential for a year-round season and has consistently harvested below its quota since the implementation of the Individual Fishing Quota (IFQ) program in 2007.

⁴ http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/

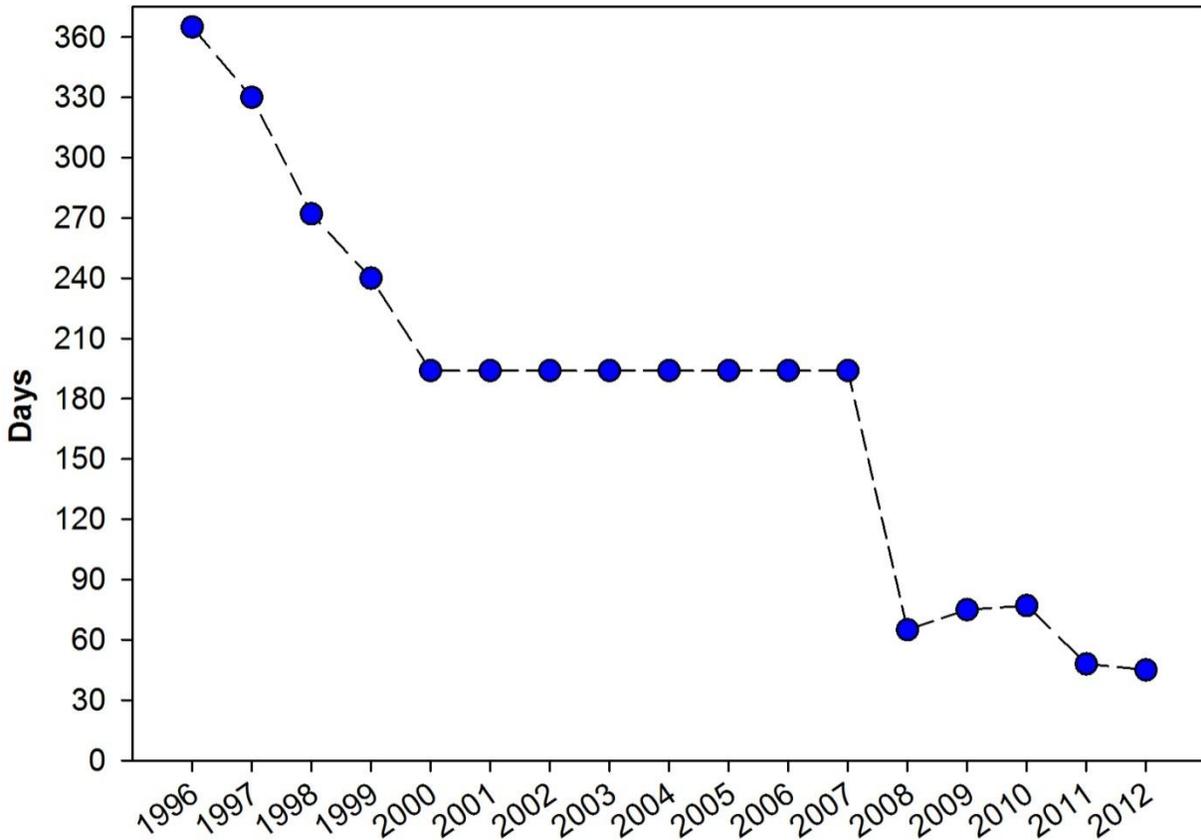


Figure 1.1. Season length (days) that the recreational red snapper season was open from 1996 through 2012 in the Gulf.

Current recreational fishing season length projections are dependent on estimated red snapper average weights and daily catch rates. As the daily catches and average weight of landed red snapper increases the season becomes progressively shorter (NMFS 2012a). Since 2007, when the rebuilding plan was revised, the estimated average weight of red snapper increased from 3.30 to 7.07 lbs whole weight (ww) in 2013 (Table 2.1.3). Following receipt of the 2013 benchmark assessment (SEDAR 31 2013) results, the 8.46 million pound (mp) quota was increased to 11.0 mp, and a supplemental fall recreational season was opened. Thus, the recreational harvest of red snapper was open 42 days in federal waters in 2013. In 2014, the season was open nine days in federal waters.

In January 2013, the Council convened a special meeting of their Reef Fish Committee (Committee) to focus on red snapper management issues. The Committee requested that Amendment 28 focus on red snapper allocation only and decided to address allocation of groupers (i.e., gag, red, and black) in a separate amendment. During the meeting, the Committee discussed and modified the goals and objectives of the Reef Fish FMP, including suggestions for objectives that better focus the purpose and need of this amendment. The requested changes to

the document were discussed and adopted by the Council at the April 2014 meeting (see Section 1.2).

A 2014 update assessment was presented in PowerPoint format at the January 2015 meeting of the SSC . In addition to the updated data through the 2013 terminal year, changes in the stock assessment results were primarily due to updated Marine Resource Information Program (MRIP) protocols causing an increase in landings estimates, while a shift in selectivity to larger, older fish by recreational fisherman led to a new selectivity timeblock in the stock assessment (i.e., for the years 2011-2013). See Section 3.2 for more information on the stock assessment.

The SSC reviewed the assessment and determined the ABC could be increased to 13 mp in 2015 with further increases over the next two years. However, the recreational red snapper landings in the original 2014 update assessment were only available through 2013, so the ABC projections for 2015 and beyond were made assuming that the 2014 landings would equal those in 2013. The 2014 recreational landings were actually less than in 2013. It will be several months before the final landings estimates for 2014 are available, but the Southeast Fisheries Science Center (SEFSC) staff made new projections using the provisional 2014 landings. Due to the landings being lower in 2014 than previously assumed, the SEFSC projections concluded that the 2015 ABC could be set higher than the level set by the SSC. However, there would then need to be subsequent annual reductions in order to adhere to the 2032 rebuilding schedule.

The Council asked the SSC to re-evaluate its ABC recommendations in light of the new information on 2014 landings. The SSC convened via internet webinar on February 19, 2015, and recommended an ABC for 2015-2017 provided in Table 1.1.1. Subsequently, the Council met via internet webinar to make a determination for the 2015-2017 red snapper quotas. The Council then approved a framework action to implement these quotas and the recreational annual catch target (ACT), which are listed in Table 1.1.1.

Table 1.1.1. Gulf of Mexico red snapper acceptable biological catch (ABC), total, commercial, and recreational quotas, and recreational annual catch targets (ACT) for 2015-2017 in million pounds (mp) whole weight.

Year	ABC	Total Quota	Commercial Quota	Recreational Quota	Recreational ACT
2015	14.30 mp	14.30 mp	7.293 mp	7.007 mp	5.605 mp
2016	13.96 mp	13.96 mp	7.120 mp	6.840 mp	5.473 mp
2017+	13.74 mp	13.74 mp	7.007 mp	6.733 mp	5.386 mp

Allocation

In recent years, the Council has expressed its intent to evaluate and possibly adjust the allocation of reef fish resources between the commercial and recreational sectors. These Council discussions have included consideration of comprehensive changes to the structure of the recreational sector and to sector allocations for red snapper and several grouper species.

The Council’s evaluation of the allocations between the commercial and recreational sectors is consistent with NOAA’s Catch Share Policy⁵. The Policy recommends that, for all fishery management plans (FMPs), “the underlying harvest allocations to specific fishery sectors (i.e., commercial and recreational) should be revisited on a regular basis, and the basis for the allocation should include consideration of conservation, economic, and social criteria used in specifying optimum yield and in furtherance of the goals of the underlying FMP” (NOAA’s Catch Share Policy 2010, page iii).

In response to the challenges inherent to allocating limited resources between competing interests, the Council established an Ad Hoc Allocation Committee composed of Council members to assist in drafting an allocation policy that would streamline future allocation decisions. The Council’s allocation policy was adopted in early 2009 and provides principles, guidelines, and suggested methods for allocating fisheries resources between or within sectors. The principles and guidelines developed by the Council are provided in Appendix B. In February 2012, the National Marine Fisheries Service (NMFS) released a technical memorandum on the principles and practice of allocating fishery harvests, which provides additional guidance to the Council (Plummer et al. 2012).

At the Council’s request, the Southeast Fishery Science Center (SEFSC) conducted a study evaluating the economic efficiency of the current allocation of red snapper resources between the commercial and recreational sectors. The study was discussed by the Socioeconomic Scientific and Statistical Committee (SESSC) during its October 2012 meeting. Conclusions of the study and recommendations provided by the SESSC were presented to the Council in October 2012. An economic evaluation of allocation alternatives proposed in this amendment was also requested. Drs. Agar and Carter of the SEFSC conducted the analyses and presented their findings to the SESSC during a November 2013 meeting and a January 2014 follow-up webinar. SESSC recommendations were discussed during the February 2014 Council meeting. Allocation studies conducted by the SEFSC, study reviews and SESSC recommendations relative to red snapper allocation are available on the Council’s ftp (<http://www.gulfcouncil.org/about/ftp.php>).

1.2 Purpose and Need

This regulatory action addresses red snapper allocation. Specifically, the purpose of this action is to reallocate the red snapper harvest consistent with the 2015 red snapper assessment update to ensure the allowable catch and recovery benefits are fairly and equitably allocated between the commercial and recreational sectors to achieve optimum yield.

The need is to base sector allocations on the best scientific information available and use the most appropriate allocation method to determine sector allocations, while achieving optimum yield, particularly with respect to food production and recreational opportunities, and rebuilding the red snapper stock.

⁵ http://www.nmfs.noaa.gov/sfa/domes_fish/catchshare/index.htm

1.3 History of Management

This history of management covers events pertinent to red snapper allocation, setting quotas, and AMs. A complete history of management for the FMP is available on the Council's website: http://www.gulfcouncil.org/fishery_management_plans/reef_fish_management.php and a history of red snapper management through 2006 is presented in Hood et al. (2007). The final rule for the Reef Fish FMP (with its associated environmental impact statement [EIS]) (GMFMC 1981) was effective November 8, 1984, and defined the Reef Fish fishery management unit to include red snapper and other important reef fish.

Currently, the commercial sector fishing for red snapper is regulated by a 13-inch total length (TL) minimum size limit and managed under an individual fishing quota program. Recreational fishing for red snapper is managed with a 16-inch TL minimum size limit, 2-fish bag limit, and a season beginning on June 1 and ending when the recreational quota is projected to be caught. Other reef fish fishery management measures that affect red snapper fishing include permit requirements for the commercial and for-hire sectors as well as season-area closures. These measures are discussed in more detail in Section 3.1.

Red snapper allocation and quotas: The final rule for **Amendment 1** (GMFMC 1989) to the Reef Fish FMP (with its associated environmental assessment (EA), regulatory impact review (RIR) was effective in February 1990. The amendment specified a framework procedure for setting the total allowable catch (TAC) to allow for annual management changes. A part of that specification was to establish a species' allocation. These were based on the percentage of total landings during the base period of 1979-1987. For red snapper, the commercial sector landed 51% and the recreational sector landed 49% of red snapper over the base period, hence the current 51% commercial:49%: recreational allocation. **Amendment 1** also established a commercial quota allowing the Regional Administrator to close commercial red snapper fishing when the quota was caught. The recreational quota was established through a 1997 regulatory amendment (with its associated EA and RIR) (GMFMC 1995) with a final rule effective in October 1997. Prior to 1997, the recreational sector had exceeded its allocation of the red snapper TAC, though the overages were declining through more restrictive recreational management measures (Figure 2.1.1). With the establishment of a recreational quota, the Regional Administrator was authorized to close the recreational season when the quota is reached as required by the Magnuson-Stevens Act.

Amendment 40 was approved on April 2015. This amendment divides the recreational red snapper quota into two component subquotas, with the federal for-hire component allocated 42.3% of the recreational quota and the private angling component allocated 57.7% of the red snapper recreational quota. This division sunsets three calendar years after implementation. Season closures are determined separately for each component based on the component's annual catch target (ACT). The final rule to implement this amendment published on April 22, 2015 [80 FR 22422].

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Allocation of Red Snapper

Alternative 1: No Action – Maintain the allocation set in Reef Fish Amendment 1. The commercial and recreational red snapper allocations remain at 51% and 49% of the red snapper quota⁶, respectively. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 1: Status Quo	2016	13.960	7.120	51.0%	6.840	49.0%
	2017	13.740	7.007	51.0%	6.733	49.0%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Component	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 1	2016	6.840	5.472	3.947	3.158	2.893	2.315
	2017	6.733	5.386	3.885	3.108	2.848	2.278

Reallocation of Quota

Alternative 2: Increase the recreational sector’s allocation by **3 percent**⁷; allocate 48% of the red snapper quota to the commercial sector and 52% of the quota to the recreational sector. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 2: Increase the recreational sector's allocation by 3%	2016	13.960	6.701	48.0%	7.259	52.0%
	2017	13.740	6.595	48.0%	7.145	52.0%

⁶ The red snapper quota (commercial and recreational quotas) is equivalent to a red snapper ACL.

⁷ Unless otherwise indicated, specified percentages refer to percentages of the red snapper quota.

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Ccomponent	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 2	2016	7.259	5.807	4.189	3.351	3.071	2.457
	2017	7.145	5.716	4.123	3.298	3.022	2.418

Alternative 3: Increase the recreational sector’s allocation by **5 percent**; allocate 46% of the red snapper quota to the commercial sector and 54% of the quota to the recreational sector. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 3: Increase the recreational sector's allocation by 5%	2016	13.960	6.422	46.0%	7.538	54.0%
	2017	13.740	6.320	46.0%	7.420	54.0%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Ccomponent	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 3	2016	7.538	6.031	4.350	3.480	3.189	2.551
	2017	7.420	5.936	4.281	3.425	3.138	2.511

Alternative 4: Increase the recreational sector’s allocation by **10 percent**; allocate 41% of the red snapper quota to the commercial sector and 59% of the quota to the recreational sector. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 4: Increase the recreational sector's allocation by 10%	2016	13.960	5.724	41.0%	8.236	59.0%
	2017	13.740	5.633	41.0%	8.107	59.0%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Ccomponent	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 4	2016	8.236	6.589	4.752	3.802	3.484	2.787
	2017	8.107	6.485	4.678	3.742	3.429	2.743

Allocation of Quota Increases

Alternative 5: If the red snapper quota is less than or equal to 9.12 million pounds (mp), maintain the commercial and recreational red snapper allocations at 51% and 49% of the red snapper quota, respectively. If the red snapper quota is greater than 9.12 mp, allocate 75% of the amount in excess of 9.12 mp to the recreational sector and 25% to the commercial sector. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 5: After RS TAC reaches 9.12 mp, allocate 75% of ACL increases to the rec sector	2016	13.960	5.861	42.0%	8.099	58.0%
	2017	13.740	5.806	42.3%	7.934	57.7%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Ccomponent	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 5	2016	8.099	6.479	4.673	3.738	3.426	2.741
	2017	7.934	6.347	4.578	3.662	3.356	2.685

Alternative 6: If the red snapper quota is less than or equal to 9.12 million pounds (mp), maintain the commercial and recreational red snapper allocations at 51% and 49% of the red snapper quota, respectively. If the red snapper quota is greater than 9.12 mp, allocate 100% of the amount in excess of 9.12 mp to the recreational sector. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 6: After RS TAC reaches 9.12 mp, allocate all ACL increases to the rec sector	2016	13.960	4.651	33.3%	9.309	66.7%
	2017	13.740	4.651	33.9%	9.089	66.1%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Ccomponent	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 6	2016	9.309	7.447	5.371	4.297	3.938	3.150
	2017	9.089	7.271	5.244	4.195	3.845	3.076

Alternative 7: If the red snapper quota is less than or equal to 10.0 million pounds (mp), maintain the commercial and recreational red snapper allocations at 51% and 49% of the red snapper quota, respectively. If the red snapper quota is greater than 10.0 mp, allocate 75% of the amount in excess of 10.0 mp to the recreational sector and 25% to the commercial sector. Based on red snapper quotas between 2016 and 2017, resulting allocations (in million pounds whole weight and in percent) to the commercial and recreational sectors are:

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 7: After RS TAC reaches 10.0 mp, allocate 75% of ACL increases to the rec sector	2016	13.960	6.090	43.6%	7.870	56.4%
	2017	13.740	6.035	43.9%	7.705	56.1%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Ccomponent	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 7	2016	7.870	6.296	4.541	3.633	3.329	2.663
	2017	7.705	6.164	4.446	3.557	3.259	2.607

Reallocation of Quota based on Changes in Recreational Data

Preferred Alternative 8: The increase in allowable harvest (due to changes in recreational data) from the update assessment will be allocated to the recreational sector. The increase for the recreational sector should be the amount attributable to the recalibration of MRIP catch estimates between 2015 and 2017. Commercial and recreational allocations are based on the average percentages of the red snapper quota that would be allocated to each sector between 2015 and 2017. Resulting percentages allocated to each sector will remain until changed by the Council.

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Preferred Alternative 8: Allocate increases due to the recalibration of MRIP catch estimates to recreational sector; Average percentages between 2015 and 2017	2016	13.960	6.768	48.5%	7.192	51.5%
	2017	13.740	6.664	48.5%	7.076	51.5%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Component	
		ACL	ACT	ACL	ACT	ACL	ACT
Preferred Alternative 8	2016	7.192	5.754	4.150	3.320	3.042	2.434
	2017	7.076	5.661	4.083	3.266	2.993	2.395

Alternative 9: The increase in allowable harvest (due to changes in recreational data) from the update assessment will be allocated to the recreational sector. The increase for the recreational sector should be the amount attributable to the change in size selectivity and to the recalibration of MRIP catch estimates between 2015 and 2017. Commercial and recreational allocations are based on the average percentages of the red snapper quota that would be allocated to each sector between 2015 and 2017. Resulting percentages allocated to each sector will remain until changed by the Council.

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 9: Allocate increases due to the recalibration of MRIP catch estimates and to the change in size selectivity to rec sector; Average percentages between 2015 and 2017	2016	13.960	5.933	42.5%	8.027	57.5%
	2017	13.740	5.840	42.5%	7.901	57.5%

For the components of the recreational sector, resulting ACLs and ACTs (in million pounds whole weight) are as follows:

Alternative	Year	Total Recreational		Private Angling Component		Federal For-Hire Component	
		ACL	ACT	ACL	ACT	ACL	ACT
Alternative 9	2016	8.027	6.422	4.632	3.705	3.395	2.716
	2017	7.901	6.320	4.559	3.647	3.342	2.674

Discussion

The Gulf of Mexico Fishery Management Council (Council) initially considered alternatives that increased the allocation above the commercial sector’s current 51%. However, in considering the economic analyses conducted by the Southeast Fisheries Science Center (SEFSC) and the loss of fishing opportunities by the recreational sector, the Council concluded that such a reallocation would not meet the purpose and need of this action. Therefore, the Council limited the alternatives to either no action or increasing the recreational sector’s allocation above 49%.

Alternative 1 would continue to allocate 49% of the red snapper quota to the recreational sector and 51% to the commercial sector. This allocation was established in 1990 through Reef Fish Amendment 1 (GMFMC 1989) and was based on the historical average red snapper landings by each sector for the base period of 1979-1987. Average percentages landed by each sector for various time series are provided in Table 2.1.1. Annual commercial and recreational red snapper landings between 1986 and 2013 are provided in Table 2.1.2.

Table 2.1.1. Red snapper average percentages landed by the commercial and recreational sectors.

Years	Recreational	Commercial
1986-2013	55.7%	44.3%
1991-2013	58.3%	41.7%
1996-2013	57.0%	43.0%
2001-2013	58.5%	41.5%
2006-2013	60.1%	39.9%

For the recreational and commercial sectors, the differences between the quotas and annual landings are provided in Figure 2.1.1. The Council has had limited success in consistently constraining the amounts harvested by the commercial and recreational sectors to their allotted share of the red snapper quota. As a result, the actual proportions of the aggregate quota harvested by each sector have fluctuated widely over time and consistently departed from the

sector allocation set by the Council. Figure 2.1.2 compares the resource allocation established by the Council with the proportions of red snapper landings attributed to the recreational and commercial sectors.

Table 2.1.2. Recreational and commercial red snapper landings, in million pounds whole weight and in percent of the total landings.

Year	Recreational		Commercial	
	Pounds	Percent	Pounds	Percent
1986	3.491	48.55%	3.700	51.45%
1987	2.090	40.51%	3.069	59.49%
1988	3.139	44.22%	3.960	55.78%
1989	2.940	48.69%	3.098	51.31%
1990	1.625	38.00%	2.650	62.00%
1991	2.917	56.86%	2.213	43.14%
1992	4.618	59.79%	3.106	40.21%
1993	7.161	67.97%	3.374	32.03%
1994	6.076	65.35%	3.222	34.65%
1995	5.464	65.06%	2.934	34.94%
1996	5.339	55.31%	4.313	44.69%
1997	6.804	58.59%	4.810	41.41%
1998	4.854	50.91%	4.680	49.09%
1999	4.972	50.49%	4.876	49.51%
2000	4.750	49.55%	4.837	50.45%
2001	5.252	53.18%	4.625	46.82%
2002	6.535	57.76%	4.779	42.24%
2003	6.105	58.07%	4.409	41.93%
2004	6.460	58.14%	4.651	41.86%
2005	4.676	53.31%	4.096	46.69%
2006	4.131	47.05%	4.649	52.95%
2007	5.809	64.60%	3.183	35.40%
2008	4.056	62.02%	2.484	37.98%
2009	5.597	69.26%	2.484	30.74%
2010	2.651	43.87%	3.392	56.13%
2011	6.734	65.20%	3.595	34.80%
2012	7.524	65.09%	4.036	34.91%
2013	9.659	63.93%	5.449	36.06%

Sources: Recreational landings from the Southeast Fisheries Science Center including landings from the Marine Recreational Information Program, Texas Parks and Wildlife Department, and the Southeast Headboat Survey. Commercial landings from the Southeast Data Assessment and Review 31 Data Workshop Report (1990-2006), commercial catch allowances report from the National Marine Fisheries Service /Southeast Regional Office IFQ landings website (2007-2013): <http://sero.nmfs.noaa.gov/sf/ifq/CommercialQuotasCatchAllowanceTable.pdf>. Commercial landings in gutted weight were multiplied by 1.11 to convert to ww.

Table 2.1.3. Recreational red snapper landings, in pounds whole weight and in number of fish.

Year	Recreational Landings		Average Weight
	Pounds	Number	
1986	3,490,842	1,469,588	2.38
1987	2,089,548	1,175,076	1.78
1988	3,139,142	1,412,895	2.22
1989	2,940,340	1,207,466	2.44
1990	1,624,534	725,405	2.24
1991	2,917,126	1,231,079	2.37
1992	4,618,290	1,837,446	2.51
1993	7,161,264	2,496,649	2.87
1994	6,075,760	1,828,077	3.32
1995	5,463,742	1,578,667	3.46
1996	5,338,889	1,348,792	3.96
1997	6,804,229	1,853,371	3.67
1998	4,854,098	1,447,264	3.35
1999	4,972,407	1,210,655	4.11
2000	4,750,106	1,199,578	3.96
2001	5,252,285	1,302,021	4.03
2002	6,535,146	1,676,023	3.90
2003	6,105,444	1,535,670	3.98
2004	6,460,244	1,740,770	3.71
2005	4,675,920	1,209,434	3.87
2006	4,131,131	1,225,413	3.37
2007	5,808,795	1,758,320	3.30
2008	4,055,877	941,241	4.31
2009	5,596,857	1,141,275	4.90
2010	2,650,851	486,791	5.45
2011	6,734,109	1,014,046	6.64
2012	7,524,241	1,058,309	7.11
2013	9,658,791	1,366,165	7.07

Sources: Recreational landings from the Southeast Fisheries Science Center including landings from the Marine Recreational Information Program, Texas Parks and Wildlife Department, and the Southeast Headboat Survey.

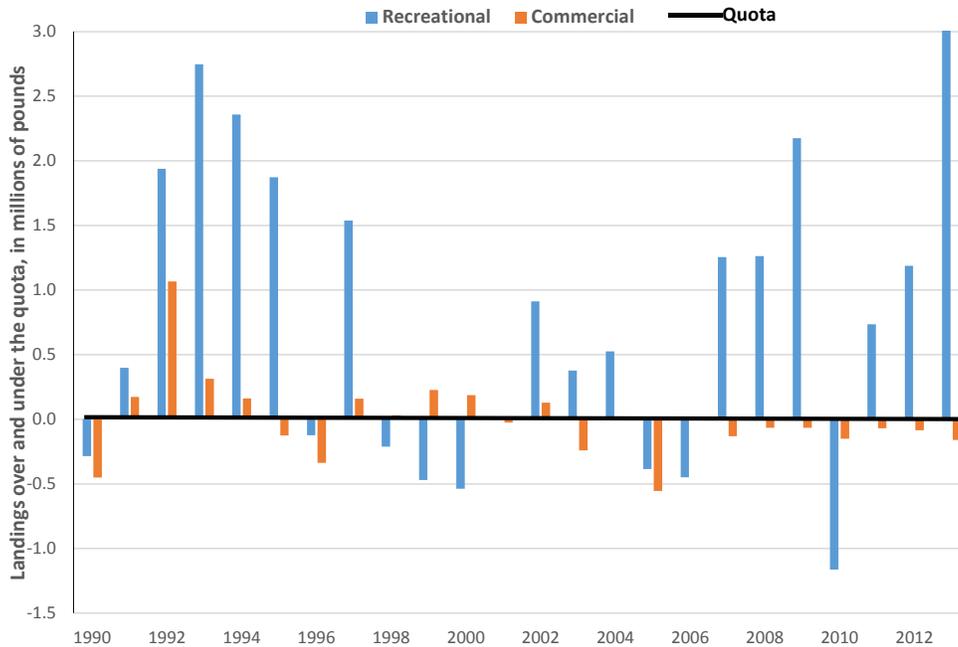


Figure 2.1.1. Differences between annual red snapper landings and quotas by sector, 1990 – 2013. For each sector, positive values indicate that landings are greater than the quota; negative values indicate that landings are less than the quota.

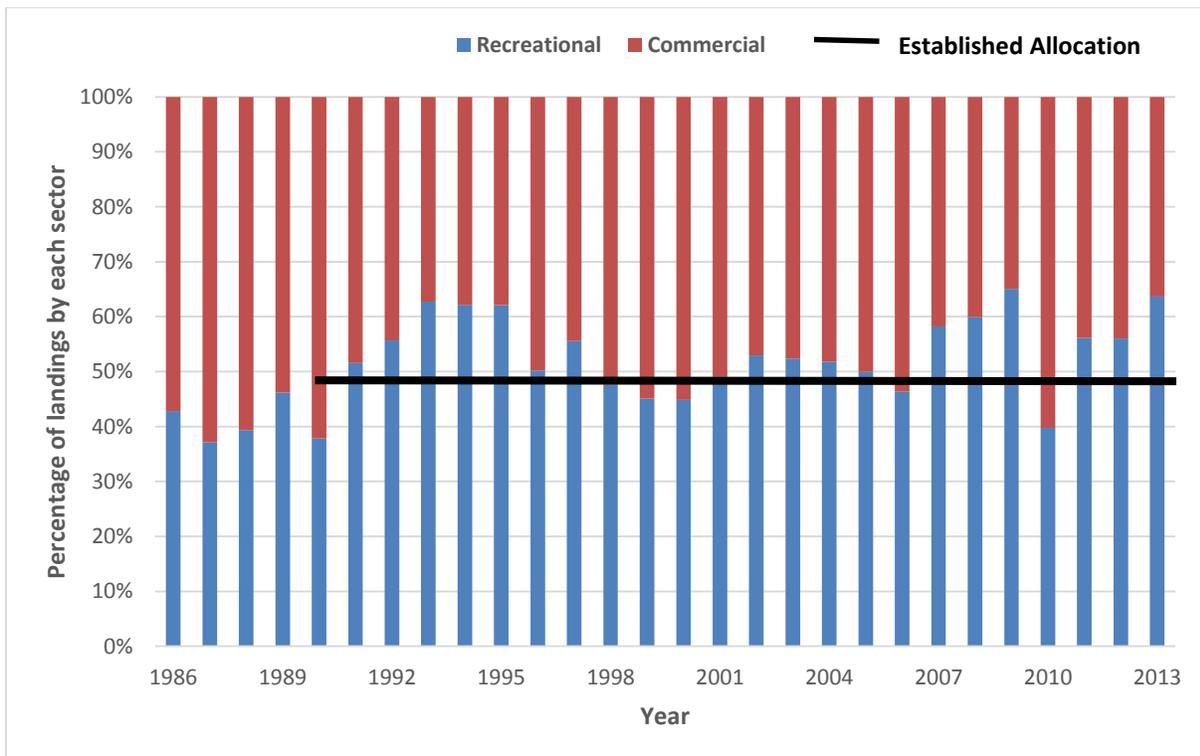


Figure 2.1.2. Comparison between the proportions of red snapper landed by each sector and the commercial/recreational split of the quota (established allocation of 51% and 49% to the commercial and recreational sectors, respectively).

Based on a status quo aggregate red snapper quota of 14.3 million pounds (mp) in 2015, **Alternative 1** would allocate 7.293 mp and 7.007 mp to the commercial and recreational sectors in 2015, respectively. **Alternatives 2, 3, and 4** consider increases to the recreational red snapper allocation by 3%, 5%, and 10% from the status quo (**Alternative 1**), increasing the recreational allocation to 52%, 54%, and 59% of the red snapper quota, respectively. Table 2.1.4 provides a summary of the commercial and recreational red snapper quotas that would result from the alternative allocations included in this action.

Table 2.1.4. Commercial and recreational red snapper allocations (mp, whole weight) based on 2016-2017 red snapper quotas (total ACLs).

Alternative	Year	Total ACL	Commercial		Recreational	
			ACL	Percent	ACL	Percent
Alternative 1: Status Quo	2016	13.960	7.120	51.0%	6.840	49.0%
	2017	13.740	7.007	51.0%	6.733	49.0%
Alternative 2: Increase the recreational sector's allocation by 3%	2016	13.960	6.701	48.0%	7.259	52.0%
	2017	13.740	6.595	48.0%	7.145	52.0%
Alternative 3: Increase the recreational sector's allocation by 5%	2016	13.960	6.422	46.0%	7.538	54.0%
	2017	13.740	6.320	46.0%	7.420	54.0%
Alternative 4: Increase the recreational sector's allocation by 10%	2016	13.960	5.724	41.0%	8.236	59.0%
	2017	13.740	5.633	41.0%	8.107	59.0%
Alternative 5: After RS TAC reaches 9.12 mp, allocate 75% of ACL increases to the recreational sector	2016	13.960	5.861	42.0%	8.099	58.0%
	2017	13.740	5.806	42.3%	7.934	57.7%
Alternative 6: After RS TAC reaches 9.12 mp, allocate all ACL increases to the recreational sector	2016	13.960	4.651	33.3%	9.309	66.7%
	2017	13.740	4.651	33.9%	9.089	66.1%
Alternative 7: After RS TAC reaches 10.0 mp, allocate 75% of ACL increases to the recreational sector	2016	13.960	6.090	43.6%	7.870	56.4%
	2017	13.740	6.035	43.9%	7.705	56.1%
Preferred Alternative 8: Allocate increases due to the recalibration of MRIP catch estimates to recreational sector; Average percentages between 2015 and 2017	2016	13.960	6.768	48.5%	7.192	51.5%
	2017	13.740	6.664	48.5%	7.076	51.5%
Alternative 9: Allocate increases due to the recalibration of MRIP catch estimates and to the change in size selectivity to rec sector; Average percentages between 2015 and 2017	2016	13.960	5.933	42.5%	8.027	57.5%
	2017	13.740	5.840	42.5%	7.901	57.5%

Alternative 5 would continue to allocate 51% of the red snapper quota to the commercial sector and 49% of the red snapper quota to the recreational sector as long as the aggregate red snapper quota is below or equal to 9.12 mp, which was the total allowable catch from 1996 through 2006. Once the threshold is reached, 75% of quota amounts in excess of 9.12 mp would be allocated to the recreational sector and 25% to the commercial sector. In 2015, with a red snapper aggregate quota of 14.3 mp, **Alternative 5** would allocate 5.946 mp and 8.354 mp to the commercial and recreational sectors, respectively. In percentage points, **Alternative 5** would allocate 41.6% and 58.4% of the red snapper quota to the commercial and recreational sectors in 2015, respectively. Provided the quota is at least 9.12 mp, any increase or decrease from the 14.30 mp aggregate quota will result in different percentages allocated to each sector. For example, with a red snapper quota of 13.74 mp in 2016, **Alternative 5** would allocate 42.0% and 58.0% of the red snapper quota to the commercial and recreational sectors, respectively.

Like **Alternative 5**, **Alternative 6** would maintain the 51/49 commercial/recreational split of the red snapper quota as long as the red snapper quota is less than or equal to 9.12 mp. However, if the red snapper quota is greater than 9.12 mp, **Alternative 6** would allocate the totality of the quota greater than 9.12 mp to the recreational sector, rather than 75% of the quota above the baseline of 9.12 mp, as in **Alternative 5**. In 2015, with a red snapper aggregate quota of 14.3 mp, **Alternative 6** would allocate 4.651 mp and 9.649 mp to the commercial and recreational sectors, respectively. In percentage points, **Alternative 6** would allocate 32.5% and 67.5% of the red snapper quota to the commercial and recreational sectors in 2015, respectively. Again, provided the red snapper aggregate quota is at least 9.12 mp, any increase or decrease from the 14.30 mp aggregate quota will result in different percentages allocated to each sector.

Alternative 7 would continue to allocate 51% of the red snapper quota to the commercial sector and 49% of the red snapper quota to the recreational sector as long as the aggregate red snapper quota is below or equal to 10.0 mp. However, if the red snapper quota is greater than 10.0 mp, 75% of quota amounts in excess of 10.0 mp would be allocated to the recreational sector and 25% to the commercial sector.

Based on an aggregate red snapper quota of 14.30 mp in 2015, **Alternative 7** would allocate 6.175 mp and 8.125 mp to the commercial and recreational sectors, respectively. In percentage points, **Alternative 7** would allocate 43.2% and 56.8% of the red snapper quota to the commercial and recreational sectors in 2015, respectively. Provided the quota is at least 10.0 mp, any increase or decrease from the 14.30 mp aggregate quota will result in different percentages allocated to each sector.

Preferred Alternative 8 would allocate quota increases due to the recalibration of MRIP catch estimates to the recreational sector. The resulting allocation is therefore determined by first allocating the quota that would result if MRIP catch estimates were not recalibrating according to the status quo percentages (51% commercial and 49% recreational) and second, adding the amount of quota estimated to result from the recalibration to the recreational sector. For 2015 to 2017, the amounts of quota attributable to the MRIP recalibration were derived from projections provided by the SEFSC (Appendix H). Percentages of the red snapper quota allocated to each sector under **Preferred Alternative 8** would not be fixed but would fluctuate based on the quota and on the amounts attributed to the recalibration. For 2015, **Preferred Alternative 8** would

allocate 51.4% and 48.6% of the red snapper quota to the recreational and commercial sectors, respectively.

In addition to the amount of quota attributable to the recalibration of MRIP catch estimates, **Alternative 9** would allocate the amount of quota attributable to the change in size selectivity to the recreational sector. Amounts of quota due to the change in selectivity were also derived from the projections provided by the SEFSC and included in Appendix H. As **Preferred Alternative 8, Alternative 9** would allocate varying percentages of the red snapper quota to the commercial and recreational sectors. For 2015, **Alternative 9** would allocate 57.3% and 42.7% of the red snapper quota to the recreational and commercial sectors, respectively. Quota amounts and percentages allocated to each sector between 2015 and 2017 are provided in Table 2.1.4.

As illustrated in Figure 2.1.2, the percentages of the red snapper aggregate quota harvested by the commercial and recreational sectors do not reflect the established allocation of 51% and 49% assigned to the commercial and recreational sectors, respectively. Alongside allocation discussions and reallocation decisions, the Council has implemented management measures (accountability measures) intended to reduce the recreational quota overages, thereby minimizing the difference between the proportion of red snapper landings attributed to each sector and the allocation established by the Council.

Recent allocation studies completed by the SEFSC and reviewed by the Socioeconomic Scientific and Statistical Committee (SESSC) have concluded that existing allocations between the commercial and recreational sectors of several reef fish resources, including red snapper, are not economically efficient. In a 2012 study evaluating the economic efficiency of the allocation of red snapper resources, Agar and Carter⁸ compared estimated commercial and recreational marginal willingness to pay for red snapper and indicated that the relative magnitude of the estimates suggests that economic efficiency could potentially be improved by reallocating red snapper resources. The SESSC reviewed and accepted the methodology of the study. The SESSC further stated that although the study results indicated that the marginal value of a recreationally caught red snapper is likely higher than the marginal value of a commercially caught red snapper, given the data used, e.g., data collection time periods (recreational data collected from a 2003 survey; commercial data collected during the last 5 years of the red snapper IFQ program), it cannot specify the potential efficiency gains from possible quota shifts because it does not know how the marginal valuations would change with the switch. The SESSC also indicated that incentive-based approaches to reallocation would be more appropriate for increasing net benefits than mandated allocations. A study evaluating potential changes in net benefits expected to result from alternatives proposed in this amendment is provided in Appendix G.

⁸ Agar and Carter presentation to the SESSC in October 2012 titled “Are the 2012 allocations of red snapper in the Gulf of Mexico economically efficient?”

CHAPTER 3. AFFECTED ENVIRONMENT

The action considered in this environmental impact statement (EIS) would affect commercial and recreational fishing for red snapper in federal and state waters of the Gulf of Mexico (Gulf). Descriptions of the physical, biological, economic, social, and administrative environments were completed in the EISs for Reef Fish Amendments 27/Shrimp Amendment 14 (GMFMC 2007), 30A (GMFMC 2008a), 30B (GMFMC 2008b), 32 (GMFMC 2011b), the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a), and the Generic Annual Catch Limits/Accountability Measures (ACL/AM) Amendment (GMFMC 2011a). Below, information on each of these environments is summarized or updated, as appropriate.

3.1 Description of the Red Snapper Component of the Reef Fish Fishery

A description of the fishery and affected environment relative to red snapper was last fully discussed in joint Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007). This section updates the previous description to include additional information since publication of that EIS.

General Features

Commercial harvest of red snapper from the Gulf began in the mid-1800s (Shipp 2001). In the 1930s, party boats built exclusively for recreational fishing began to appear (Chester 2001). Currently, the commercial sector operates under an individual fishing quota (IFQ) program. In 2011, 362 vessels participated in the IFQ program (NMFS 2012c). The recreational sector operates in the following three modes: charter boats, headboats, and private vessels. In 2012 private vessels accounted for 61.1% of recreational red snapper landings, followed by charter boats (24.8%) and headboats (14.1%). On a state-by-state basis, Florida accounted for the most landings (41.5%), followed by Alabama (28.1%), Louisiana (14.8%), Texas (12.0%), and Mississippi (3.7%) (Table 3.1.1).

Table 3.1.1. Recreational red snapper landings in 2012 by state and mode.

State	Landings (lbs whole weight)				% by State
	Charter	Headboat	Private	All Modes	
FL (west)	641,437	205,114	1,289,253	2,135,804	41.5%
AL	359,469	72,199	1,013,460	1,445,128	28.1%
MS	997	5,894	182,767	189,658	3.7%
LA	236,302	21,999	501,704	760,005	14.8%
TX	39,128	419,671	157,726	616,525	12.0%
Total	1,277,333	724,077	3,144,911	5,147,120	
% by Mode	24.8%	14.1%	61.1%		100%

Source: NMFS 2013a.

The red snapper stock has been found to be in decline or in an overfished condition since the first red snapper stock assessment in 1986 (Parrack and McClellan 1986). The first red snapper rebuilding plan was implemented in 1990 through Amendment 1 (GMFMC 1989). From 1990 through 2009, red snapper harvest was managed through the setting of an annual total allowable catch (TAC). This TAC was allocated with 51% going to the commercial sector and 49% to the recreational sector. Beginning in 2010, TAC was phased out in favor of an ACL as a result of revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The red snapper rebuilding plan has not formally adopted the use of the term ACL. However, by allocating the acceptable biological catch (ABC) between the commercial and recreational sectors, and then setting quotas for each sector that do not exceed those allocations, the terminology and approaches used in the red snapper rebuilding plan are consistent with the use of ACLs. Such alternative terminology is allowed under the guidelines.

Amendment 1 also established a 1990 commercial red snapper quota of 3.1 million pounds (mp) whole weight (ww) (Table 3.1.2). There was no explicit recreational quota or allocation specified in Amendment 1, only a bag limit of 7 fish and a minimum size limit of 13 inches total length. Beginning in 1991, an explicit recreational allocation in pounds was based on 49% of the TAC was specified, and this allocation was specified through Council action until 1997 when the recreational allocation was changed to a quota (Table 3.1.2). Based on the 51:49 commercial to recreational sector allocation, the commercial quota implied a TAC of about 5.2 mp in 1990, followed by explicit TACs of 4.0 mp in 1991 and 1992, 6.0 mp in 1993 through 1995, and 9.12 mp from 1996 through 2006 (Table 3.1.2). The TAC was reduced to 6.5 mp in 2007 and 5.0 mp in 2008 and 2009 as the Gulf of Mexico Fishery Management Council (Council) shifted from a constant catch rebuilding plan to a constant fishing mortality rebuilding plan (GMFMC 2007). Under a constant fishing mortality rate rebuilding plan, the ABC is allowed to increase as the stock rebuilds, thus the ABCs for 2010, 2011, and 2012 were increased to 6.945, 7.530, and 8.080 mp, respectively⁹.

In July 2013, the Council reviewed a new benchmark assessment (SEDAR 31 2013) which showed that the red snapper stock was rebuilding faster than projected, partly due to strong recruitment in some recent years. Initially in 2013, a scheduled increase in the ABC to 8.690 mp was cancelled due to an overharvest in 2012 by the recreational sector. After an analysis of the impacts of the overharvest on the red snapper rebuilding plan, the 2013 ABC was increased to 8.460 mp. However, once the new benchmark assessment was completed, the Scientific and Statistical Committee (SSC) increased the ABC for 2013 to 13.5 mp with the caveat that catch levels would have to be reduced in future years unless recruitment returned to average levels. After incorporating a buffer to reduce the possibility of having to later reduce the quota, the Council further increased the 2013 commercial and recreational quotas to a combined 11.0 mp (5.61 mp and 5.39 mp, respectively) (GMFMC 2013a). A 2014 update assessment was presented to the SSC in January 2015. The SSC reviewed the assessment and determined the ABC could be increased to 13 mp in 2015 with further increases over the next two years. However, the recreational red snapper landings in the original 2014 update assessment were only available through 2013, so the ABC projections for 2015 and beyond were made assuming that the 2014 landings would equal those in 2013. However, the 2014 recreational landings were

⁹ Note the allocation for the commercial and recreational quotas shifted from the TAC to the ABC in 2010.

actually less than in 2013. Due to the landings being lower in 2014 than previously assumed, the SEFSC projections concluded that the 2015 ABC could be set higher than the level set by the SSC, but that there would then need to be subsequent annual reductions in order to adhere to the 2032 rebuilding schedule. The SSC re-evaluated its ABC recommendations in light of the new information on 2014 landings and recommended an ABC for 2015-2017 provided in Table 1.1.1. The Council then approved a framework action to implement these quotas and the recreational annual catch target (ACT), which are listed in Table 1.1.1.

Table 3.1.2. Red snapper landings and overage/underage by sector, 1986-2013. Landings are in mp ww. Commercial quotas began in 1990. Recreational allocations began in 1991 and recreational quotas began in 1997. Summing the recreational allocation/quota and the commercial quota yields the total allowable catch (TAC) for the years 1991-2009 and the acceptable biological catch (ABC) for 2010-2013.

Year	Recreational			Commercial			Total		
	Allocation Quota	Actual landings	Difference	Quota	Actual landings	Difference	TAC/ABC	Actual landings	Difference
1986	na	3.491	na	na	3.700	na	na	6.470	na
1987	na	2.090	na	na	3.069	na	na	4.883	na
1988	na	3.139	na	na	3.960	na	na	6.528	na
1989	na	2.940	na	na	3.098	na	na	5.754	na
1990	na	1.625	na	3.1	2.650	-0.450	na	4.264	na
1991	1.96	2.917	+0.957	2.04	2.213	+0.173	4.0	5.130	+1.130
1992	1.96	4.618	+2.658	2.04	3.106	+1.066	4.0	7.724	+3.724
1993	2.94	7.161	+4.221	3.06	3.374	+0.314	6.0	10.535	+4.535
1994	2.94	6.076	+3.136	3.06	3.222	+0.162	6.0	9.298	+3.298
1995	2.94	5.464	+2.524	3.06	2.934	-0.126	6.0	8.398	+2.398
1996	4.47	5.339	+0.869	4.65	4.313	-0.337	9.12	9.652	+0.532
1997	4.47	6.804	+2.334	4.65	4.810	+0.160	9.12	11.614	+2.494
1998	4.47	4.854	+0.384	4.65	4.680	+0.030	9.12	9.534	+0.414
1999	4.47	4.972	+0.502	4.65	4.876	+0.226	9.12	9.848	+0.728
2000	4.47	4.750	+0.280	4.65	4.837	+0.187	9.12	9.587	+0.467
2001	4.47	5.252	+0.782	4.65	4.625	-0.025	9.12	9.877	+0.757
2002	4.47	6.535	+2.065	4.65	4.779	+0.129	9.12	11.314	+2.194
2003	4.47	6.105	+1.635	4.65	4.409	-0.241	9.12	10.514	+1.394
2004	4.47	6.460	+1.990	4.65	4.651	+0.001	9.12	11.111	+1.991
2005	4.47	4.676	+0.206	4.65	4.096	-0.554	9.12	8.772	-0.348
2006	4.47	4.131	-0.339	4.65	4.649	-0.001	9.12	8.780	-0.340
2007	3.185	5.809	+2.624	3.315	3.183	-0.132	6.5	8.962	+2.462
2008	2.45	4.056	+1.606	2.55	2.484	-0.066	5.0	6.517	+1.517
2009	2.45	5.597	+3.147	2.55	2.484	-0.066	5.0	8.058	+3.058
2010	3.403	2.651	-0.752	3.542	3.392	-0.150	6.945	6.013	-0.932
2011	3.866	6.734	+2.868	3.664	3.595	-0.069	7.53	10.296	+2.766
2012	3.959	7.524	+3.565	4.121	4.036	-0.085	8.08	11.524	+3.444
2013	5.390	9.659	+4.269	5.610	5.449	-0.161	11.00	15.108	+4.108

Sources: Recreational landings from the Southeast Fisheries Science Center including landings from the Marine Recreational Information Program, Texas Parks and Wildlife Department, and the Southeast Headboat Survey. Commercial landings from the Southeast Data Assessment and Review 31 Data Workshop Report (1990-2006), commercial quotas/catch allowances report from the National Marine Fisheries Service /Southeast Regional Office IFQ landings website (2007-2013): <http://sero.nmfs.noaa.gov/sf/ifq/CommercialQuotasCatchAllowanceTable.pdf>. Commercial quotas/landings in gutted weight were multiplied by 1.11 to convert to ww. Values highlighted in red are those where landings exceeded quotas.

Both the commercial and recreational sectors have had numerous allocation or quota overruns. Table 3.1.2 shows a comparison of quotas and actual harvests from 1990 through 2012. The recreational sector has had allocation/quota overruns in 14 out of 22 years in which an allocation or quota was specified, while the commercial sector has had quota overruns in 10 of 23 years. However, the commercial sector has not had overruns since 2005, including the years 2007 onward when the commercial harvest of red snapper has operated under an IFQ program.

Recreational Sector

Red snapper are an important component of the recreational sector's harvest of reef fish in the Gulf. Red snapper are caught from charter boats, headboats (or party boats), and private anglers fishing primarily from private or rental boats. Red snapper are primarily caught with hook-and-line gear in association with bottom structures. Recreational red snapper harvest allocations since 1991 have been set at 49% of the TAC, or 1.96 mp in 1991 and 1992, 2.94 mp for 1993 through 1995, and 4.47 mp in 1996. In 1997, a 4.47 mp recreational quota was created and it was maintained at this level through 2006. In 2007, the recreational quota was reduced to 3.185 mp. It was reduced again to 2.45 mp in 2008 and 2009. Since 2010, the recreational quota has been increased each year: 3.403 mp in 2010, 3.866 mp in 2011, 3.959 mp in 2012, and 5.390 mp in 2013 (Table 3.1.3).

Before 1984, there were no restrictions on the recreational harvest of red snapper. In November 1984, a 12-inch total length size limit was implemented, but with an allowance for five undersized fish per person. In 1990, the undersized allowance was eliminated, and the recreational sector was managed through bag and size limits with a year-round open season. In 1997, the recreational red snapper allocation was converted into a quota with accompanying quota closure should the sector exceed its quota. Recreational quota closures occurred in 1997, 1998, and 1999, becoming progressively shorter each year even though the quota remained a constant 4.47 mp.

A fixed recreational season of April 21 through October 31 (194 days) was established for 2000 through 2007. However, National Marine Fisheries Service (NMFS) returned to variable length seasons beginning in 2008. Under this management approach, due to a lag in the reporting of recreational catches, catch rates over the course of the season were projected in advance based on past trends and changes in the average size of a recreationally harvested red snapper. The recreational season opened each year on June 1 and closed on the date when the quota was projected to be reached. In 2008, the season length was reduced from 194 days to 65 days in conjunction with a reduction in quota to 2.45 mp. The season length then increased to 75 days in 2009. In 2010, the recreational red snapper season was originally projected to be 53 days. However, due to reduced effort and large emergency area closures resulting from the Deepwater Horizon MC252 oil spill, catches were below projections, and a one-time supplemental season of weekend only openings (Friday, Saturday, and Sunday) was established from October 1 through November 22. This added 24 fishing days to the 2010 season for a total of 77 days. In 2011, the season was reduced to 48 days despite an increase in the quota, due to an increase in the average size of a recreationally harvested fish. In 2012 the season was initially scheduled to be 40 days, but was extended to 46 days to compensate for the loss of fishing days due to storms (Table 3.1.3). For 2013, an increase in the ABC occurred too late to extend the June recreational

season, so the Council requested that NMFS reopen the recreational season on October 1 for whatever number of days would be needed to harvest the additional quota. NMFS estimated that the additional recreational quota would take 14 days to be caught, and therefore announced a supplemental season of October 1 through 14. In 2014, the season was 9 days starting on June 1. The season length used new MRIP information to estimate catch rates and was based on an ACT set 20% below the quota.

Table 3.1.3. Red snapper recreational landings vs. allocation/quota and days open, bag limit, and minimum size limits 1986-2013. Landings are in mp ww. Minimum size limits are in inches total length. Recreational allocations began in 1991, and became quotas in 1997.

Year	Allocation/ Quota	Actual landings	Difference	% over or under	Days open	Bag limit	Minimum size limit
1986	na	3.491	na		365	none	13
1987	na	2.090	na		365	none	13
1988	na	3.139	na		365	none	13
1989	na	2.940	na		365	none	13
1990	na	1.625	na		365	7	13
1991	1.96	2.917	+0.957	+49%	365	7	13
1992	1.96	4.618	+2.658	+136%	365	7	13
1993	2.94	7.161	+4.221	+144%	365	7	13
1994	2.94	6.076	+3.136	+107%	365	7	14
1995	2.94	5.464	+2.524	+86%	365	5	15
1996	4.47	5.339	+0.869	+19%	365	5	15
1997	4.47	6.804	+2.334	+52%	330	5	15
1998	4.47	4.854	+0.384	+9%	272	4	15
1999	4.47	4.972	+0.502	+11%	240	4	15
2000	4.47	4.750	+0.280	+6%	194	4	16
2001	4.47	5.252	+0.782	+17%	194	4	16
2002	4.47	6.535	+2.065	+46%	194	4	16
2003	4.47	6.105	+1.635	+37%	194	4	16
2004	4.47	6.460	+1.990	+45%	194	4	16
2005	4.47	4.676	+0.206	+5%	194	4	16
2006	4.47	4.131	-0.339	-8%	194	2	16
2007	3.185	5.809	+2.624	+82%	194	2	16
2008	2.45	4.056	+1.606	+66%	65	2	16
2009	2.45	5.597	+3.147	+128%	75	2	16
2010	3.403	2.651	-0.752	-22%	53 + 24 = 77	2	16
2011	3.866	6.734	+2.868	+74%	48	2	16
2012	3.959	7.524	+3.565	+90%	46	2	16
2013	5.390	9.659	+4.269	+79%	42	2	16

Sources: Southeast Fisheries Science Center including landings from the Marine Recreational Information Program, Texas Parks and Wildlife Department, and the Southeast Headboat Survey (May 2013). Values highlighted in red are those where landings exceeded quotas.

During the six years when the recreational harvest was an allocation, not a quota (1991 – 1996), actual recreational harvests in pounds of red snapper exceeded the allocation every year except 1996. During the period when the recreational harvest was managed as a quota (1997 – 2012), actual recreational harvest in pounds of red snapper exceeded the quota in 9 out of 16 years, including 5 of the last 6 years (Table 3.1.3). It should also be noted that overages have been quite substantial when they occur (often 30% or greater than the quota) while underages are generally minor (often 12% or less of the quota). Historical recreational landings estimates have recently been revised to reflect changes in methodology under the Marine Recreational Information Program (MRIP). Preliminary landings for 2014 indicate the recreational quota was not exceeded in this year.

For-hire vessels have operated under a limited access system with respect to the issuance of new for-hire permits for fishing reef fish or coastal migratory pelagics since 2003. A total of 3,340 reef fish and coastal migratory pelagic charter permits were issued under the moratorium, and they are associated with 1,779 vessels. Of these vessels, 1,561 have both reef fish and coastal migratory pelagics permits, 64 have only reef fish permits, and 154 have only coastal migratory pelagics permits.

Savolainen et al (2012) surveyed the charter and headboat fleets in the Gulf. They found that most charter boat trips occurred in the exclusive economic zone (68%) and targeted rig-reef species (64%; snappers and groupers). Pelagic (mackerel and cobia) trips accounted for 19% of trips. If examined by state, more trips targeted rig-reef species with the exception of Louisiana where rig-reef species and pelagic species had almost the same proportion of trips. In a similar survey conducted in 1998, Holland et al. (1999) found species targeted by Florida charter boat operators were king mackerel (41%), grouper (~37%), snapper (~34%), cobia (25%), and Spanish mackerel (20%). For the rest of the Gulf, Sutton et al. (1999) using the same survey reported that the majority of charter boats targeted snapper (91%), king mackerel (89%), cobia (76%), and tuna (55%).

For headboats, Savolainen et al (2012) reported that most head boats target offshore species and fish in federal waters (81% of trips), largely due to vessel size and consumer demand. On average, 84% of trips targeted rig-reef species, while only 10 % targeted inshore species and 6% pelagic species. Holland et al. (1999) reported approximately 40% of headboats did not target any particular species. The species targeted by the largest proportion of Gulf coast Florida headboats were snapper (60%), grouper (60%) and sharks (20%) with species receiving the largest percentage of effort red grouper (46%), gag 33%), black grouper (20%), and red snapper (7%). For the other Gulf States, Sutton et al. (1999) reported that the majority of headboats targeted snapper (100%), king mackerel (85%), shark (65%), tuna (55%), and amberjack (50%). The species receiving the largest percentage of total effort by headboats in the four-state area were snapper (70%), king mackerel (12%), amberjack (5%), and shark (5%).

Commercial Sector

In the Gulf, red snapper are primarily harvested commercially with hook-and-line and bandit gear, with bandit gear being more prevalent. Longline gear captures a small percentage of total landings (generally < 5%; SEDAR 31 2013). Current regulations prohibit longline gear for the

harvest of reef fish inside of 50 fathoms west of Cape San Blas. East of Cape San Blas, longline gear is prohibited for harvest of reef fish inside of 20 fathoms from September through May. From June through August, the longline boundary is shifted out to 35 fathoms to protect foraging sea turtles.

Between 1990 and 2006, the principal method of managing the commercial sector for red snapper was with quotas set at 51% of TAC and seasonal closures after each year's quota was filled. The result was a race for fish in which fishermen were compelled to fish as quickly as possible to maximize their catch of the overall quota before the season was closed. The fishing year was characterized by short periods of intense fishing activity with large quantities of red snapper landed during the open seasons. The result was short seasons and frequent quota overruns (Table 3.1.4). From 1993 through 2006, trip limits, limited access endorsements, split seasons and partial monthly season openings were implemented in an effort to slow the race for fish. At the beginning of the 1993 season, 131 boats qualified for red snapper endorsements on their reef fish permits that entitled them to land 2,000 lbs of red snapper per trip.

In 2007, an IFQ program was implemented for the commercial red snapper sector. Each vessel that qualified for the program was issued shares of the commercial quota. The amount of shares was based on historical participation. At the beginning of each year, each shareholder is issued allocation in pounds based on the amount of shares they have. Each shareholder is then allowed to harvest or their allocation to other fishermen, or purchase allocation from other fishermen. In addition, shares can be bought and sold. As a result of this program, the commercial red snapper season has not closed since 2007, but a commercial vessel cannot land red snapper unless it has sufficient allocation in its vessel account to cover the landing poundage. Thus, the IFQ program has ended quota overruns (Table 3.1.4). Recently, a 5-year review of the IFQ program was completed (GMFMC 2013b) and the Council is working to determine if changes are needed to the program.

Table 3.1.4. Commercial red snapper harvest vs. days open, by sector, 1986-2012.

Year	Quota	Actual landings	Days Open (days that open or close at noon are counted as half-days) (“+” = split season)
1986	na	3.700	365
1987	na	3.069	365
1988	na	3.960	365
1989	na	3.098	365
1990	3.1	2.650	365
1991	2.04	2.213	235
1992	2.04	3.106	52½ + 42 = 94½
1993	3.06	3.374	94
1994	3.06	3.222	77
1995	3.06	2.934	50 + 1½ = 51½
1996	4.65	4.313	64 + 22 = 86
1997	4.65	4.810	53 + 18 = 71
1998	4.65	4.680	39 + 28 = 67
1999	4.65	4.876	42 + 22 = 64
2000	4.65	4.837	34 + 25 = 59
2001	4.65	4.625	50 + 20 = 70
2002	4.65	4.779	57 + 24 = 81
2003	4.65	4.409	60 + 24 = 84
2004	4.65	4.651	63 + 32 = 95
2005	4.65	4.096	72 + 48 = 120
2006	4.65	4.649	72 + 43 = 115
2007	3.315	3.183	IFQ
2008	2.55	2.484	IFQ
2009	2.55	2.484	IFQ
2010	3.542	3.392	IFQ
2011	3.664	3.595	IFQ
2012	4.121	4.036	IFQ
2013	5.610	5.449	IFQ

Sources: Southeast Data Assessment and Review 31 Data Workshop Report (1990-2011 landings), commercial quotas/catch allowances report from National Marine Fisheries Service/Southeast Regional Office Individual Fishing Quota landings website.

Commercial quotas/landings in gutted weight were multiplied by 1.11 to convert to ww. Values highlighted in red are those where landings exceeded quotas.

3.2 Description of the Physical Environment

The Gulf has a total area of approximately 600,000 square miles (1.5 million km²), including state waters (Gore 1992). It is a semi-enclosed, oceanic basin connected to the Atlantic Ocean by the Straits of Florida and to the Caribbean Sea by the Yucatan Channel (Figure 3.2.1).

Oceanographic conditions are affected by the Loop Current, discharge of freshwater into the northern Gulf, and a semi-permanent, anti-cyclonic gyre in the western Gulf. The Gulf includes both temperate and tropical waters (McEachran and Fechtel 2005). Gulf water temperatures range from 54° F to 84° F (12° C to 29° C) depending on time of year and depth of water. Mean annual sea surface temperatures ranged from 73 ° F through 83° F (23-28° C) including bays and bayous (Figure 3.2.1) between 1982 and 2009, according to satellite-derived measurements (NODC 2012: <http://accession.nodc.noaa.gov/0072888>). In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

The physical environment for Gulf reef fish, including red snapper, is also detailed in the EIS for the Generic EFH Amendment, the Generic ACL/AM Amendment, and Reef Fish Amendment 40 (refer to GMFMC 2004a; GMFMC 2011a; GMFMC 2014a) and are incorporated by reference and further summarized below. In general, reef fish are widely distributed in the Gulf, occupying both pelagic and benthic habitats during their life cycle. A planktonic larval stage lives in the water column and feeds on zooplankton and phytoplankton (GMFMC 2004a). Juvenile and adult reef fish are typically demersal and usually associated with bottom topographies on the continental shelf (<100m) which have high relief, i.e., coral reefs, artificial reefs, rocky hard-bottom substrates, ledges and caves, sloping soft-bottom areas, and limestone outcroppings. However, several species are found over sand and soft-bottom substrates. For example, juvenile red snapper are common on mud bottoms in the northern Gulf, particularly off Texas through Alabama. Also, some juvenile snapper (e.g. mutton, gray, red, dog, lane, and yellowtail snappers) and grouper (e.g. Goliath grouper, red, gag, and yellowfin groupers) have been documented in inshore seagrass beds, mangrove estuaries, lagoons, and larger bay systems.

In the Gulf, fish habitat for adult red snapper consists of submarine gullies and depressions; coral reefs, rock outcroppings, and gravel bottoms; oilrigs; and other artificial structures (GMFMC 2004a). Detailed information pertaining to the closures and preserves is provided in the February 2010 Regulatory Amendment (GMFMC 2010).

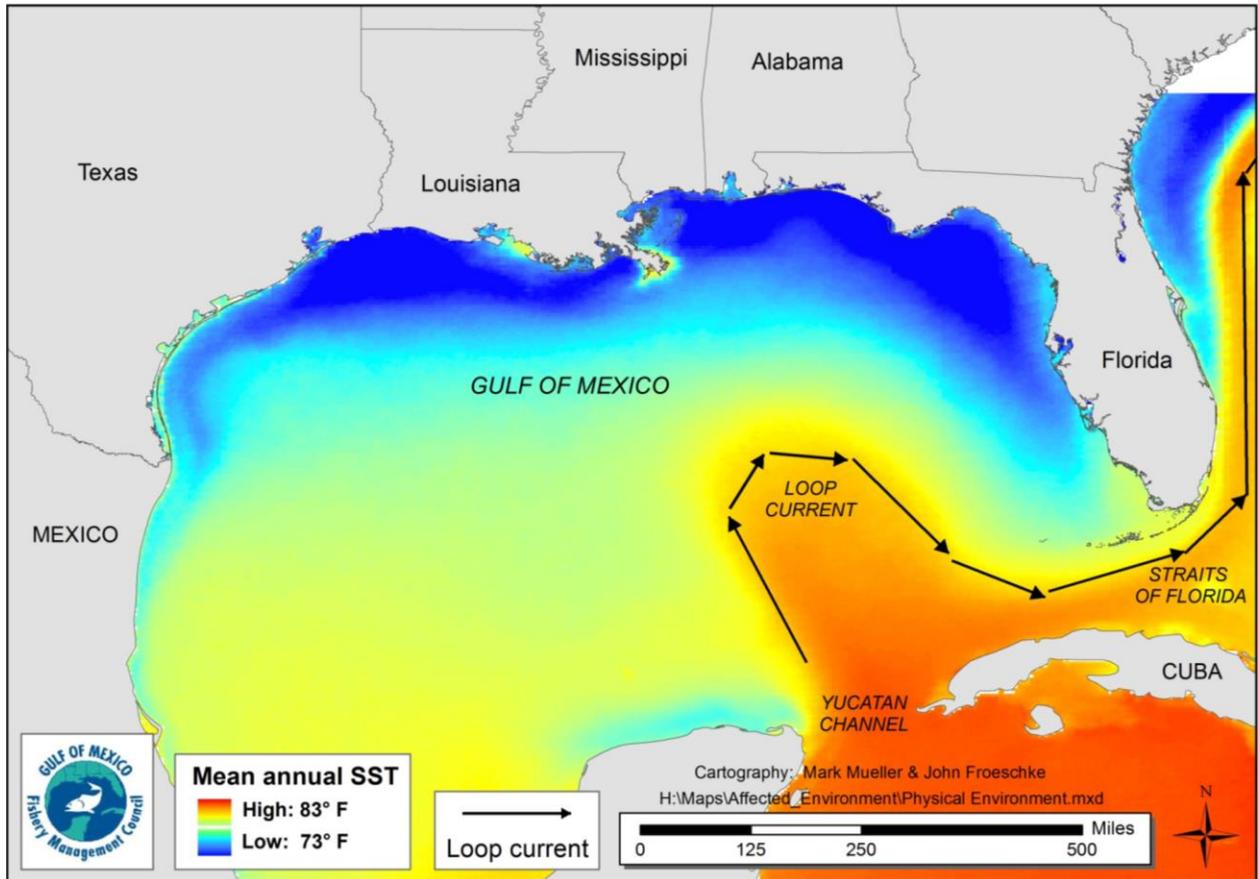


Figure 3.2.1. Physical environment of the Gulf including major feature names and mean annual sea surface temperature as derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://accession.nodc.noaa.gov/0072888>)

3.3 Description of the Biological Environment

The biological environment of the Gulf, including the species addressed in this amendment, is described in detail in the final EISs for Generic EFH Amendment, the Generic ACL/AM Amendment, and Reef Fish Amendment 40 (refer to GMFMC 2004a; GMFMC 2011a; GMFMC 2014a) and is incorporated here by reference and further summarized below.

Red Snapper Life History and Biology

Red snapper demonstrate the typical reef fish life history pattern (Appendix C). Eggs and larvae are pelagic while juveniles are found associated with bottom features or over barren bottom. Spawning occurs over firm sand bottom with little relief away from reefs during the summer and fall. Most females are mature by age two and almost all are mature by age 5 (Woods et al. 2003). Red snapper have been aged up to 57 years (Wilson and Nieland 2001). In the late 1990s, most caught by the directed fishery were 2- to 4-years old (Wilson and Nieland 2001), but a recently completed stock assessment suggests that the age and size of red snapper in the directed fishery has increased in recent years (SEDAR 31 2013). A more complete description of red snapper life history can be found in the EIS for the Generic EFH Amendment (GMFMC 2004a).

Status of the Red Snapper Stock

Southeast Data Assessment and Review (SEDAR) 31 Benchmark Stock Assessment

Commercial harvest of red snapper from the Gulf began in the mid-1800s (Shipp 2001). In the 1930s, party boats built exclusively for recreational fishing began to appear (Chester 2001). The first stock assessment conducted by NMFS in 1986 suggested that the stock was in decline (Parrack and McLellan 1986) and since 1988 (Goodyear 1988) the stock biomass has been in an overfished condition.

A red snapper update assessment was conducted by the Southeast Fishery Science Center (SEFSC) in 2014 and presented to the SSC in January 2015 SSC¹⁰. This update assessment was based on the SEDAR 31 benchmark in 2012 and 2013 (SEDAR 31 2013). The primary assessment model selected for the SEDAR 31 Gulf red snapper stock evaluation assessment was Stock Synthesis (Methot 2010). Stock Synthesis is an integrated statistical catch-at-age model which is widely used for stock assessments in the United States and throughout the world. Commercial landings data included commercial handline and longline landings from the accumulated landings system from 1964 through 2011. For landings between 1880 and 1963, previously constructed historical landings were used. Total annual landings from the IFQ program for years 2007-2011 were used to reapportion 2007-2011 accumulated landings system data across strata. Recreational landings data included the MRIP/Marine Recreational Fishery

¹⁰ The written report for the 2014 red snapper update assessment is in preparation. A version of the PowerPoint presentation describing the assessment was presented to the Council at its January 2015 meeting, and is available at the January 2015 briefing materials on the Council website (<http://www.gulfcouncil.org>) or by going directly to: http://www.gulfcouncil.org/council_meetings/Briefing%20Materials/BB-01-2015/B%20-%202014%20Red%20Snapper%202014%20Update%20Presentation.pdf

Statistics Survey (MRFSS) from 1981-2011, Southeast Headboat Survey for 1981-2011, and Texas Parks and Wildlife Department survey for 1983-2011. For the years 2004-2011, MRIP landings are available. For earlier years, MRFSS data were calibrated to MRIP estimates using a standardized approach for calculating average weight that accounts for species, region, year, state, mode, wave, and area.

Standardized indices of relative abundance from both fishery dependent and independent data sources were included in the model. The fishery dependent indices came from the commercial handline fleet, recreational headboats, and recreational private/for-hire sectors. Fishery independent indices came from the Southeast Area Monitoring and Assessment Program (SEAMAP) bottom trawl survey, SEAMAP reef fish video survey, NMFS bottom longline survey, and the SEAMAP plankton survey.

Red snapper discards in the Gulf were calculated from data collected by the self-reported commercial logbook data and the NMFS Gulf reef fish observer program. In addition to these directed fisheries discards, estimates of red snapper bycatch from the commercial shrimp fleet were also generated.

For the update assessment, the model and methods used were the same as SEDAR 31 except as follows.

1. Because recreational fishermen appear to be selecting for larger and older fish in recent years, a new selectivity timeblock (2011-2013) was added in the model for all recreational fleets to accommodate recent changes in fishing patterns.
2. The Marine Recreational Information Program (MRIP) implemented new data collection methods beginning in March 2013. Due in part to the addition of dockside interviews in late afternoon and evening, which was beyond the time frame previously used, landings data collected under the new methodology appear to be higher than comparable landings in earlier years. An MRIP calibration workshop convened by NMFS in the summer of 2014 developed methods to rescale MRIP estimates from 2004-2012 to account for possible undersampling outside “peak hours”. The “rescaled” MRIP (2004-2013) landings were then used in turn to rescale years prior to 2004 as in SEDAR 31. The east and west portions of the stock were modeled separately. The revised recreational landings are generally 10% to 20% higher than in SEDAR 31, and the revised discards show proportionately higher rates than in SEDAR 31.

The results of the 2014 update assessment indicate that overfishing is not occurring and the stock is continuing to rebuild, but it remains overfished. Based on the assessment, the SSC recommended overfishing limits (OFL) and acceptable biological catch (ABC) for the years 2015-2017. The OFL is the resulting yield when the fishing mortality level is set to the rate that maximizes long-term yield (i.e., fishing at F_{MSY} , which results in attainment of MSY). The ABC was derived by determining a harvest rate ($F_{REBUILD-26\% SPR}$) that would rebuild the stock to a spawning potential ratio (SPR) of 26% of the unfished spawning potential ($B_{26\% SPR}$; a proxy for B_{MSY}) by 2032. To account for uncertainty in the true value of $F_{REBUILD-26\% SPR}$, a probability density function that reflects scientific uncertainty was developed. Based on Tier 1 of the

Council’s ABC control rule (GMFMC 2011a), a P* (acceptable probability of overfishing) of 0.427 was established to determine ABC for each year.

The original SSC recommendations for red snapper OFL and ABC were based on projections that assumed harvest in 2014 would be the same as in 2013. Provisional landings estimates for 2014 indicated that the recreational 2014 landings were less than in 2013. When the projections were re-run using the provisional 2014 landings, revised OFL and ABC yields were produced. The SSC reviewed the updated analysis at a webinar meeting in February 2015, and approved the revised 2015-2017 OFL and ABC yields. The original and revised OFLs and ABCs are listed in Table 3.3.1.

Table 3.3.1. SSC projections for red snapper OFL and ABC 2015-2017

Year	Original Projections		Projections with Provisional 2014 Landings	
	OFL	ABC	OFL	ABC
2015	14.73 mp	13.00 mp	16.13 mp	14.30 mp
2016	14.56 mp	13.21 mp	15.32 mp	13.96 mp
2017	14.40 mp	13.32 mp	14.80 mp	13.74 mp

General Information on Reef Fish Species

The National Ocean Service collaborated with NMFS and the Council to develop distributions of reef fish (and other species) in the Gulf (SEA 1998). The National Ocean Service obtained fishery-independent data sets for the Gulf, including SEAMAP, and state trawl surveys. Data from the Estuarine Living Marine Resources Program contain information on the relative abundance of specific species (highly abundant, abundant, common, rare, not found, and no data) for a series of estuaries, by five life stages (adult, spawning, egg, larvae, and juvenile) and month for five seasonal salinity zones (0-0.5, 0.5-5, 5-15, 15-25, and >25 parts per thousand). National Ocean Service staff analyzed these data to determine relative abundance of the mapped species by estuary, salinity zone, and month. For some species not in the Estuarine Living Marine Resources Program database, distribution was classified as only observed or not observed for adult, juvenile, and spawning stages.

In general, reef fish are widely distributed in the Gulf, occupying both pelagic and benthic habitats during their life cycle. Habitat types and life history stages are summarized in Appendix C and can be found in more detail in GMFMC (2004a). In general, both eggs and larval stages are planktonic. Larvae feed on zooplankton and phytoplankton. Exceptions to these generalizations include the gray triggerfish that lay their eggs in depressions in the sandy bottom, and gray snapper whose larvae are found around submerged aquatic vegetation. Juvenile and adult reef fish are typically demersal, and are usually associated with bottom topographies on the continental shelf (<328 feet; <100 m) which have high relief, i.e., coral reefs, artificial reefs, rocky hard-bottom substrates, ledges and caves, sloping soft-bottom areas, and limestone outcroppings. However, several species are found over sand and soft-bottom substrates. Juvenile red snapper are common on mud bottoms in the northern Gulf, particularly from Texas to Alabama. Also, some juvenile snappers (e.g. mutton, gray, red, dog, lane, and yellowtail

snappers) and groupers (e.g. goliath grouper, red, gag, and yellowfin groupers) have been documented in inshore seagrass beds, mangrove estuaries, lagoons, and larger bay systems (GMFMC 1981). More detail on hard bottom substrate and coral can be found in the Fishery Management Plan (FMP) for Corals and Coral Reefs (GMFMC and SAFMC 1982).

Many of these species co-occur with red snapper and can be incidentally caught during red snapper fishing. In some cases, these fish may be discarded for regulatory reasons and thus are considered bycatch. Appendix D (bycatch practicability analysis) examines the effects of fishing on these species. In general, this analysis coupled with previous analyses has found that reducing bycatch provides biological benefits to managed species as well as benefits to the fishery through less waste, higher yields, and less forgone yield. However, in some cases, actions are approved that can increase bycatch through regulatory discards such as increased minimum sizes and closed seasons. In these cases, there is some biological benefit to the managed species that outweighs any increases in discards.

Status of Reef Fish Stocks

The Reef Fish FMP currently encompasses 31 species (Table 3.3.2). Eleven other species were removed from the FMP in 2012 through the Generic ACL/AM Amendment (GMFMC 2011a). Stock assessments and stock assessment reviews have been conducted for 13 species and can be found on the Council (www.gulfcouncil.org) and SEDAR (www.sefsc.noaa.gov/sedar) websites. The assessed species are:

- Red Snapper (SEDAR 7 2005; SEDAR 7 Update 2009; SEDAR 31 2013)
- Vermilion Snapper (Porch and Cass-Calay 2001; SEDAR 9 2006c; SEDAR 9 Update 2011a)
- Yellowtail Snapper (Muller et al. 2003; SEDAR 3 2003; O’Hop et al. 2012)
- Mutton Snapper (SEDAR 15A 2008)
- Gray Triggerfish (Valle et al. 2001; SEDAR 9 2006a; SEDAR 9 Update 2011b)
- Greater Amberjack (Turner et al. 2000; SEDAR 9 2006b; SEDAR 9 Update 2010; SEDAR 33 2014a)
- Hogfish (Ault et al. 2003; SEDAR 6 2004b; Cooper et al. 2013)
- Red Grouper (NMFS 2002; SEDAR 12 2007; SEDAR 12 Update 2009)
- Gag (Turner et al. 2001; SEDAR 10 2006; SEDAR 10 Update 2009; SEDAR 33 2014b)
- Black Grouper (SEDAR 19 2010)
- Yellowedge Grouper (Cass-Calay and Bahnick 2002; SEDAR 22 2011b)
- Tilefish (Golden) (SEDAR 22 2011a)
- Atlantic Goliath Grouper (Porch et al. 2003; SEDAR 6 2004a; SEDAR 23 2011)

The NMFS Office of Sustainable Fisheries updates its Status of U.S. Fisheries Report to Congress on a quarterly basis utilizing the most current stock assessment information. The most recent update can be found at: http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/. The status of both assessed and unassessed stocks as of the writing of this report is shown in Table 3.3.2.

Table 3.3.2. Species of the Reef Fish FMP grouped by family.

Common Name	Scientific Name	Stock Status
Family Balistidae – Triggerfishes		
Gray Triggerfish	<i>Balistes capriscus</i>	Overfished, overfishing
Family Carangidae – Jacks		
Greater Amberjack	<i>Seriola dumerili</i>	Overfished, overfishing
Lesser Amberjack	<i>Seriola fasciata</i>	Unknown
Almaco Jack	<i>Seriola rivoliana</i>	Unknown
Banded Rudderfish	<i>Seriola zonata</i>	Unknown
Family Labridae - Wrasses		
Hogfish	<i>Lachnolaimus maximus</i>	Unknown, overfishing
Family Malacanthidae - Tilefishes		
Tilefish (Golden)	<i>Lopholatilus chamaeleonticeps</i>	Not overfished, no overfishing
Blueline Tilefish	<i>Caulolatilus microps</i>	Unknown
Goldface Tilefish	<i>Caulolatilus chrysops</i>	Unknown
Family Serranidae - Groupers		
Gag	<i>Mycteroperca microlepis</i>	Not overfished, no overfishing
Red Grouper	<i>Epinephelus morio</i>	Not overfished, no overfishing
Scamp	<i>Mycteroperca phenax</i>	Unknown
Black Grouper	<i>Mycteroperca bonaci</i>	Not overfished, no overfishing
Yellowedge Grouper	* <i>Hyporthodus flavolimbatus</i>	Not overfished, no overfishing
Snowy Grouper	* <i>Hyporthodus niveatus</i>	Unknown
Speckled Hind	<i>Epinephelus drummondhayi</i>	Unknown
Yellowmouth Grouper	<i>Mycteroperca interstitialis</i>	Unknown
Yellowfin Grouper	<i>Mycteroperca venenosa</i>	Unknown
Warsaw Grouper	* <i>Hyporthodus nigritus</i>	Unknown
**Atlantic Goliath Grouper	<i>Epinephelus itajara</i>	Unknown
Family Lutjanidae - Snappers		
Queen Snapper	<i>Etelis oculatus</i>	Unknown
Mutton Snapper	<i>Lutjanus analis</i>	Not overfished, no overfishing
Blackfin Snapper	<i>Lutjanus buccanella</i>	Unknown
Red Snapper	<i>Lutjanus campechanus</i>	Overfished, no overfishing
Cubera Snapper	<i>Lutjanus cyanopterus</i>	Unknown, no overfishing
Gray Snapper	<i>Lutjanus griseus</i>	Unknown, no overfishing
Lane Snapper	<i>Lutjanus synagris</i>	Unknown, no overfishing
Silk Snapper	<i>Lutjanus vivanus</i>	Unknown
Yellowtail Snapper	<i>Ocyurus chrysurus</i>	Not overfished, no overfishing
Vermilion Snapper	<i>Rhomboplites aurorubens</i>	Not overfished, no overfishing
Wenchman	<i>Pristipomoides aquilonaris</i>	Unknown

Notes: * In 2013 the genus for yellowedge grouper, snowy grouper, and warsaw grouper was changed by the American Fisheries Society from *Epinephelus* to *Hyporthodus* (American Fisheries Society 2013).

**Atlantic goliath grouper is a protected grouper and benchmarks do not reflect appropriate stock dynamics. In 2013 the common name was changed from goliath grouper to Atlantic goliath grouper by the American Fisheries Society to differentiate from the Pacific goliath grouper, a newly named species (American Fisheries Society 2013).

Protected Species

There are 40 species protected by federal law that may occur in the Gulf. Thirty-nine of these are under the jurisdiction of NMFS, while the West Indian manatee (*Trichechus manatus*) is managed by the U.S. Fish and Wildlife Service. Of the species under NMFS's jurisdiction, 27 are marine mammals that are protected under the Marine Mammal Protection Act (MMPA). The MMPA requires that each commercial fishery be classified by the number of marine mammals they seriously injure or kill. NMFS's List of Fisheries (LOF) classifies U.S. commercial fisheries into three categories based on the number of incidental mortality or serious injury they cause to marine mammals. More information about the LOF and the classification process can be found at: <http://www.nmfs.noaa.gov/pr/interactions/lof/>. Five of these marine mammal species are also listed as endangered under the Endangered Species Act (ESA) (i.e., sperm, sei, fin, blue, and humpback). In addition to those five marine mammals, five sea turtle species (Kemp's ridley, loggerhead, green, leatherback, and hawksbill), two fish species (Gulf sturgeon and smalltooth sawfish), and five coral species (elkhorn, staghorn, lobed star, mountainous star, and boulder star) are also protected under the ESA. Designated critical habitat for smalltooth sawfish, Gulf sturgeon, and the Northwest Atlantic Ocean distinct population segment of loggerhead sea turtles also occur within nearshore waters of the Gulf, though only loggerhead critical habitat occurs in federal waters.

NMFS has conducted specific analyses ("Section 7 consultations") to evaluate potential effects from the Gulf reef fish fishery on species and critical habitats protected under the ESA. On September 30, 2011, the Protected Resources Division released a biological opinion (Opinion), which concluded that the continued operation of the Gulf reef fish fishery is not likely to jeopardize the continued existence of sea turtles (loggerhead, Kemp's ridley, green, hawksbill, and leatherback) or smalltooth sawfish (NMFS 2011a). The Opinion also concluded that other ESA-listed species are not likely to be adversely affected by the FMP. An incidental take statement was issued specifying the amount and extent of anticipated take, along with reasonable and prudent measures and associated terms and conditions deemed necessary and appropriate to minimize the impact of these takes. The Council addressed further measures to reduce take in the reef fish fishery's longline component in Amendment 31 (GMFMC 2009).

Subsequent to the completion of the biological opinion, NMFS published final rules listing 20 new coral species (September 10, 2014), and designating critical habitat for the Northwest Atlantic Ocean distinct population segment of loggerhead sea turtles (July 10, 2014). NMFS addressed these changes in a series of consultation memoranda. In a consultation memorandum dated October 7, 2014, NMFS assessed the continued operation of the Gulf reef fish fishery's potential impact on the newly-listed coral species occurring in the Gulf (3 species of *Orbicella* and *Mycetophyllia ferox*) and concluded the fishery is not likely to adversely affect any of the protected coral species. Similarly, in a consultation memorandum dated September 16, 2014, NMFS assessed the continued authorization of South Atlantic and Gulf of Mexico fisheries' potential impacts on loggerhead critical habitat and concluded the Gulf reef fish fishery is not likely to adversely affect the newly designated critical habitat. The effects of reef fish fishing on these species is further considered in a bycatch practicability analysis in Appendix D.

Marine Mammals

The gear used by the Gulf reef fish fishery is classified in the Marine Mammal Protection Act 2015 List of Fisheries as a Category III fishery (79 FR 77919). This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from any fishery is less than or equal to 1% of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. Dolphins are the only species documented as interacting with these fisheries. Bottlenose dolphins prey upon on the bait, catch, and/or released discards of fish from the reef fish fishery. They are also a common predator around reef fish vessels, feeding on the discards. Marine Mammal Stock Assessment Reports and additional information are available on the NMFS Office of Protected Species website: <http://www.nmfs.noaa.gov/pr/sspecies/>.

Turtles

Green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles are all highly migratory and travel widely throughout the Gulf. The following sections are a brief overview of the general life history characteristics of the sea turtles found in the Gulf region. Several volumes exist that cover the biology and ecology of these species more thoroughly (i.e., Lutz and Musick (eds.) 1997, Lutz et al. (eds.) 2003).

Green sea turtle hatchlings are thought to occupy pelagic areas of the open ocean and are often associated with *Sargassum* rafts (Carr 1987, Walker 1994). Pelagic stage green sea turtles are thought to be carnivorous. Stomach samples of these animals found ctenophores and pelagic snails (Frick 1976, Hughes 1974). At approximately 20 to 25 cm carapace length, juveniles migrate from pelagic habitats to benthic foraging areas (Bjorndal 1997). As juveniles move into benthic foraging areas a diet shift towards herbivory occurs. They consume primarily seagrasses and algae, but are also know to consume jellyfish, salps, and sponges (Bjorndal 1980, 1997; Paredes 1969; Mortimer 1981, 1982). The diving abilities of all sea turtles species vary by their life stages. The maximum diving range of green sea turtles is estimated at 110 m (360 ft) (Frick 1976), but they are most frequently making dives of less than 20 m (65 ft.) (Walker 1994). The time of these dives also varies by life stage. The maximum dive length is estimated at 66 minutes with most dives lasting from 9 to 23 minutes (Walker 1994).

The **hawksbill's** pelagic stage lasts from the time they leave the nesting beach as hatchlings until they are approximately 22-25 cm in straight carapace length (Meylan 1988, Meylan and Donnelly 1999). The pelagic stage is followed by residency in developmental habitats (foraging areas where juveniles reside and grow) in coastal waters. Little is known about the diet of pelagic stage hawksbills. Adult foraging typically occurs over coral reefs, although other hard-bottom communities and mangrove-fringed areas are occupied occasionally. Hawksbills show fidelity to their foraging areas over several years (van Dam and Diéz 1998). The hawksbill's diet is highly specialized and consists primarily of sponges (Meylan 1988). Gravid females have been noted ingesting coralline substrate (Meylan 1984) and calcareous algae (Anderes Alvarez and Uchida 1994), which are believed to be possible sources of calcium to aid in eggshell production. The maximum diving depths of these animals are not known, but the maximum

length of dives is estimated at 73.5 minutes. More routinely, dives last about 56 minutes (Hughes 1974).

Kemp's ridley hatchlings are also pelagic during the early stages of life and feed in surface waters (Carr 1987, Ogren 1989). Once the juveniles reach approximately 20 cm carapace length they move to relatively shallow (less than 50m) benthic foraging habitat over unconsolidated substrates (Márquez-M. 1994). They have also been observed transiting long distances between foraging habitats (Ogren 1989). Kemp's ridleys feeding in these nearshore areas primarily prey on crabs, though they are also known to ingest mollusks, fish, marine vegetation, and shrimp (Shaver 1991). The fish and shrimp Kemp's ridleys ingest are not thought to be a primary prey item but instead may be scavenged opportunistically from bycatch discards or from discarded bait (Shaver 1991). Given their predilection for shallower water, Kemp's ridleys most routinely make dives of 50 m or less (Soma 1985, Byles 1988). Their maximum diving range is unknown. Depending on the life stage a Kemp's ridleys may be able to stay submerged anywhere from 167 minutes to 300 minutes, though dives of 12.7 minutes to 16.7 minutes are much more common (Soma 1985, Mendonca and Pritchard 1986, Byles 1988). Kemp's ridleys may also spend as much as 96% of their time underwater (Soma 1985, Byles 1988).

Leatherbacks are the most pelagic of all ESA-listed sea turtles and spend most of their time in the open ocean. Although they will enter coastal waters and are seen over the continental shelf on a seasonal basis to feed in areas where jellyfish are concentrated. Leatherbacks feed primarily on cnidarians (medusae, siphonophores) and tunicates. Unlike other sea turtles, leatherbacks' diets do not shift during their life cycles. Because leatherbacks' ability to capture and eat jellyfish is not constrained by size or age, they continue to feed on these species regardless of life stage (Bjorndal 1997). Leatherbacks are the deepest diving of all sea turtles. It is estimated that these species can dive in excess of 1000 m (Eckert et al. 1989) but more frequently dive to depths of 50 m to 84 m (Eckert et al. 1986). Dive times range from a maximum of 37 minutes to more routines dives of 4 to 14.5 minutes (Standora et al. 1984, Eckert et al. 1986, Eckert et al. 1989, Keinath and Musick 1993). Leatherbacks may spend 74% to 91% of their time submerged (Standora et al. 1984).

Loggerhead hatchlings forage in the open ocean and are often associated with *Sargassum* rafts (Hughes 1974, Carr 1987, Walker 1994, Bolten and Balazs 1995). The pelagic stage of these sea turtles are known to eat a wide range of things including salps, jellyfish, amphipods, crabs, syngnathid fish, squid, and pelagic snails (Brongersma 1972). Stranding records indicate that when pelagic immature loggerheads reach 40-60 cm straight-line carapace length they begin to live in coastal inshore and nearshore waters of the continental shelf throughout the U.S. Atlantic (Witzell 2002). Here they forage over hard- and soft-bottom habitats (Carr 1986). Benthic foraging loggerheads eat a variety of invertebrates with crabs and mollusks being an important prey source (Burke et al. 1993). Estimates of the maximum diving depths of loggerheads range from 211 m to 233 m (692-764ft.) (Thayer et al. 1984, Limpus and Nichols 1988). The lengths of loggerhead dives are frequently between 17 and 30 minutes (Thayer et al. 1984, Limpus and Nichols 1988, Limpus and Nichols 1994, Lanyon et al. 1989) and they may spend anywhere from 80 to 94% of their time submerged (Limpus and Nichols 1994, Lanyon et al. 1989).

All five species of sea turtles are adversely affected by the Gulf reef fish fishery. Incidental captures are relatively infrequent, but occur in all commercial and recreational hook-and-line and longline components of the reef fish fishery. Captured sea turtles can be released alive or can be found dead upon retrieval of the gear as a result of forced submergence. Sea turtles released alive may later succumb to injuries sustained at the time of capture or from exacerbated trauma from fishing hooks or lines that were ingested, entangled, or otherwise still attached when they were released. Sea turtle release gear and handling protocols are required in the commercial and for-hire reef fish fisheries to minimize post-release mortality.

Fish

Historically the **smalltooth sawfish** in the U.S. ranged from New York to the Mexico border. Their current range is poorly understood but believed to have contracted from these historical areas. In the South Atlantic region, they are most commonly found in Florida, primarily off the Florida Keys (Simpfendorfer and Wiley 2004). Only two smalltooth sawfish have been recorded north of Florida since 1963 (the first was captured off North Carolina in 1963 and the other off Georgia in 2002 (National Smalltooth Sawfish Database, Florida Museum of Natural History)). Historical accounts and recent encounter data suggest that immature individuals are most common in shallow coastal waters less than 25 meters (Bigelow and Schroeder 1953, Adams and Wilson 1995), while mature animals occur in waters in excess of 100 meters (Simpfendorfer pers. comm. 2006). Smalltooth sawfish feed primarily on fish. Mullet, jacks, and ladyfish are believed to be their primary food resources (Simpfendorfer 2001). Smalltooth sawfish also prey on crustaceans (mostly shrimp and crabs) by disturbing bottom sediment with their saw (Norman and Fraser 1938, Bigelow and Schroeder 1953).

Smalltooth sawfish are also affected by the Gulf reef fish fishery, but to a much lesser extent. Smalltooth sawfish primarily occur in the Gulf off peninsular Florida. Incidental captures in the commercial and recreational hook-and-line components of the reef fish fishery are rare events, with only eight smalltooth sawfish estimated to be incidentally caught annually, and none are expected to result in mortality (NMFS 2005). Fishermen in this fishery are required to follow smalltooth sawfish safe handling guidelines. The long, toothed rostrum of the smalltooth sawfish causes this species to be particularly vulnerable to entanglement in fishing gear.

Northern Gulf of Mexico Hypoxic Zone

Every summer in the northern Gulf, a large hypoxic zone forms. It is the result of allochthonous materials and runoff from agricultural lands by rivers to the Gulf increasing nutrient inputs from the Mississippi River and a seasonal layering of waters in the Gulf (see <http://www.gulfhypoxia.net/>). The layering of the water is temperature and salinity dependent and prevents the mixing of higher oxygen content surface water with oxygen-poor bottom water. For 2014, the extent of the hypoxic area was estimated to be 5,052 square miles and is similar the running average for over the past five years of 5,543 square miles Gulf (see <http://www.gulfhypoxia.net/>).

The hypoxic conditions in the northern Gulf directly impact less mobile benthic macroinvertebrates (e.g., polychaetes;) by influencing density, species richness, and community composition (Baustian and Rabalais 2009). However, more mobile macroinvertebrates and

demersal fishes (e.g., red snapper) are able to detect lower dissolved oxygen levels and move away from hypoxic conditions. Therefore, these organisms are indirectly affected by limiting prey availability and constraining available habitat (Baustian and Rabalais 2009, Craig 2012). For red snapper, Courtney et al. (2013) have conjectured that the hypoxic zone could have an indirect positive effect on red snapper populations in the western Gulf. They theorize that increased nutrient loading may be working in ‘synergy’ with abundant red snapper artificial habitats (oil platforms). Nutrient loading likely increases forage species biomass and productivity providing ample prey for red snapper residing on the oil rigs, thus increasing red snapper productivity.

Climate change

Kennedy et al. (2002) and Osgood (2008) have suggested global climate change could affect temperature changes in coastal and marine ecosystems that can influence organism metabolism and alter ecological processes such as productivity and species interactions; change precipitation patterns and cause a rise in sea level which could change the water balance of coastal ecosystems; altering patterns of wind and water circulation in the ocean environment; and influence the productivity of critical coastal ecosystems such as wetlands, estuaries, and coral reefs. NOAA’s Climate Change Web Portal (<http://www.esrl.noaa.gov/psd/ipcc/ocn/>) indicates the average sea surface temperature in the Gulf will increase by 1.2-1.4°C for 2006-2055 compared to the average over the years 1956-2005. For reef fishes, Burton (2008) speculated climate change could cause shifts in spawning seasons, changes in migration patterns, and changes to basic life history parameters such as growth rates. Although there has been little change in latitudinal distribution of red snapper from 1985-2013, the OceanAdapt model (http://oceanadapt.rutgers.edu/regional_data/) shows a distributional trend towards deeper water later in the model’s 1985-2013 time series. This could be a response by red snapper to environmental factors such as increases in temperature.

The distribution of native and exotic species may change with increased water temperature, as may the prevalence of disease in keystone animals such as corals and the occurrence and intensity of toxic algae blooms. Hollowed et al. (2013) provided a review of projected effects of climate change on the marine fisheries and dependent communities. Integrating the potential effects of climate change into the fisheries assessment is currently difficult due to the time scale differences (Hollowed et al. 2013). The fisheries stock assessments rarely project through a time span that would include detectable climate change effects.

Deepwater Horizon MC252 Oil Spill

On April 20, 2010 an explosion occurred on the Deepwater Horizon MC252 oil rig approximately 36 nautical miles (41 statute miles) off the Louisiana coast. Two days later the rig sank. An uncontrolled oil leak from the damaged well continued for 87 days until the well was successfully capped by British Petroleum on July 15, 2010. The Deepwater Horizon MC252 oil spill affected at least one-third of the Gulf area from western Louisiana east to the Florida Panhandle and south to the Campeche Bank in Mexico (Figure 3.3.1).

As reported by the National Oceanic and Atmospheric Administration Office of Response and Restoration (NOAA 2010), the oil from the Deepwater Horizon MC252 spill is relatively high in

alkanes, which can readily be used by microorganisms as a food source. As a result, the oil from this spill is likely to biodegrade more readily than crude oil in general. The Deepwater Horizon MC252 oil is also relatively much lower in polyaromatic hydrocarbons. Polyaromatic hydrocarbons are highly toxic chemicals that tend to persist in the environment for long periods of time, especially if the spilled oil penetrates into the substrate on beaches or shorelines. Like all crude oils, MC252 oil contains volatile organic compounds (VOCs) such as benzene, toluene, and xylene. Some VOCs are acutely toxic but because they evaporate readily, they are generally a concern only when oil is fresh.¹¹

In addition to the crude oil, over a million gallons of the dispersant, Corexit 9500A[®], was applied to the ocean surface and an additional hundreds of thousands of gallons of dispersant was pumped to the mile-deep well head (National Commission 2010). No large-scale applications of dispersants in deep water had been conducted until the Deepwater Horizon MC252 oil spill. Thus, no data exist on the environmental fate of dispersants in deep water. However, a study found that, while Corexit 9500A[®] and oil are similar in their toxicity, when Corexit 9500A[®] and oil were mixed in lab tests, toxicity to microscopic rotifers increased up to 52-fold (Rico-Martínez et al. 2013). This suggests that the toxicity of the oil and dispersant combined may be greater than anticipated.

Oil could exacerbate development of the hypoxic “dead” zone in the Gulf as could higher than normal input of water from the Mississippi River drainage. For example, oil on the surface of the water could restrict the normal process of atmospheric oxygen mixing into and replenishing oxygen concentrations in the water column. In addition, microbes in the water that break down oil and dispersant also consume oxygen; this could lead to further oxygen depletion.

Changes have occurred in the amount and distribution of fishing effort in the Gulf in response to the oil spill. This has made the analysis of the number of days needed for the recreational sector to fill its quota more complex and uncertain, and will make the requirement to allow the recreational sector to harvest its quota of red snapper while not exceeding the quota particularly challenging. Nevertheless, substantial portions of the red snapper population are found in the northwestern and western Gulf (western Louisiana and Texas) and an increasing population of red snapper is developing off the west Florida continental shelf. Thus, spawning by this segment of the stock may not be impacted, which would mitigate the overall impact of a failed spawn by that portion of the stock located in oil-affected areas. An increase in lesions were found in red snapper in the area affected by the oil, but Murowski et al. (2014) found that the incidence of lesions had declined between 2011 and 2012. The 2013 stock assessment for red snapper (SEDAR 31, 2013) showed a steep decline in the 2010 recruitment; however, the recruitment increased in 2011 and 2012.

As a result of the Deepwater Horizon MC252 spill, a consultation pursuant to ESA Section 7(a)(2) was reinitiated. As discussed above, on September 30, 2011, the Protected Resources Division released a biological opinion, which after analyzing best available data, the current status of the species, environmental baseline (including the impacts of the recent Deepwater Horizon MC252 oil release event in the northern Gulf), effects of the proposed action, and

¹¹ Source: http://sero.nmfs.noaa.gov/sf/deepwater_horizon/OilCharacteristics.pdf

cumulative effects, concluded that the continued operation of the Gulf reef fish fishery is not likely to jeopardize the continued existence of green, hawksbill, Kemp's ridley, leatherback, or loggerhead sea turtles, nor the continued existence of smalltooth sawfish (NMFS 2011a).

For additional information on the Deepwater Horizon MC252 oil spill and associated closures, see:

http://sero.nmfs.noaa.gov/deepwater_horizon_oil_spill.htm.

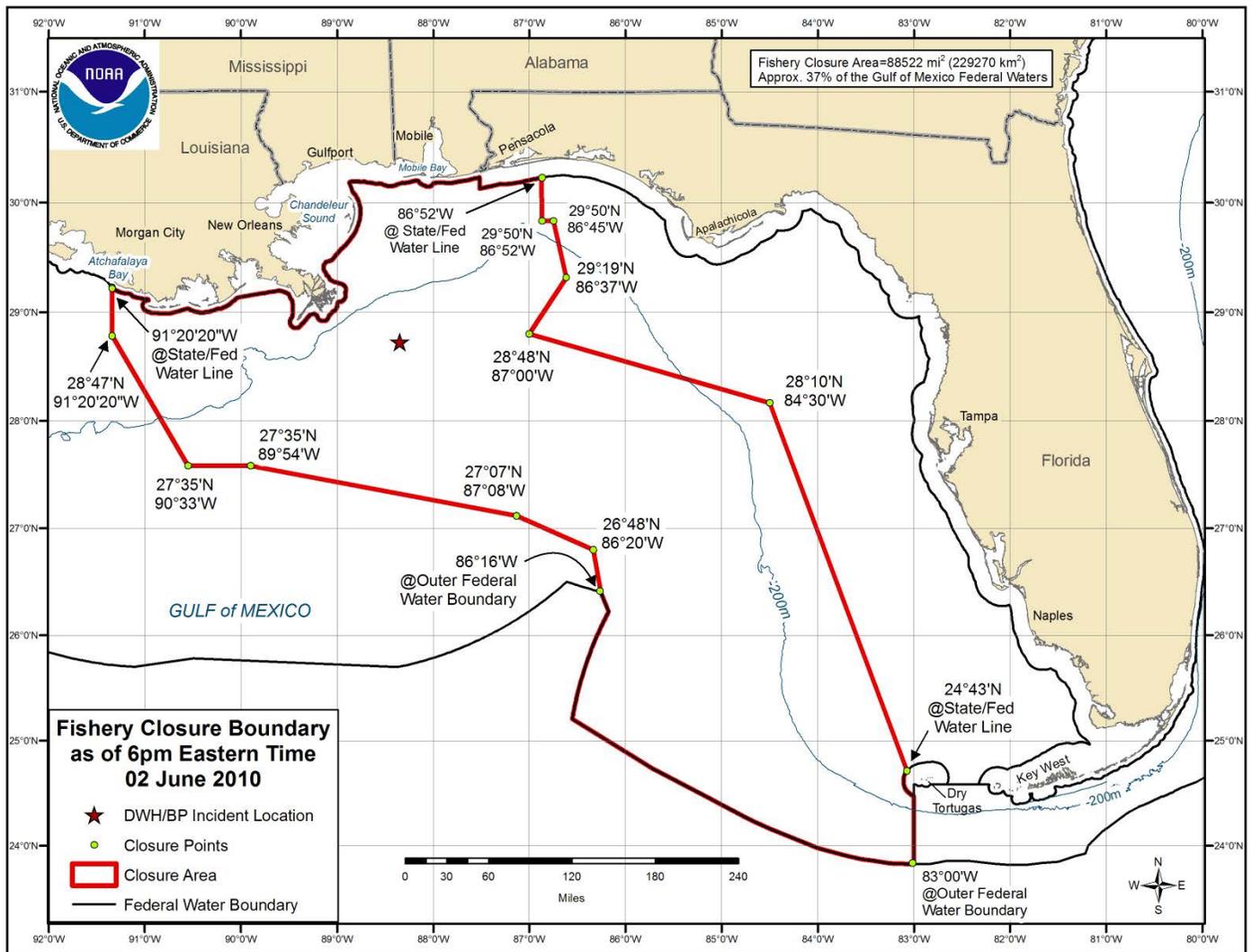


Figure 3.3.1. Fishery closure at the height of the Deepwater Horizon MC252 oil spill.

3.4 Description of the Social Environment

This section provides the conceptual and historical background for the proposed action which will be evaluated in Chapter 4.

Allocation is a social issue of assigning access to a scarce resource. Allocating between sectors is difficult to determine because the “characteristics, motivations, and output measures for participants differ dramatically” (Gislason 2006). Reallocation is inherently controversial when the result will benefit some and be detrimental to others. When considering allocations of fishing privileges, the Magnuson-Stevens Act requires fishery managers to examine social and economic factors as laid out in the National Standards. These include National Standard 4 which states if it becomes necessary to allocate fishing privileges among fishermen, the allocation will be fair and equitable, will promote conservation, and be carried out such that no particular entity receives an excessive share; National Standard 5 which states conservation and management measures will consider efficiency in the utilization of fishery resources except that no such measure will have economic allocation as its sole purpose; and National Standard 8 which states that conservation and management measures shall take into account the importance of fishery resources to fishing communities.

NMFS’ technical memorandum on the principles and practice of allocation (Plummer et al. 2012) identifies two main criteria for the national standard mandates. Each criterion is based on a conceptual approach from distinct social sciences: economic efficiency and social equity. While a quantitative framework exists for analyzing economic efficiency, there is no such quantitative framework for evaluating fairness and equity (Plummer et al. 2012).

Plummer et al.’s (2012) review of approaches to evaluate fairness focuses on critiques of the application of efficiency analyses to policy. Specifically, efficiency is critiqued for the decision to ignore issues of equity by reducing such social concerns to assumptions of “other things being equal” (Dietz and Atkinson 2010, Copes 1997, Bromley 1977), when in fact, they are not. Assuming “other things being equal,” as used in efficiency analyses, may omit consideration of interdependencies that may be important for their distributional effects (Copes 1997:65). That other things are *not* equal, precisely reflects those components of the human environment that are at the center of equity considerations. Further, from the social perspective, willingness-to-pay studies measure perceptions and ideology of respondents more than actual behavior (Andreoni 1990), overestimating any potential net benefits.

Although efficiency and fairness are often presented as a trade-off in environmental policy, research has shown that the public does not support prioritizing efficiency at the expense of equity (Dietz and Atkinson 2010:440), and that allocation fairness in the distribution of fishing rights is just as important as efficiency for making policy decisions (Bromley 1977). Ultimately, it is not possible to determine the expected net economic outcome resulting from the proposed sector reallocations, because inferences about economic efficiency are erroneous when each sector’s quota is not efficiently allocated within the sector (Section 4.1.4

According to a review of all allocation decisions made by regional fishery management councils around the country (Plummer et al. 2012), nearly all allocation decisions have been based on

historical or current landings ratios. Following initial establishment of a sector allocation, seven stocks were identified as having undergone a revision to the original allocation; five of these examples are in the Gulf. One, vermilion snapper, had its sector allocation removed entirely. Of the remaining four Gulf examples, two stocks had their allocations shifted in favor of the recreational sector: greater amberjack (Amendment 30A, GMFMC 2008a) and red grouper (Amendment 30B, GMFMC 2008b). However, in both cases, an interim allocation was adopted and the selection of a new allocation was postponed until after the Council developed an allocation policy.

For greater amberjack, the action addressing sector allocation was moved to the considered but rejected section of the amendment; no reallocation was formally adopted. An interim allocation was agreed upon and the Council selected other management measures to reduce fishing effort by both sectors. For red grouper, the initial allocation decision in Amendment 1 (GMFMC 1989) set an aggregate grouper sector allocation, but did not establish allocations for individual grouper species. In 2004, a commercial red grouper quota was created, but the amendment specifically stated that no allocation decision was being made; the commercial quota represented 81% of the total allowable catch (GMFMC 2004b). As with greater amberjack, in 2008, the Council agreed upon an interim sector allocation and delayed further action until the Council could develop an allocation policy and consider the issue further. Thus, the two actions affected the distribution of access to the resource while postponing the formal establishment of a new sector allocation.

The other two Gulf examples concern species for which management is shared between the Gulf and South Atlantic Councils: king and Spanish mackerel. Since it was first established in 1987, the allocation for the Atlantic stock of Spanish mackerel has been changed twice, once toward the recreational sector and once toward the commercial sector. Initially established at 76% commercial and 24% recreational, the allocation was changed in 1989 to 50%:50%, due to a determination that the allocation was based on a time period of overfishing and low recreational participation. In 1998, the commercial allocation was increased because the recreational sector was not harvesting its quota. The 2% change in the king mackerel allocation towards the commercial sector was an adjustment to account for the sale of recreational catches that counted against the commercial quota. The allocations of both these species are scheduled to be reviewed in Coastal Migratory Pelagics Amendment 24, currently under development.

Finally, the remaining two cases come from the Pacific Fishery Management Council's management of salmon, Amendments 7 (PFMC 1986) and 9 (PFMC 1988). In contrast to nearly all allocation decisions that have been based on landings ratios, the rationale for these two cases was to provide more stability to the recreational sector. For both stocks, the recreational component is a directed fishery while the commercial component is provided for bycatch. In both examples, the reallocation was based on the recommendations from a working group of commercial and recreational fishermen and is an example of negotiation-based allocation. Also in this case, the sector allocations shift depending on the size of the quota, similar in design to Alternatives 5 and 6 in this amendment.

Context of red snapper management in the Gulf

In the Gulf, the commercial and recreational sectors are managed differently and separately. The existing allocation for red snapper was implemented in 1990 alongside the establishment of a total allowable catch, and corresponding management measures intended to reduce landings by 20% for each sector (GMFMC 1989). Thus, at the time the allocation was established, there was already great demand for red snapper by both sectors. Since that time, the number of both recreational anglers and seafood consumers has increased, along with the volume of tourists and participation of other stakeholder groups in fishery management. The issue of reallocating red snapper is driven by competing visions of who should have access privileges to the resource: recreational, commercial, and/or others.

A minimum size limit of 13” was adopted for both sectors, alongside a recreational bag limit of 7 fish per angler per day, and a commercial quota of 3.1 mp. Since then, both sectors have been subject to additional measures to reduce harvests and effort (Figure 3.4.1) which have been insufficient to restrict harvests before reaching the quota for either sector (Figure 3.4.2).

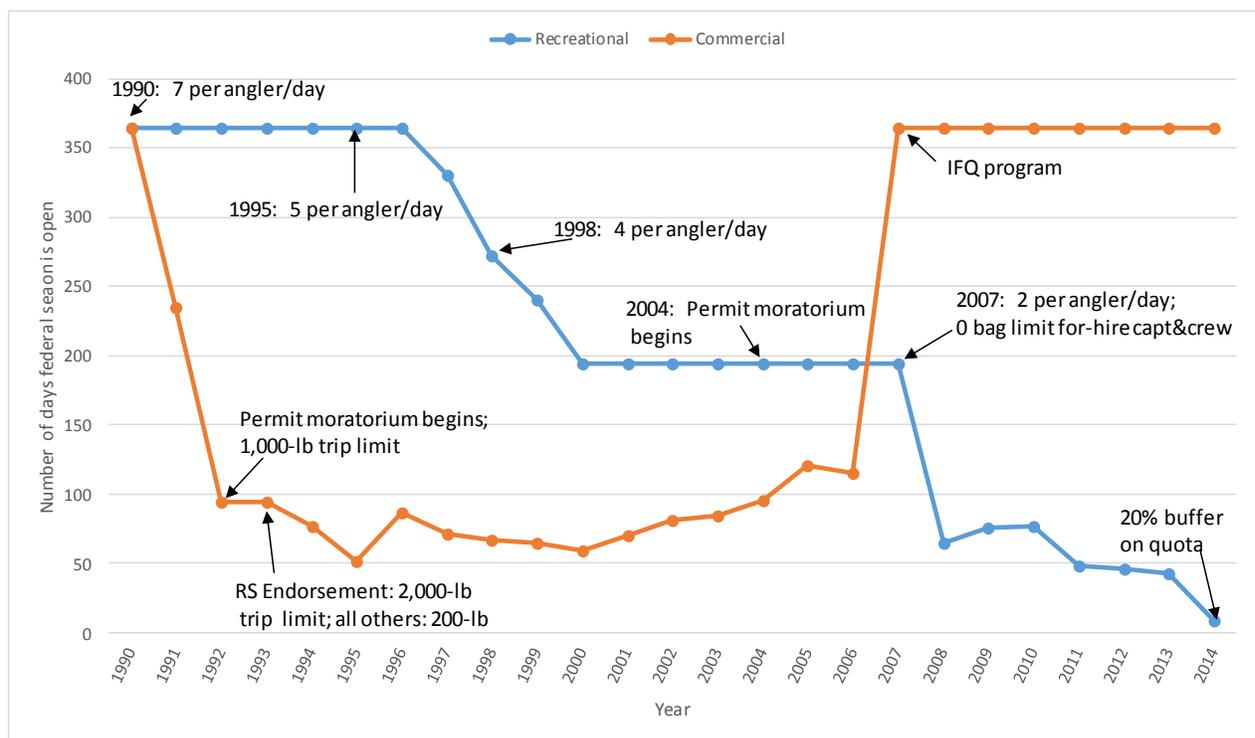


Figure 3.4.1. Length of fishing season in federal waters for commercial and recreational sectors (1990-2014), with changes in bag limits, trip limits, and implementation dates of limited access regulations. The timeline does not include minimum size limits or additional requirements such as use of a vessel monitoring system.

For the **commercial sector**, the year the allocation was established (1990) was the last year commercial fishing was open year round until implementation of the IFQ program in 2007 (Figure 3.4.1). Entry to the commercial sector was capped in 1992, when the commercial reef fish permit moratorium began. No additional commercial permits have been available since that

time, effectively capping sector participation. The following year, the system of red snapper endorsements for commercial permit holders was adopted. A red snapper endorsement allowed the holder a 2,000-lb trip limit, while all other commercial permit holders were allowed a 200-lb trip limit.

Despite the adoption of endorsements and trip limits to constrain harvests, from the early 1990’s until implementation of the IFQ program, the commercial fishing seasons were best described as “derbies,” where vessels raced to fish before each harvest closure. During this time, the commercial harvest was usually open only 10 days at a time. The IFQ program was implemented in 2007 to address two identified problems in commercial red snapper fishing: the derby fishing conditions and “overcapacity” in the commercial sector.

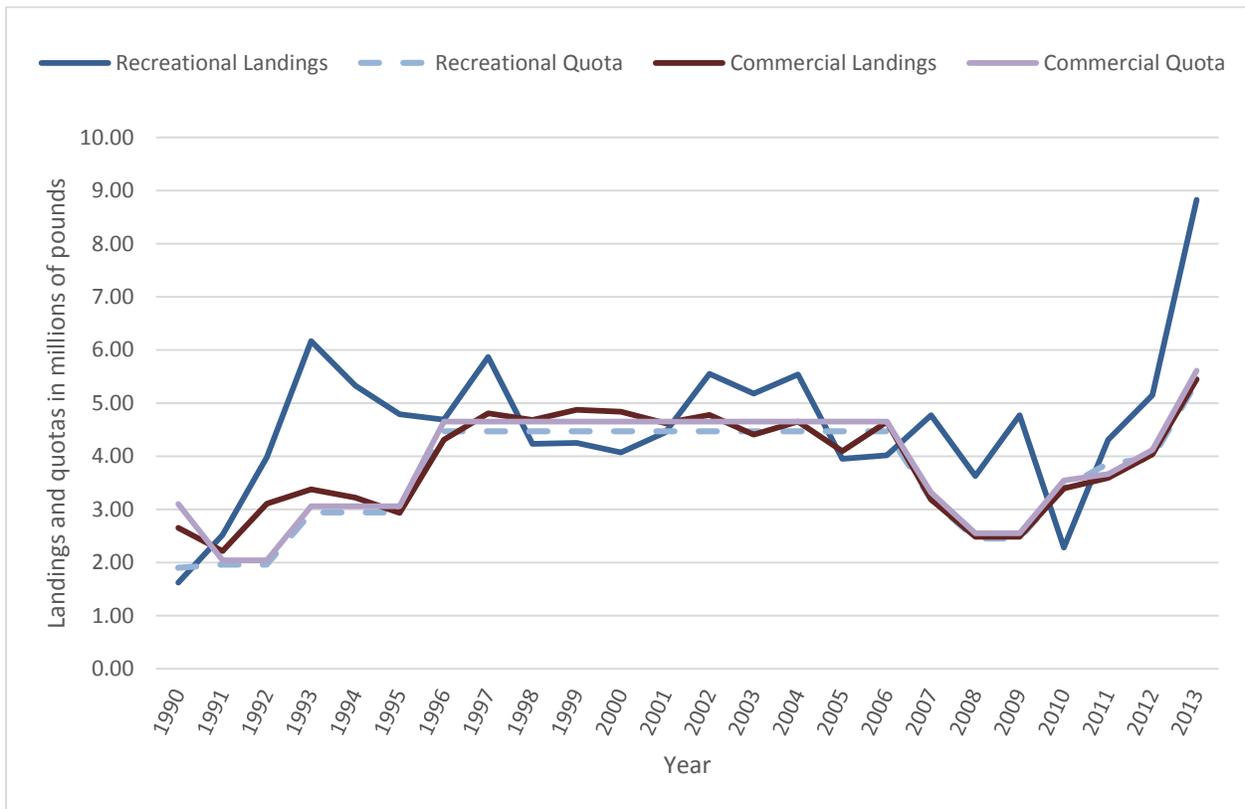


Figure 3.4.2. Recreational and commercial landings (solid lines) and quotas (dotted lines).

The IFQ program fundamentally restructured commercial fishing for red snapper. The opportunity for any permitted commercial vessel to harvest a trip limit of red snapper during a short open season was replaced by a system in which a vessel’s crew must obtain access to a quantity of red snapper prior to being landed. Thus, the system of attempting to constrain commercial harvest to a quota using trip limits and closed seasons was replaced by a system based on the distribution and exchange of portions of the red snapper commercial quota. This has effectively eliminated the occurrence of quota overages. From the sector-wide perspective, this has enabled the fishing season to remain open year round and for total landings to remain

within the quota. The implementation of the IFQ program has resolved both issues of subtractability and excludability, within the sector (see below). Though these controls appear to have improved the problems they were designed to address, the program has benefited some fishermen and been a detriment to others.

Although the **recreational sector** is often described as “open access,” open entry is more accurate as a true open access resource lacks rules of usage (Feeny et al. 1990). For the recreational sector, harvest constraints are implemented primarily by reductions to the bag limit and shortening of the fishing season. The bag limit has been reduced from seven red snapper per angler per day in 1990 (when the sector allocation was established), to five fish in 1995, four fish in 1998, and two fish in 2007 (Figure 3.4.1). In 1997, the recreational season in federal waters was shortened for the first time from year round and has been getting shorter ever since. From 2008 through 2012, the recreational season in federal waters averaged 62 days in length. In 2014, the season lasted nine days in federal waters; additional fishing opportunities were provided by the Gulf States in respective state territorial waters.

The practice in recent years of projecting season length for a given quota based on past effort has not prevented the quota from being exceeded (Figure 3.4.2). Without attending measures to actually stop harvest when the quota is met, a quota does not on its own constitute an output control. There is a disjunction between management measures used to constrain the rate of recreational harvest, and attempts to estimate the rate of harvest under such measures, as anglers modify their fishing activity in response to new access restrictions. Even with additional quota, continuing to rely on existing management measures to slow harvest may allow two problems to continue. First, the harvest coming from the recreational sector will continue to face the problems of “subtractability” and “excludability,” where the resource is open to anyone able to access it during a particular time. Without rules governing who has access to the resource (excludability), the effects of smaller returns are shared among all participants (subtractability; Feeny et al. 1990; McCay and Acheson 1987).

The second problem concerns the quota overages. Alongside the short seasons and lag time to calculate landings from MRIP, quota overages are likely to continue under the system of predicting season length based on past fishing effort. Faced with a shorter season for a desired target species, individual anglers rationally adjust their effort and fishing activity. With no restrictions on entry to the fishery (excludability), new participants join as well. This has resulted in an inverse relationship between season length and effort, where the shorter the length of the recreational fishing season, the more red snapper have been landed per day, as angler effort is consolidated into a shorter time. However, it cannot be assumed that the pattern would reverse, where an increase in the length of the season would correspond with a proportional reduction in effort. An increasing proportion of the total recreational quota has been landed outside of the federal season under less restrictive state regulations. Compounding this problem, the average weight of a red snapper has increased under the rebuilding plan meaning that each angler’s bag limit weighs more. Thus, the rate at which the quota is caught accelerates. That recreational anglers as a sector are said to “exceed the quota” is not a reflection of individual angler compliance, but rather, reflects rational changes to fishing activity under situations of decreased access, and the inability of the existing management system to close harvest before the quota is met. To reduce the likelihood of further quota overages, the Council recently adopted

accountability measures that establish 1) a 20% buffer to the recreational quota, on which the season length would be projected; and 2) an overage adjustment which would decrease the recreational quota in the year following a quota overage by the amount of the overage (GMFMC 2014a). Preliminary landings for 2014 show that recreational landings remained well below the sector's quota.

Recreational anglers can access red snapper fishing by private vessels and for-hire vessels. Both modes share the same bag limit and fishing season; however, additional restrictions are placed on the for-hire fleet, to which private vessels are not subject. Since 2007, captain and crew of for-hire vessels have been prohibited from retaining a bag limit, and there are mandatory reporting requirements for headboats to report all landings and discards. In 2004, a moratorium was put in place on the issuance of federal for-hire permits. As with commercial permits, no new federal for-hire permits may be issued, but existing permits may be transferred. There is no mechanism to limit entry by private recreational vessels. Also, since 2009, federally permitted for-hire vessels are prohibited from landing red snapper outside of the federal season, such as during extended state water seasons.

Thus, the issue of excludability described above reflects private recreational vessels only. During the open season, participation is limited to a finite number of for-hire vessels, but there is no restriction to the number of private vessels that may harvest red snapper. Since the permit moratorium became effective, the number of federally permitted for-hire vessels has decreased, while the number of private fishing licenses has increased. The proportion of red snapper landed by each component of the recreational sector has shifted toward private vessel landings representing a greater proportion of the recreational quota (Figure 3.4.3). For the years 1991-2011, private-angler landings of red snapper represent 45.5% of recreational landings, but represent 56% for just the last six years. For-hire vessel landings of red snapper have decreased proportionally for these same years, from 54.5% to 44% of the recreational landings.

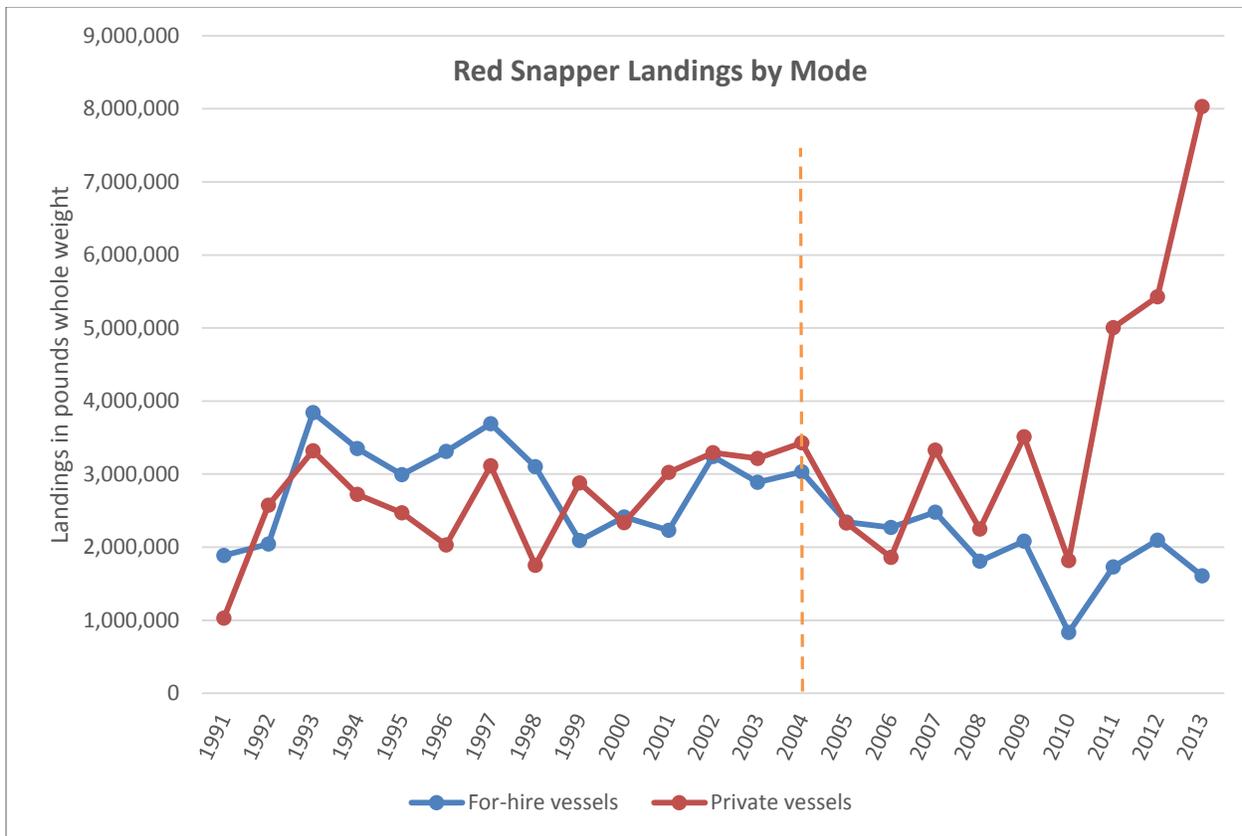


Figure 3.4.3. Red snapper recreational landings by private vessels and for-hire vessels (includes charter boats and headboats). Source: Calibrated MRIP landings, SEFSC Recreational ACL database.

In part as a response to this trend, separate allocations were recently established for the private angling component and the federal for-hire component of the recreational sector (GMFMC 2014b). These component allocations will be the basis for projecting the season lengths in federal waters for anglers utilizing private vessels and state-licensed guideboats (private angling component) and those fishing from federally permitted for-hire vessels (for-hire component). The component allocations and seasons will be in place for the years 2015-2017, unless otherwise modified by the Council.

3.4.1 Fishing Communities

This section provides a description of where recreational and commercial fishing for red snapper occurs. The description is based on the geographical distribution of landings and the relative importance of red snapper for commercial and recreational communities. This spatial approach enables discussion of fishing communities and the importance of fishery resources to those communities, as required by National Standard 8.

Commercial Fishing Communities

To identify commercial reliance, a regional quotient (RQ) measure was used. The RQ measures the relative importance of a given species across all communities in the region and represents the proportional distribution of commercial landings of a particular species. This proportional measure does not provide the number of pounds or the value of the catch; data that might be confidential at the community level for many places. The RQ is calculated by dividing the total pounds (or value) of a species landed in a given community, by the total pounds (or value) for that species for all communities in the region. The measure is a way to quantify the importance of red snapper to communities around the Gulf coast and suggest where impacts from management actions are more likely to be experienced. The data used for the RQ measure were assembled from the accumulated landings system (ALS), which includes commercial landings of all species from both state and federal waters and is based on dealers' reports. Because of this, the address of a dealer may not be the coastal community where the dealer's facility is located.

Commercial red snapper fishing is prosecuted throughout the Gulf region with the majority of landings occurring in the northern Gulf. Based on the RQ measure, the top 15 commercial red snapper fishing communities are identified in Figure 3.4.1.1. A community's proportion of total landings is not static and changes over time. Thus, the figure provides rankings by RQ value for four years: 2000, 2005, 2008, and 2011. The top three communities in terms of commercial landings are Galveston, Texas; Destin, Florida; and Golden Meadow, Louisiana (Figure 3.4.1.1). While in 2000, Panama City, Florida ranked first for commercial red snapper landings Gulf-wide, the community has since been replaced by Destin, Florida in terms of commercial landings of red snapper. Data are not available concerning location of red snapper consumers, such as the proportion of Gulf red snapper that is consumed within the region or elsewhere in the U.S.

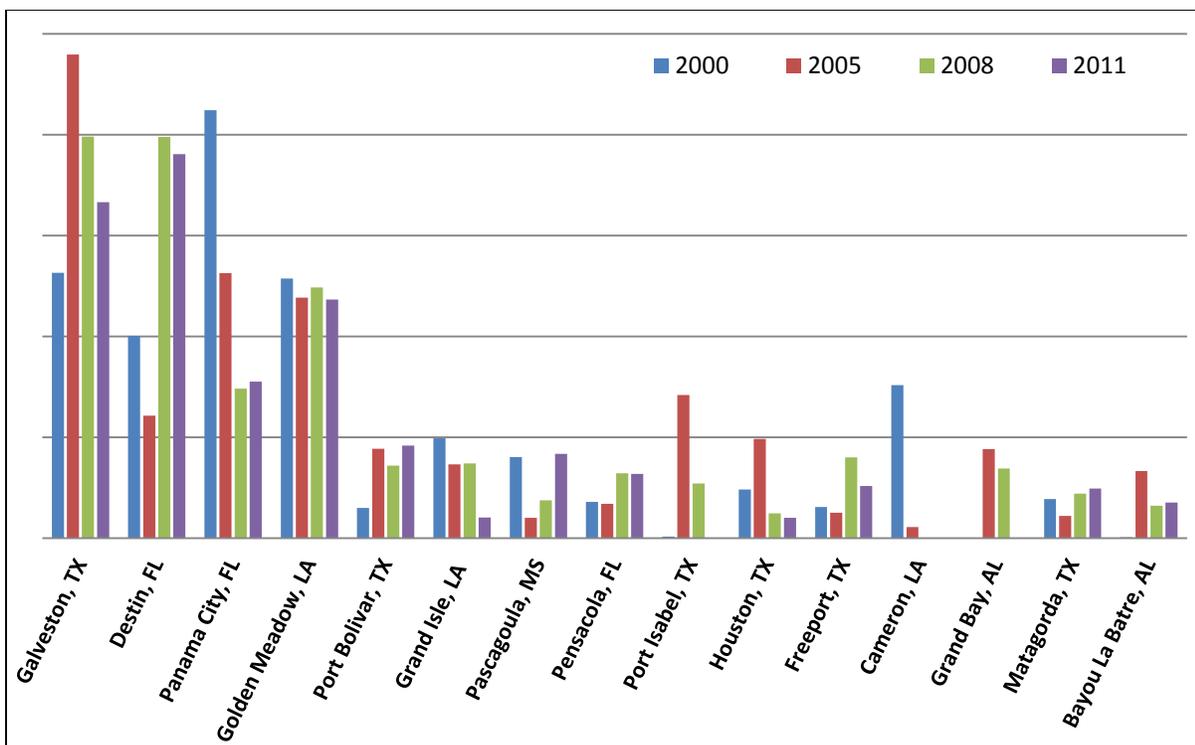


Figure 3.4.1.1. Top 15 commercial red snapper fishing communities by RQ value for four years.

Source: Southeast Fisheries Science Center, accumulated landings system (2011).

To better understand how Gulf fishing communities are engaged and reliant on fishing, indices were created using secondary data from permit and landings information for the commercial and recreational sectors (Jepson and Colburn 2013; Jacob et al. 2012). Fishing engagement is primarily the absolute numbers of permits, landings, and value. Fishing reliance has many of the same variables as engagement divided by population to give an indication of the per capita impact of this activity.

Using a principal component and single solution factor analysis each community receives a factor score for each index to compare to other communities. With the selected communities from both sectors, factor scores of both engagement and reliance were plotted onto bar graphs. Factor scores are denoted by colored bars and are standardized, therefore the mean is zero. Two thresholds of one and ½ standard deviation above the mean are plotted onto the graphs to help determine a threshold for significance. Because the factor scores are standardized a score above 1 is also above one standard deviation. Using the thresholds of fishing dependence of ½ and one standard deviation, Figure 3.4.1.2 suggests that several communities are substantially engaged or reliant or both on commercial fishing.

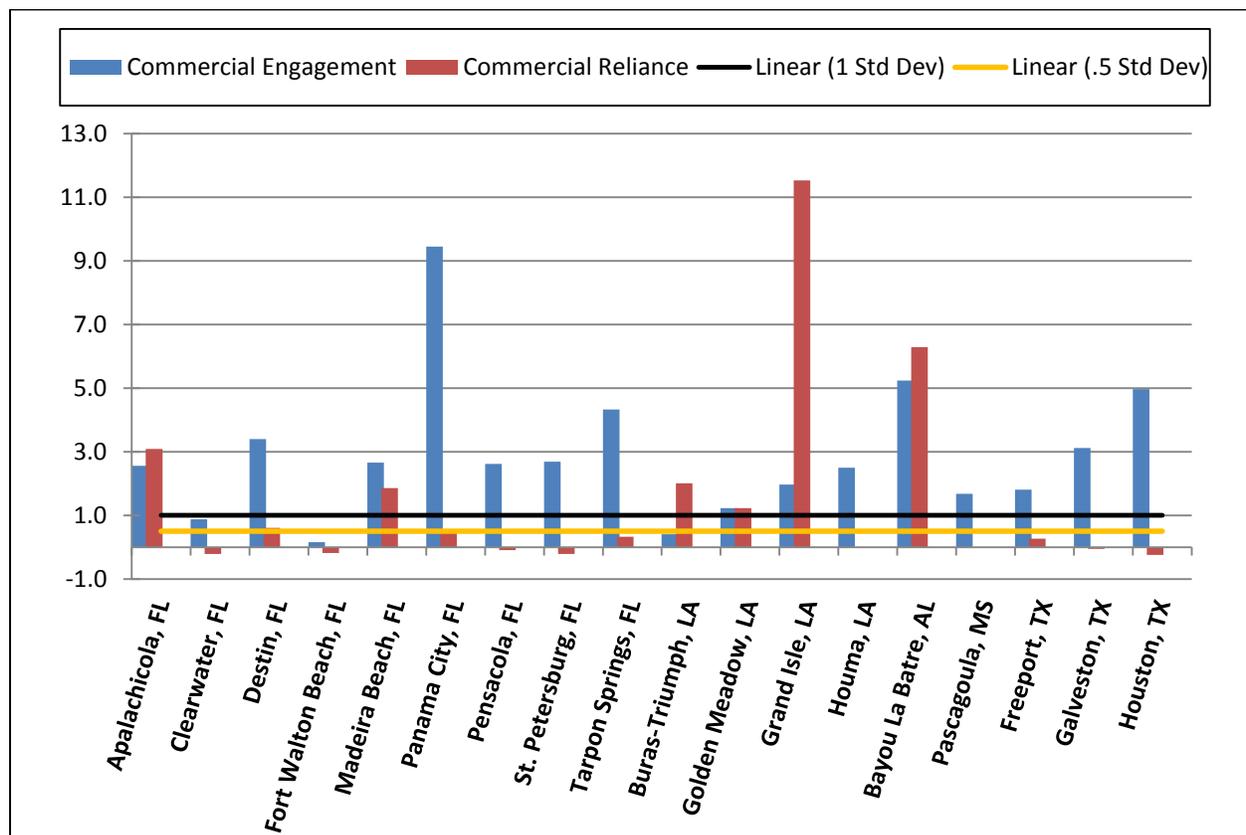


Figure 3.4.1.2. Top 18 red snapper fishing communities’ commercial engagement and reliance. Source: Southeast Regional Office, social indicators database (2012).

Recreational Fishing Communities

Red snapper is harvested recreationally in all states in the Gulf. However, as the red snapper stock has continued to rebuild, the proportion of landings made up by the eastern Gulf States (Alabama and western Florida) has increased compared to the western Gulf States (Texas and Louisiana). Most of the recreational catch is now landed in the eastern Gulf (Table 3.4.1.1). Fishermen in other Gulf States are also involved in recreational red snapper fishing, but these states represent a smaller percentage of the total recreational landings.

Table 3.4.1.1. Percentage of total recreational red snapper landings by state for 2013.

State	Landings
AL	43.9%
FL (Gulf Coast)	40.8%
LA	6.0%
MS	4.5%
TX	4.9%

Source: SERO Calibrated MRIP landings (Dec 2014).

Red snapper landings for the recreational sector are not available at the community level, making it difficult to identify communities as dependent on recreational fishing for red snapper. Data reflecting commercial landings of red snapper may or may not reflect areas of importance for recreational fishing of red snapper. It cannot be assumed that the proportion of commercial red snapper landings among other species in a community would be similar to its proportion among recreational landings within the same community because of sector differences in fishing practices and preferences.

While there are no landings data at the community level for the recreational sector, Table 3.4.1.2 offers a ranking of communities based upon the number of reef fish charter permits and reef fish charter permits divided by population. This is a crude measure of the reliance upon recreational reef fish fishing and is general in nature and not specific to red snapper. Ideally, additional variables quantifying the importance of recreational fishing to a community would be included (such as the amount of recreational landings in a community, availability of recreational fishing related businesses and infrastructure, etc.); however, these data are not available at this time. Because the analysis used discrete geo-political boundaries, Panama City and Panama City Beach had separate values for the associated variables. Calculated independently, each still ranked high enough to appear in the list suggesting a greater importance for recreational fishing in that region. At this time it is impossible to examine the intensity of recreational fishing activity at the community level for a specific species. However, it is likely that those communities that have a higher rank in terms of charter activity and have a dynamic commercial fishery for red snapper will likely have a vigorous recreational red snapper fishery. The communities that meet those criteria are: Destin, Panama City, and Pensacola, Florida; Port Bolivar and Freeport, Texas; and Venice and Grand Isle, Louisiana.

Table 3.4.1.2. Average community rank by total number of reef fish charter permits and divided by community population (SERO 2012).

State	Community	Reef Fish charter permits	Permit Rank	Pop	Permit/Pop	Permit/Pop rank	Combined rank
AL	Orange Beach	105	2	5185	0.0203	3	5
LA	Venice	36	7	202	0.1782	1	8
FL	Destin	114	1	12307	0.0093	10	11
AL	Dauphin Island	19	12	1375	0.0138	5	17
TX	Port Aransas	33	9	3444	0.0096	9	18
LA	Grand Isle	14	17	597	0.0235	2	19
TX	Freeport	40	5	12183	0.0033	15	20
TX	Port O'Connor	15	15	1253	0.0120	7	22
FL	Panama City	60	3	36795	0.0016	20	23
FL	Steinhatchee	13	19	1047	0.0124	6	25
FL	Pensacola	43	4	52903	0.0008	22	26
FL	Panama City Beach	32	10	11364	0.0028	16	26
FL	Apalachicola	17	14	2357	0.0072	12	26
FL	Naples	35	8	20405	0.0017	19	27
LA	Chauvin	15	15	3220	0.0047	13	28
TX	Galveston	38	6	49990	0.0008	23	29
FL	Cedar Key	8	27	463	0.0173	4	31
TX	Matagorda	8	27	710	0.0113	8	35
MS	Biloxi	26	11	43921	0.0006	25	36
FL	Mexico Beach	9	25	1181	0.0076	11	36
FL	Carrabelle	10	23	2612	0.0038	14	37
FL	Sarasota	18	13	52877	0.0003	26	39
FL	Madeira Beach	11	21	4335	0.0025	18	39
FL	Port St Joe	10	23	3560	0.0028	17	40
FL	Tarpon Springs	14	17	23071	0.0006	24	41
FL	St Petersburg	12	20	245715	0.0000	27	47
FL	Treasure Island	8	27	6847	0.0012	21	48
TX	Houston	11	21	2068026	0.0000	29	50
TX	Corpus Christi	9	26	299324	0.0000	28	54

Destin and Panama City are likely more reliant with regard to recreational fishing as they have numerous charter operations. When visiting charter service websites from these two communities photos of red snapper are very prominent and advertised as a key target species (<http://www.fishdestin.com/fishinggallery.html>; and <http://www.jubileefishing.com/>). Panacea is less reliant upon red snapper and located in a more rural area than the other communities. In terms of occupation it has the lowest percentage working in farming, forestry, and fishing, yet it does have the largest percentage class of worker in that category. All of these communities are considered to be primarily involved in fishing based upon their community profiles (Impact Assessment, Inc. 2005).

The Orange Beach Red Snapper World Championship Tournament, billed as “Alabama’s state celebration of recreational saltwater fishing,”¹² was an annual event in March. Dauphin Island, Alabama also has a number of charter services that specialize in bottom fishing, especially for red snapper¹³. All three Alabama communities are considered primarily involved in fishing as noted in their fishing communities’ profiles (Impact Assessment, Inc. 2006). Red snapper fishing is featured at Pascagoula charter websites¹⁴ and the community is regarded as primarily involved in fishing according to its community profile (Impact Assessment, Inc. 2006).

Venice and Grand Isle, Louisiana, are also ranked among the top recreational fishing communities. A sampling of charter service websites from these communities indicates they do feature red snapper as a target species but not as prominently as charter services from other states.

Red snapper are also an important species for charter fishing in Galveston and Freeport, Texas. Many of the charter services include photos of red snapper catches on their website and note that this species is one of their prime target species.¹⁵ Although, many inshore species like trout and redfish are more prominently displayed. Matagorda and Freeport are noted as being primarily involved in fishing while Galveston is secondarily involved.

The following figure was produced from the indicator database as described above for the commercial sector. Figure 3.4.1.3 identifies recreational communities engaged and reliant upon fishing in general. Using thresholds of fishing dependence of ½ standard deviation and one standard deviation, Figure 3.4.1.3 suggests that several communities are substantially engaged in recreational fishing.

¹² http://www.cityoforangebeach.com/pages_2007/pdfs/events/2009/2009_Snapper_Tournament.pdf

¹³ <http://gulfinfo.com/fishing.htm>

¹⁴ <http://www.jkocharters.com/1938863.html>

¹⁵ <http://www.texassaltwaterfishingguide.com/> or <http://www.matagordabay.com/>

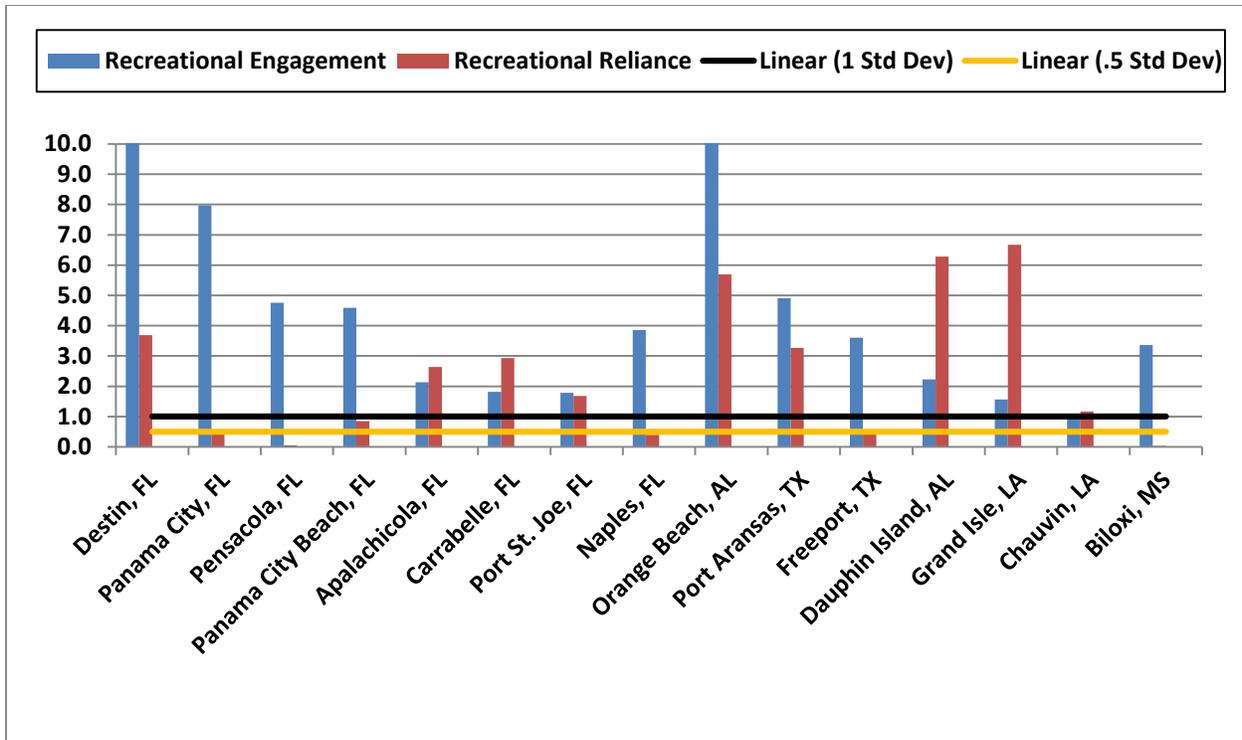


Figure 3.4.1.3. Top 15 recreational fishing communities’ engagement and reliance. Source: Southeast Regional Office, social indicators database (2012).

3.4.2 Environmental Justice Considerations

Executive Order 12898 requires federal agencies conduct their programs, policies, and activities in a manner to ensure individuals or populations are not excluded from participation in, or denied the benefits of, or subjected to discrimination because of their race, color, or national origin. In addition, and specifically with respect to subsistence consumption of fish and wildlife, federal agencies are required to collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. The main focus of Executive Order 12898 is to consider “the disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories...” This executive order is generally referred to as environmental justice (EJ).

Commercial red snapper fishermen and associated businesses and communities along the coast are likely to be impacted by this proposed action. However, information on race, ethnicity, and income status for groups at the different participation levels and roles is not available. To identify potential areas of EJ concern, this analysis uses a suite of indices created to examine the social vulnerability of coastal communities (Jepson and Colburn 2013). The three indices are poverty, population composition, and personal disruptions. The variables included in each of these indices have been identified through the literature as being important components that contribute to a community’s vulnerability. Indicators such as increased poverty rates for different groups, more single female-headed households and households with children under the

age of five, disruptions such as higher separation rates, higher crime rates, and unemployment all are signs of populations experiencing vulnerabilities. Communities that exceed the threshold for one or more of the indices would be expected to exhibit vulnerabilities to sudden changes or social disruption that might accrue from regulatory change.

The commercial communities most engaged and reliant on red snapper fishing are identified in Figure 3.4.1.2, including each community's score for the three social vulnerability indices. The communities of Apalachicola and Panama City, Florida; Golden Meadow, Grand Isle, and Houma, Louisiana; Bayou La Batre, Alabama; Pascagoula, Mississippi; and Freeport, Galveston, and Houston, Texas exceed the threshold of ½ standard deviation above the mean for at least one of the social vulnerability indices. It would be expected that these communities may exhibit vulnerabilities to social or economic disruption because of regulatory change, and would be the communities most likely subject to EJ concerns. Those communities that exhibit several index scores exceeding the threshold would be the most vulnerable. These include Apalachicola, Florida; Golden Meadow, Louisiana; Bayou La Batre, Alabama; Pascagoula, Mississippi; and Freeport, Galveston, and Houston, Texas. Five communities exceed the threshold of ½ standard deviation for all three indices (Bayou La Batre, Alabama; Pascagoula, Mississippi; and Freeport, Galveston, and Houston, Texas). Social effects resulting from action taken in this plan amendment are likely to be greatest in these communities.

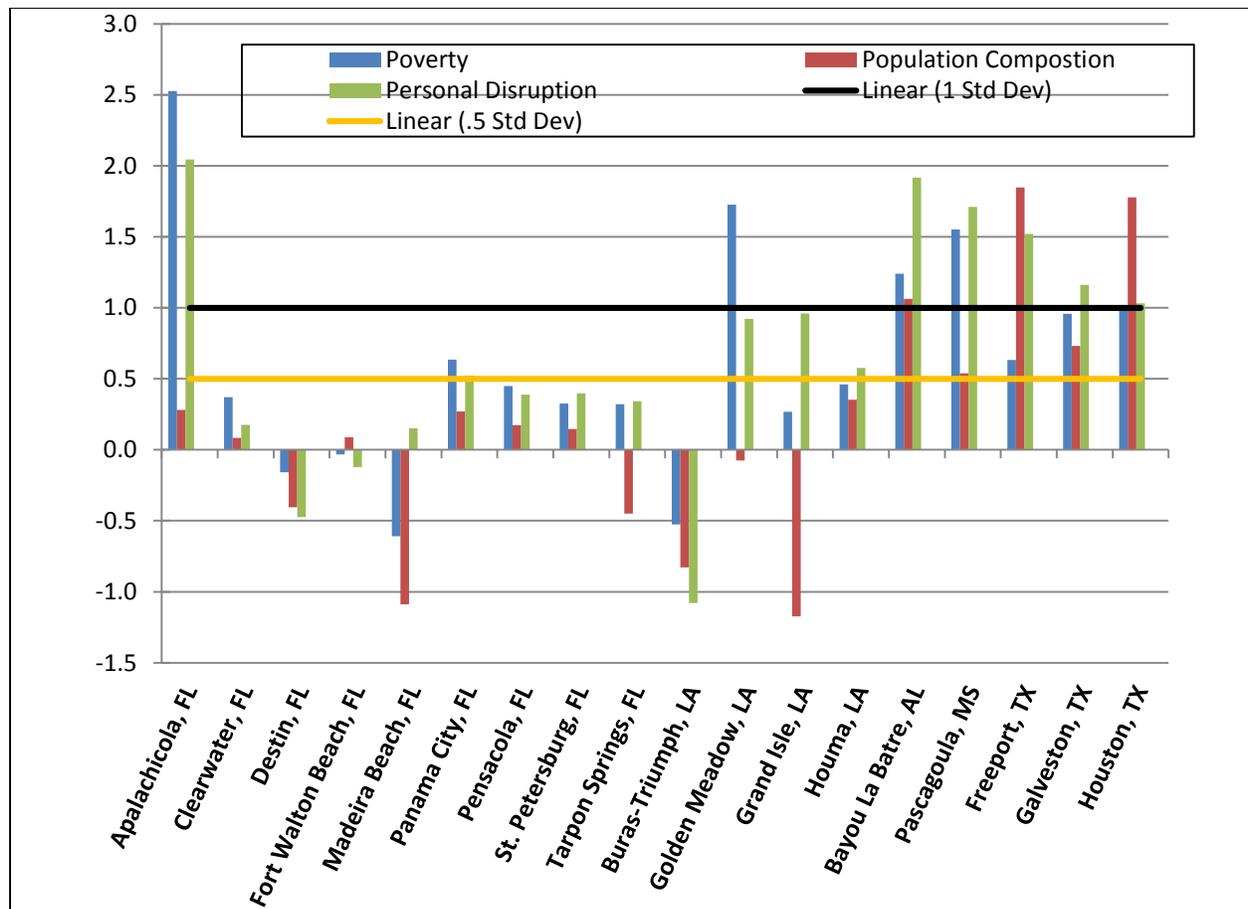


Figure 3.4.2.1. Social vulnerability indices for red snapper commercial fishing communities
 Source: Southeast Regional Office, social indicators database (2012).

Recreational red snapper fishermen and associated businesses and communities along the coast are expected to benefit from this proposed action. Thus, no EJ concerns are expected for participants in the recreational sector. Figure 3.4.2.2 provides the scores of the social vulnerability indices for the top recreational fishing communities identified in Figure 3.4.1.3. Communities that exceed the threshold for one or more indices would be expected to exhibit vulnerabilities to sudden changes or social disruption that might accrue from regulatory change, and greater vulnerability is suggested by exceeding the thresholds for multiple indices. However, regulatory change that would impact recreational participants in these communities is not expected.

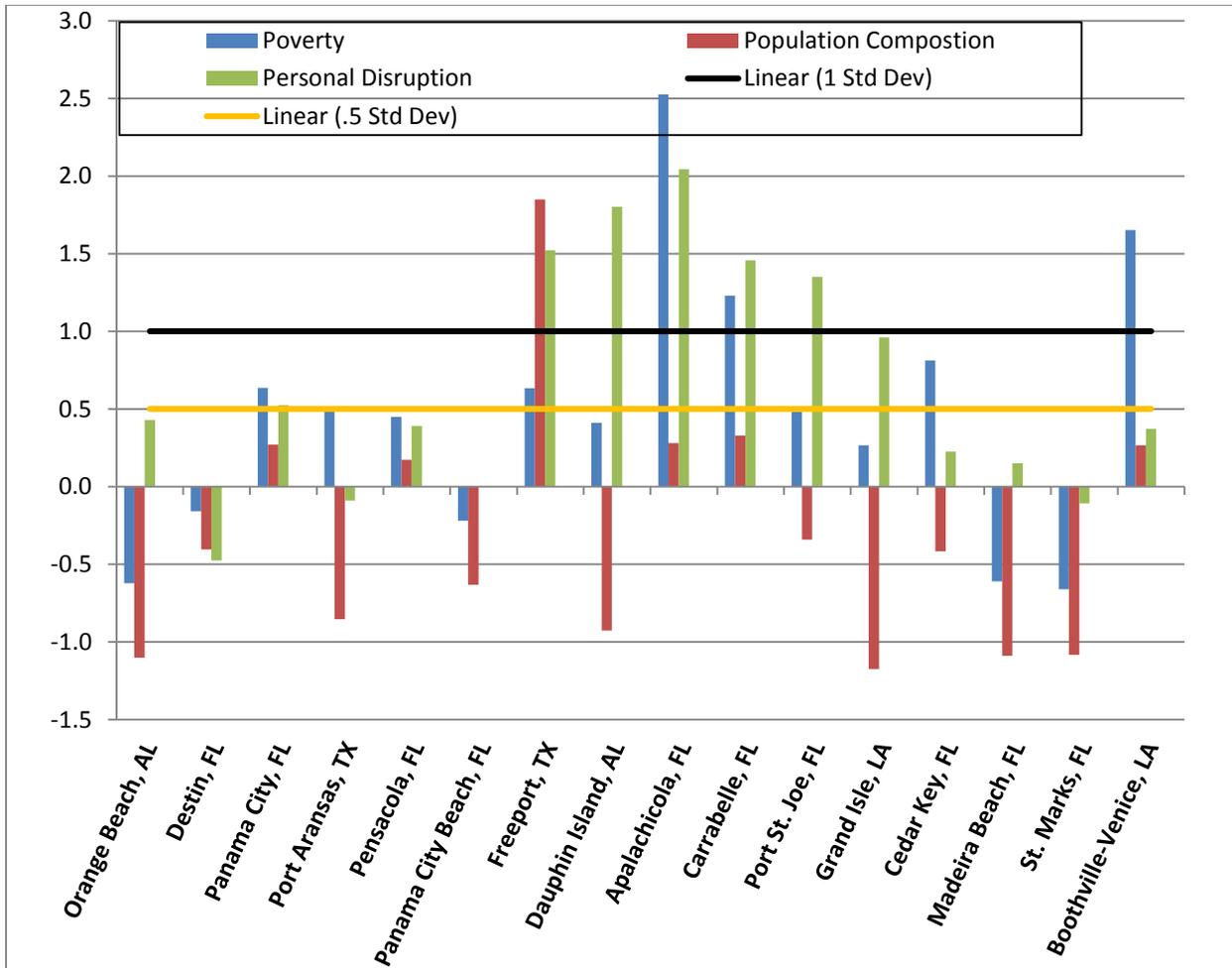


Figure 3.4.2.2. Social vulnerability indices for recreational fishing communities.

Source: Southeast Regional Office, social indicators database (2012).

3.5 Description of the Economic Environment

3.5.1 Commercial Sector

3.5.1.1 Vessel Activity

A description of the red snapper individual fishing quota (IFQ) program is contained in NMFS (2014) and is available at: http://sero.nmfs.noaa.gov/sustainable_fisheries/lapp_dm/index.html. This description is incorporated herein by reference and is summarized below. Tables 3.5.1.1.1 and 3.5.1.1.2 contain summary vessel and trip counts, landings, and revenue information from vessels landing at least one pound of red snapper from 2010 through 2014. Data for 2014 is preliminary and data from years prior to the implementation of the IFQ program are not representative of current conditions.

The tables contain vessel counts from the NMFS Southeast Fisheries Science Center (SEFSC) logbook (logbook) data (vessel count, trips, and landings) and the NMFS Southeast Regional Office (SERO) Limited Access Privilege Program (LAPP) data (vessel count). Dockside values were generated using landings information from logbook data and price information from the NMFS SEFSC Accumulated Landings System (ALS) data. The logbook and LAPP data programs serve different purposes and use different data collection methods. Consequently, comparative analysis of data from these programs may produce different results, as evidenced by the vessel counts provided in Table 3.5.1.1.1. However, this assessment utilizes logbook data because the logbook program collects data on all species harvested on trips on which red snapper are harvested, as well as harvests by these vessels on trips without red snapper.

On average, 375 vessels per year landed red snapper (Table 3.5.1.1.1). These vessels, combined, averaged 2,962 trips per year on which red snapper was landed and 1,592 trips without red snapper (Table 3.5.1.1.1). The average annual total dockside revenue (2014 dollars) was approximately \$13.40 million from red snapper, approximately \$14.22 million from other species co-harvested with red snapper (on the same trip), and approximately \$10.26 million from other species harvested on trips on which no red snapper were harvested (Table 3.5.1.1.2). Total average annual revenues were approximately \$37.87 million, or approximately \$102,000 per vessel (Table 3.5.1.1.2).

Table 3.5.1.1.1. Summary of vessel counts, trips, and logbook landings (pounds gutted weight (lbs gw)) or vessels landing at least one pound of red snapper, 2010-2014.

Year	Number of Vessels, Logbook Data	Number of Vessels, LAPPs Data	Number of Trips that Caught Red Snapper, Logbook Data	Red Snapper Landings (lbs gw)	“Other Species” Landings Jointly Caught with Red Snapper (lbs gw)	Number of Trips that Only Landed “Other Species”	“Other Species” Landings on Trips without Red Snapper (lbs gw)
2010	375	384	2,970	2,939,254	4,040,460	1,717	3,106,308
2011	368	362	3,389	3,073,697	5,539,520	1,959	4,422,791
2012	365	371	3,432	3,469,118	5,525,735	2,026	4,818,703
2013	359	368	3,389	4,424,324	5,257,821	1,699	3,632,756
2014	410	401	1,628	2,735,798	2,217,577	560	1,008,224
Average	375	377	2,962	3,328,438	4,516,223	1,592	3,397,756

2014 data is preliminary; initial estimate using LAPPs data indicates 2014 red snapper landings of 5,016,056 lbs gw.
Source: NMFS SEFSC Logbook and NMFS SERO LAPPs data.

Table 3.5.1.1.2. Summary of vessel counts and revenue (thousand 2014 dollars) for vessels landing at least one pound of red snapper, 2010-2014.

Year	Number of Vessels, Logbook Data	Dockside Revenue from Red Snapper	Dockside Revenue from “Other Species” Jointly Caught with Red Snapper	Dockside Revenue from “Other Species” Caught on Trips without Red Snapper	Total Dockside Revenue	Average Total Dockside Revenue per Vessel
2010	375	\$11,054,115	\$12,045,338	\$8,599,488	\$31,698,941	\$84,530
2011	368	\$11,529,750	\$16,697,540	\$12,707,463	\$40,934,753	\$111,236
2012	365	\$13,784,908	\$17,140,315	\$14,442,750	\$45,367,973	\$124,296
2013	359	\$19,261,015	\$17,538,051	\$12,295,498	\$49,094,564	\$136,754
2014	410	\$11,356,047	\$7,680,926	\$3,239,250	\$22,276,223	\$54,332
Average	375	\$13,397,167	\$14,220,434	\$10,256,890	\$37,874,491	\$102,230

2014 data is preliminary. Source: NMFS SEFSC Logbook and ALS data.

As can be gleaned from Tables 3.5.1.1.1 and 3.5.1.1.2, commercial fishing for red snapper in 2010 appeared to be unaffected, from a landings and revenue perspective, by conditions associated with the Deepwater Horizon MC252 oil spill. This was not the case for the recreational sector as will be shown below.

Share, Allocation, and Ex-vessel Prices

Price information is an important component for evaluating the performance of a catch share program. Economic theory states that as fishermen no longer have to out-compete other fishermen for a share of the catch, the profits will increase as fishermen adjust the scale and scope of their operations to take advantage of market conditions. This results in increased market stability and value for shares and allocations, as more efficient fishermen are willing to pay higher prices to purchase additional shares and/or allocation from less efficient operators. Theoretically, allocation prices should reflect the expected annual net profit from harvesting one unit of quota, whereas share prices should reflect the present value of the flow of expected net returns from harvesting one unit of quota. Dockside or ex-vessel prices are the price the vessel receives at the first sale of harvest. In 2013, the median share price per pound of red snapper was \$40.00 (average price \$36.24), the median allocation price per pound was \$3.00 (average price \$2.98), and the median ex-vessel price per pound was \$4.75 (average price \$4.46). Similar final data for 2014 are not currently available and data from previous years can be found in NMFS (2014).

3.5.1.2 Commercial Sector Business Activity

Estimates of the business activity (economic impacts) in the U.S. associated with the Gulf red snapper commercial harvests were derived using the model developed for and applied in NMFS (2011b) and are provided in Table 3.5.1.2.1. Business activity for the commercial sector is characterized in the form of full-time equivalent (FTE) jobs, income impacts (wages, salaries, and self-employed income), and output (sales) impacts (gross business sales). Income impacts should not be added to output (sales) impacts because this would result in double counting. The estimates of economic activity include the direct effects (effects in the sector where an expenditure is actually made), indirect effects (effects in sectors providing goods and services to directly affected sectors), and induced effects (effects induced by the personal consumption expenditures of employees in the direct and indirectly affected sectors).

Table 3.5.1.2.1. Average annual business activity associated with the harvests of vessels that harvest red snapper, 2010-2014.

Species	Average Annual Dockside Revenue (thousands) ¹	Total Jobs	Harvester Jobs	Output (Sales) Impacts (thousands) ¹	Income Impacts (thousands) ¹
Red snapper	\$13,397	2,367	309	\$176,393	\$75,177
All species ²	\$37,874	6,694	873	\$498,668	\$212,528

¹2014 dollars.

²Includes dockside revenues and economic activity associated with the average annual harvests of all species, including red snapper, harvested by vessels that harvested red snapper.

In addition to red snapper harvests, as discussed above, vessels that harvested red snapper also harvested other species on trips where red snapper were harvested. These vessels also took trips during the year where only species other than red snapper were caught. All revenues from all species on all these trips contributed towards making these vessels economically viable and contribute to the economic activity associated with these vessels. The average annual total ex-vessel revenues from all species (including red snapper) harvested during this period (2010-2014) by vessels that harvested red snapper was approximately \$37.87 million (2014 dollars). In terms of business activity, these revenues are estimated to support 6,694 FTE jobs (873 in the harvesting sector) and are associated with approximately \$498.67 million in output (sales) impacts and approximately \$212.52 million in income impacts.

3.5.1.3 Dealers

Commercial vessels landing red snapper can only sell their catch to federally permitted fish dealers. On February 5, 2015, 69 dealers possessed the necessary federal dealer permit and the IFQ endorsement necessary to receive Gulf LAPP species (LAPP data). Because there are no income or sales requirements to acquire a federal dealer permit or IFQ endorsement, the total number of dealers can vary over the course of the year and from year to year. In addition to red snapper, grouper and tilefish are Gulf LAPP species and not all dealers authorized to receive Gulf LAPP species purchase red snapper. The following results are based on assessment of ALS data. In 2012, 92 dealers reported red snapper purchases. Seventy-three of these dealers were in Florida, six in Texas, six in Louisiana, four in Alabama, and three in Mississippi. Total red snapper purchased by these dealers in 2011 had an ex-vessel value of approximately \$13.89 million (2014 dollars), or approximately 12.84% of the total revenues, approximately \$108.20 million (2014 dollars), from all marine resource purchases by these dealers. Dependency on red snapper sales varies by dealer, with the percentage of red snapper purchases (value, not pounds) to total purchases varying from less than 1% to 100%. Red snapper purchases in 2012 comprised 10% or more of total purchases for 40 of these dealers, 50% or more for 11 dealers, and 5% or less for 38 dealers. Average red snapper dependency (measured as the percentage of red snapper ex-vessel value relative to the total value of all seafood purchases) was highest for Mississippi and Texas dealers, approximately 34% and 28%, respectively, followed by Alabama (approximately 21%), Florida (approximately 10%), and Louisiana (approximately 8%).

3.5.1.4 Imports

Information on the imports of all snapper and grouper species, either fresh or frozen, are available at: http://www.st.nmfs.noaa.gov/st1/trade/cumulative_data/TradeDataProduct.html. Information on the imports of individual snapper or grouper species is not available. In 2012, imports of all snapper and grouper species (fresh and frozen) were approximately 44.51 million pounds valued at approximately \$132.19 million (2014 dollars). These amounts are contrasted with the domestic harvest of all snapper and grouper in the U.S. in 2012 of approximately 19.60 mp valued at approximately \$62.41 million (2014 dollars; data available at: <http://www.st.nmfs.noaa.gov/commercial-fisheries/publications/index>). Although the levels of domestic production and imports are not totally comparable for several reasons, including considerations of different product form such as fresh versus frozen, and possible product

mislabeled, the difference in the magnitude of imports relative to amount of domestic harvest is indicative of the dominance of imports in the domestic market. Final comparable data for more recent years is not currently available.

3.5.2 Recreational Sector

3.5.2.1 Angler Effort

Recreational effort derived from the MRFSS/MRIP database can be characterized in terms of the number of trips as follows:

1. Target effort - The number of individual angler trips, regardless of duration, where the intercepted angler indicated that the species or a species in the species group was targeted as either the first or second primary target for the trip. The species did not have to be caught.
2. Catch effort - The number of individual angler trips, regardless of duration and target intent, where the individual species or a species in the species group was caught. The fish did not have to be kept.
3. Total recreational trips - The total estimated number of recreational trips in the Gulf, regardless of target intent or catch success.

Other measures of effort are possible, such as the number of harvest trips (the number of individual angler trips that harvest a particular species regardless of target intent), and directed trips (the number of individual angler trips that either targeted or caught a particular species), among other measures, but the three measures of effort listed above are used in this assessment. Estimates of the average annual red snapper effort (in terms of individual angler trips) for the charter and private/rental boat modes in the Gulf for 2010-2014 are provided in Table 3.5.2.1.1 for target trips and Table 3.5.2.1.2 for catch trips. Estimates of red snapper target effort for additional years, and other measures of directed effort, are available at <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>.

Because of the Deepwater Horizon MC252 oil spill, 2010 was not a typical year for recreational fishing due to the extensive closures and associated decline in fishing in much of the Gulf. For information on the Deepwater Horizon MC252 oil spill and associated closures, see: http://sero.nmfs.noaa.gov/deepwater_horizon_oil_spill.htm. Recreational effort for Alabama and Louisiana was affected by the 2010 oil spill incident more than that for Florida. This holds true for both the charter (target and catch effort) and private modes (target and catch effort).

Table 3.5.2.1.1. Number of red snapper recreational target trips, by mode, 2010-2014*.

	Alabama	West Florida	Louisiana	Mississippi	Total
Charter Mode					
2010	2,789	16,466	0	208	19,463
2011	19,010	29,642	1,424	0	50,076
2012	16,609	24,653	7,204	74	48,540
2013	23,638	32,689	7,191	38	63,556
2014	8,827	7,364	0	0	16,191
Average	14,175	22,163	3,164	64	39,565
Private/Rental Mode					
2010	20,759	129,748	3,338	5,451	159,296
2011	116,886	113,021	19,900	16,790	266,597
2012	72,030	136,594	43,547	13,515	265,686
2013	222,245	461,349	24,691	21,586	729,871
2014	56,274	162,956	0	7,519	226,749
Average	97,639	200,734	18,295	12,972	329,640
All Modes					
2010	23,548	146,214	3,338	5,659	178,759
2011	135,896	142,663	21,324	16,790	316,673
2012	88,640	161,247	50,751	13,589	314,227
2013	245,883	494,038	31,882	21,624	793,427
2014	65,101	170,321	0	7,519	242,941
Average	111,814	222,897	21,459	13,036	369,205

* Texas information unavailable. 2014 estimates are preliminary. Source: MRIP database, NMFS, SERO.
 Note: These effort estimates have not been re-calibrated. Re-calibrated effort data are currently unavailable.
 Note: There were no target trips recorded from the shore mode.

Table 3.5.2.1.2. Number of red snapper recreational catch trips, by mode, 2010-2014*.

	Alabama	West Florida	Louisiana	Mississippi	Total
Charter Mode					
2010	12,495	57,662	205	261	70,623
2011	43,550	101,500	3,066	221	148,337
2012	25,252	105,385	10,501	74	141,212
2013	52,331	107,466	12,321	38	172,156
2014	32,173	60,270	0	0	92,443
Average	33,160	86,457	5,219	119	124,954
Private/Rental Mode					
2010	46,017	252,300	5,764	6,964	311,045
2011	130,500	203,567	31,957	6,169	372,193
2012	83,783	282,332	51,377	13,515	431,007
2013	227,889	537,469	55,679	29,250	850,287
2014	104,862	190,994	0	10,163	306,019
Average	118,610	293,332	28,955	13,212	454,110
All Modes					
2010	58,512	309,962	5,969	7,225	381,668
2011	174,050	305,067	35,023	6,390	520,530
2012	109,035	387,717	61,878	13,589	572,219
2013	280,221	644,935	68,000	29,288	1,022,444
2014	137,035	251,263	0	10,163	398,461
Average	151,771	379,789	34,174	13,331	579,064

* Texas information unavailable. 2014 estimates are preliminary. Source: MRIP database, NMFS, SERO.

Note: These effort estimates have not been re-calibrated. Re-calibrated effort data are currently unavailable.

Note: There were no catch trips recorded from the shore mode.

Headboat data do not support the estimation of target or catch effort because target intent is not collected and the harvest data (the data reflect only harvest information and not total catch) are collected on a vessel basis and not by individual angler. Table 3.5.2.1.3 contains estimates of the number of headboat angler days for all Gulf States for 2010-2014.

Table 3.5.2.1.3. Headboat angler days, 2010-2014.

Year	W Florida/Alabama	Louisiana	Mississippi	Texas	Total
2010	111,018	217	*	47,154	158,389
2011	157,025	1,886	1,771	47,284	207,966
2012	161,973	1,839	1,840	51,771	217,423
2013	174,800	1,579	1,827	55,749	233,955
2014	191,365	1,634	1,623	51,231	245,853
Average	159,236	1,431	1,765	50,638	212,717

*Confidential. Source: NMFS Southeast Region Headboat Survey (HBS).

3.5.2.2 Permits

The for-hire sector is comprised of charter boats and headboats (party boats). Although charter boats tend to be smaller, on average, than headboats, the key distinction between the two types of operations is how the fee is determined. On a charter boat trip, the fee charged is for the entire vessel, regardless of how many passengers are carried, whereas the fee charged for a headboat trip is paid per individual angler.

A federal for-hire vessel permit has been required for reef fish since 1996 and the sector currently operates under a limited access system. On April 25, 2015, there were 1,159 valid (non-expired) or renewable Gulf of Mexico Charter/Headboat Reef Fish Permits. A renewable permit is an expired permit that may not be actively fished, but is renewable for up to one year after expiration. Although the for-hire permit application collects information on the primary method of operation, the resultant permit itself does not identify the permitted vessel as either a headboat or a charter boat, operation as either a headboat or charter boat is not restricted by the permitting regulations, and vessels may operate in both capacities. However, only federally permitted headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (HBS). Participation in the HBS is based on determination by the SEFSC that the vessel primarily operates as a headboat. Sixty-nine vessels were registered in the SHRS as of April 24, 2015 (K. Fitzpatrick, NMFS SEFSC, pers. comm.). The majority of these headboats were located in Florida (37), followed by Texas (16), Alabama (9), and Mississippi/Louisiana (7).

Information on Gulf charter boat and headboat operating characteristics, including average fees and net operating revenues, is included in Savolainen et al. (2012) and is incorporated herein by reference.

There are no specific federal permitting requirements for recreational anglers to fish for or harvest reef fish. Instead, anglers are required to possess either a state recreational fishing permit that authorizes saltwater fishing in general, or be registered in the federal National Saltwater Angler Registry system, subject to appropriate exemptions. As a result, it is not possible to identify with available data how many individual anglers would be expected to be affected by this proposed amendment. (Note: although it is not a federal permit, Louisiana has developed an offshore angler permit. Tabulation of these permits would be expected to provide an estimate of

only a small portion of the total number of individual anglers expected to be affected by this proposed amendment.)

3.5.2.3 Economic Value

Economic value can be measured in the form of consumer surplus (CS) per additional red snapper kept on a trip for anglers (the amount of money that an angler would be willing to pay for a fish in excess of the cost to harvest the fish). The estimated value of the CS per fish for a second red snapper kept on a trip is approximately \$81 (Carter and Liese 2012; values updated to 2014 dollars¹⁶).

With regards to for-hire businesses, economic value can be measured by producer surplus (PS) per passenger trip (the amount of money that a vessel owner earns in excess of the cost of providing the trip). Estimates of the PS per for-hire passenger trip are not available. Instead, net operating revenue (NOR), which is the return used to pay all labor wages, returns to capital, and owner profits, is used as a proxy for PS. The estimated NOR value is \$153.45 (2014 dollars) per charter angler trip (Liese and Carter 2012). The estimated NOR value per headboat angler trip is \$52.97 (2014 dollars) (C. Liese, NMFS SEFSC, pers. comm.). Estimates of NOR per red snapper target trip are not available.

3.5.2.4 Recreational Sector Business Activity

Estimates of the business activity (economic impacts) associated with recreational angling for red snapper were derived using average impact coefficients for recreational angling for all species, as derived from an add-on survey to the MRFSS to collect economic expenditure information, as described and utilized in NMFS (2011a). Estimates of these coefficients for target or catch behavior for individual species are not available. Estimates of the average expenditures by recreational anglers are also provided in NMFS (2011a) and are incorporated herein by reference.

Business activity for the recreational sector is characterized in the form of fulltime equivalent (FTE) jobs, output (sales) impacts (gross business sales), and value-added impacts (difference between the value of goods and the cost of materials or supplies). Job and output (sales) impacts are equivalent metrics across both the commercial and recreational sectors. Income impacts (commercial sector) and value-added impacts (recreational sector) are not equivalent, though similarity in the magnitude of multipliers generated and used for the two metrics may result in roughly equivalent values. Similar to income impacts, value-added impacts should not be added to output (sales) impacts because this would result in double counting.

Estimates of the average red snapper effort (2010-2014) and associated business activity (2014 dollars) are provided in Table 3.5.2.4.1. Red snapper target effort (trips) was selected as the measure of red snapper effort. More individual angler trips catch red snapper than target red snapper, however, as shown in Tables 3.5.2.1.1 and 3.5.2.1.2. Estimates of the business activity associated with red snapper catch trips can be calculated using the ratio of catch trips to target

¹⁶ Converted to 2014 dollars using the 2014 annual Consumer Price Index (CPI) for all US urban consumers provided by the Bureau of Labor and Statistics (BLS).

trips because the available estimates of the average impacts per trip are not differentiated by trip intent or catch success. For example, if the estimated number of catch trips is three times the number of target trips for a particular state and mode, the estimate of the business activity associated with these catch trips would equal three times the estimated impacts of target trips.

The estimates of the business activity associated with red snapper recreational trips are only available at the state level. Addition of the state-level estimates to produce a regional or national total will underestimate the actual amount of total business activity because summing the state estimates will not capture business activity that leaks outside the individual states. A state estimate only reflects activities that occur within that state and not related activity that occurs in another state. For example, if a good is produced in Alabama but sold in Florida, the measure of business activity in Florida associated with the its sale in Florida does not include the production process in Alabama. Assessment of business activity at the national (or regional) level would capture activity in both states and include all activity except that which leaks into other nations.

It is noted that these estimates do not, and should not be expected to, represent the total business activity associated with a specific recreational harvest sector in a given state or in total. For example, these results do not state, or should be interpreted to imply, that there are only 154 jobs associated with the charter sector in Alabama. Instead, as previously stated, these results relate only to the business activity associated with target trips for red snapper. Because of the seasonal nature of red snapper fishing, few, if any businesses or jobs, would be expected to be devoted solely to red snapper fishing. The existence of these businesses and jobs, in total, is supported by the fishing for, and expenditures on, the variety of marine species available to anglers throughout the year.

Table 3.5.2.4.1. Summary of red snapper target trips (2010-2014 average) and associated business activity (2014 dollars). Output and value added impacts are not additive.

	Alabama	West Florida	Louisiana	Mississippi	Texas
Private/Rental Mode					
Target Trips	97,639	200,734	18,295	12,972	*
Output Impact	\$5,362,296	\$11,031,053	\$1,405,198	\$463,965	*
Value Added Impact	\$2,901,900	\$6,246,386	\$675,252	\$235,988	*
Jobs	57	94	11	4	*
Charter Mode					
Target Trips	14,175	22,163	3,164	64	*
Output Impact	\$9,205,443	\$16,516,389	\$1,555,096	\$26,341	*
Value Added Impact	\$6,299,715	\$11,042,093	\$1,069,317	\$18,555	*
Jobs	88	143	12	0	*
All Modes					
Target Trips	111,814	222,897	21,459	13,036	*
Output Impact	\$14,567,739	\$27,547,442	\$2,960,294	\$490,305	*
Value Added Impact	\$9,201,615	\$17,288,479	\$1,744,569	\$254,543	*
Jobs	145	237	22	5	*

*Because target information is unavailable, associated business activity cannot be calculated.

Note: There were no target trips recorded from the shore mode.

Source: effort data from the MRIP, economic impact results calculated by NMFS SERO using the model developed for NMFS (2011b).

Note: 2014 estimates are preliminary.

Estimates of the business activity (impacts) associated with headboat red snapper effort are not available. The headboat sector in the Southeast is not covered in the MRFSS/MRIP, so estimation of the appropriate impact coefficients for the headboat sector has not been conducted. While appropriate impact coefficients are available for the charter sector, potential differences in certain factors, such as the for-hire fee, rates of tourist versus local participation, and expenditure patterns, may result in significant differences in the business impacts of the headboat sector relative to the charter sector.

3.6 Description of the Administrative Environment

3.6.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the exclusive economic zone, an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the exclusive economic zone.

Responsibility for federal fishery management is shared by the Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for promulgating regulations to implement proposed plans and amendments after ensuring management measures are consistent with the Magnuson-Stevens Act and with other applicable laws summarized in Appendix A. In most cases, the Secretary has delegated this authority to NMFS.

The Council is responsible for fishery resources in federal waters of the Gulf. These waters extend to 200 nautical miles offshore from the nine-mile seaward boundary of the states of Florida and Texas, and the three-mile seaward boundary of the states of Alabama, Mississippi, and Louisiana. The length of the Gulf coastline is approximately 1,631 miles. Florida has the longest coastline of 770 miles along its Gulf coast, followed by Louisiana (397 miles), Texas (361 miles), Alabama (53 miles), and Mississippi (44 miles).

The Council consists of seventeen voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NMFS. The public is also involved in the fishery management process through participation on advisory panels and through Council meetings that, with few exceptions for discussing personnel matters, are open to the public. The regulatory process is also in accordance with the Administrative Procedures Act, in the form of “notice and comment” rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

Regulations contained within FMPs are enforced through actions of the National Oceanic and Atmospheric Administration’s Office of Law Enforcement, the United States Coast Guard, and various state authorities. To better coordinate enforcement activities, federal and state enforcement agencies have developed cooperative agreements to enforce the Magnuson-Stevens Act. These activities are being coordinated by the Council’s Law Enforcement Advisory Panel and the Gulf States Marine Fisheries Commission’s Law Enforcement Committee, which have developed joint enforcement agreements and cooperative enforcement programs (www.gsmfc.org).

The red snapper stock in the Gulf is classified as overfished, but no longer undergoing overfishing. A rebuilding plan for red snapper was first implemented under Amendment 1 (GMFMC 1989), and has undergone several revisions. The current rebuilding plan was established in Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007), and calls for rebuilding the stock to a level capable of supporting maximum sustainable yield on a continuing basis by 2032. Periodic adjustments to the ACL and other management measures needed to affect rebuilding are implemented through regulatory amendments.

3.6.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments of Texas, Louisiana, Mississippi, Alabama, and Florida have the authority to manage their respective state fisheries. Each of the five Gulf States exercises legislative and regulatory authority over their respective state's natural resources through discrete administrative units. Although each agency is the primary administrative body with respect to the states' natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources. A more detailed description of each state's primary regulatory agency for marine resources is provided in Amendment 22 (GMFMC 2004b).

CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

4.1 Action 1 – Allocation of Red Snapper

4.1.1 Direct and Indirect Effects on the Physical Environment

Sections 3.1, 3.2, and GMFMC (2004a, 2004c, and 2007) describe the physical environment and habitat used by red snapper. In summary, adult red snapper are found around low relief bottom structure, hard bottom, and artificial structures; eggs and larvae are pelagic; and juveniles are found associated with bottom inter-shelf habitat (Szedlmayer and Conti 1998) and prefer shell habitat over sand (Szedlmayer and Howe 1997). Adult red snapper are closely associated with artificial structures in the northern Gulf of Mexico (Gulf) (Szedlmayer and Shipp 1994; Shipp and Bortone 2009) and larger individuals have been found to use artificial habitats, but move further from the structure as they increase in size and based on the time of day (Topping and Szedlmayer 2011). In terms of red snapper fishing, most commercial red snapper fishermen use handlines (mostly bandit rigs and electric reels, occasionally rod-and-reel) with a small percentage (generally <5% annually) caught with bottom longlines (see section 3.1). Recreational red snapper fishing almost exclusively uses vertical-line gear, most frequently rod-and-reel (See section 3.1). The following describes the effects of common fishing gear on the physical environment.

Handline gear (bandit gear, rod-and-reel, and electric reels) used in fishing for reef fish is generally suspended over hard bottom because many managed reef fish species occur higher over this type of substrate than over sand or mud bottoms (GMFMC 2004a). Handline gear is less likely to contact the bottom than longlines, but still has the potential to snag and entangle bottom structures and cause tear-offs or abrasions (Barnette 2001). In using bandit gear, a weighted line is lowered to the bottom, and then the lead is raised slightly off the bottom (Siebenaler and Brady 1952). The gear is in direct contact with the bottom for only a short period of time. Barnette (2001) suggests that physical impacts may include entanglement and minor degradation of benthic species from line abrasion and the use of weights (sinkers). Commercial or recreational fishing with rod-and-reel also lays gear on the bottom. The terminal part of the gear is either lifted off the bottom like fishing with bandit gear, or left contacting the bottom. Sometimes the fishing line can become entangled on coral and hard bottom outcroppings. The subsequent algal growth can foul and eventually kill the underlying coral (Barnette 2001). Researchers conducting studies in the restricted fishing area at Madison-Swanson reported seeing lost fishing line on the bottom, much of which appeared to be fairly old and covered with growth (A. David, Southeast Fisheries Science Center, pers. comm.), a clear indication that bottom fishing has had an impact on the physical environment prior to fishing being prohibited in the area (GMFMC 2003).

Anchor damage is also associated with handline fishing vessels, particularly by the recreational sector where fishermen may repeatedly visit well marked fishing locations. Hamilton (2000) points out that “favorite” fishing areas such as reefs are targeted and revisited multiple times, particularly with the advent of global positioning technology. The cumulative effects of repeated anchoring could damage the hard bottom areas where fishing for red snapper occurs.

Bottom longline gear is deployed over hard bottom habitats using weights to keep the gear in direct contact with the bottom. Its potential for adverse impact is dependent on the type of habitat it is set on, the presence or absence of currents, and the behavior of fish after being hooked. In addition, this gear upon retrieval can abrade, snag, and dislodge smaller rocks, corals, and sessile invertebrates (Hamilton 2000; Barnette 2001). Direct underwater observations of longline gear in the Pacific halibut fishery by High (1998) noted that the gear could sweep across the bottom. Some halibut were observed pulling portions of longlines 15 to 20 feet over the bottom. Although the gear was observed in contact with or snagged on a variety of objects including coral, sturdy soft corals (e.g., gorgonians) usually appeared unharmed while stony corals often had portions broken off. However, in a different study where deployed bottom longline gear was directly observed (Atlantic tilefish fishery), no evidence of gear movement was documented, even when placed in strong currents (Grimes et al. 1982). This was attributed to anchors set at either end of the bottom longline as well as sash weights along the line to prevent movement. Based on these direct observations, it is logical to assume that bottom longline gear would have a minor impact on sandy or muddy habitat areas. However, due to the vertical relief that hardbottom and coral reef habitats provide, it would be expected that bottom longline gear may become entangled, resulting in potential negative impacts to habitat (Barnette 2001). Because bottom longlines are a minor gear type used in harvesting red snapper by the commercial sector, any effects to the physical environment by this gear as a result of this action would likely be minor.

The action would have no direct effect on the physical environment. This action could indirectly affect the physical environment if changes in allocation result in an increase or decrease in the amount of fishing gear used to harvest the respective commercial and recreational quotas. However, any effects under **Alternatives 2-9** would likely be minimal. One reason is the overall red snapper combined quota would not be effected by this action. Thus any beneficial effects from reducing the commercial quota (reduced fishing effort) would likely be offset by adverse effects from increasing the recreational quota (increased fishing effort). Additionally, changes in overall commercial and recreational fishing effort is likely to be small because fishermen target other species besides red snapper. Thus, for example, an angler who could schedule additional red snapper fishing trips under an alternative that increases the recreational quota (more red snapper fishing days), could still take those fishing trips under a smaller quota, but the fishing trips would target some other species besides red snapper (e.g., gag). Likewise, a commercial fisherman who might not take a trip targeting red snapper because of less IFQ allocation based on a lower commercial quota, might schedule another trip targeting some other species such as vermilion snapper, which is not managed under an IFQ program.

The no action (**Alternative 1**) would continue the current allocation. **Alternatives 2-9** would reduce the commercial red snapper allocation and increase the recreational red snapper allocation. Assuming that commercial vessels in general are more efficient at catching red snapper due to vessel type, experience, and equipment, then a likely result of having greater recreational allocation could be an increase in overall red snapper effort as a result of lower recreational efficiency. Thus, **Alternative 6** that increases the recreational allocation the most (by >17% totaling 66.1-67.5%), would have the greatest indirect effect on the physical environment compared to **Alternative 1**, no action (49%). Moving this logic forward, then

Alternative 4 (59%) would have the next greatest effect, followed by **Alternative 5** (57.7-58.4%), **Preferred Alternative 9** (57.3-57.7%), **Alternative 7** (56.1-56.8%), **Alternative 3** (54%), **Alternative 2** (52%), and **Alternative 8** (51.4-51.6%) when compared to **Alternative 1**.

4.1.2 Direct and Indirect Effects on the Biological Environment

Direct and indirect effects from fishery management actions have been discussed in detail in Reef Fish Amendment 22 and Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2004b and 2007) and in several red snapper framework actions (GMFMC 2010, 2012a, 2013a) and are incorporated here by reference. Potential impacts of the 2010 Deepwater Horizon MC252 oil spill on the biological/ecological environment are discussed in Section 3.3 and the January 2011 Framework Action (GMFMC 2011c) and are also incorporated here by reference. These impacts may include recruitment failure and reduced fish health. Management actions that affect this environment mostly relate to the impacts of fishing on a species' population size, life history, and the role of the species within its habitat. Removal of fish from the population through fishing reduces the overall population size. Fishing gears have different selectivity patterns which refer to a fishing method's ability to target and capture organisms by size and species. This would include the number of discards, mostly sublegal fish or fish caught during seasonal closures, and the mortality associated with releasing these fish.

Fishing can affect life history characteristics of reef fish such as growth and maturation rates. For example, Fischer et al. (2004) and Nieland et al. (2007) found that the average size-at-age of red snapper had declined and associated this trend with fishing pressure. Woods (2003) found that the size at maturity for Gulf red snapper had also declined and speculated this change may also have been due to increases in fishing effort. The reef fish fishery can also affect species outside the reef fish complex. Specifically, sea turtles have been observed to be directly affected by the longline component of the Gulf reef fish fishery. These effects occur when sea turtles interact with fishing gear and result in an incidental capture injury or mortality and are summarized in GMFMC (2009). However, for sea turtles and other listed species, the most recent biological/ecological opinion for the Reef Fish Fishery Management Plan concluded authorization of the Gulf reef fish fishery managed in the reef fish plan is not likely to jeopardize the continued existence of sea turtles, smalltooth sawfish, or table coral species (NMFS 2011a). In addition, the primary gear used by the recreational sector (hook-and-line) was classified in the 2015 List of Fisheries (79 FR 77919) as a Category III fishery with regard to marine mammal species, indicating this gear has little effect on these populations (see Section 3.3 for more information).

The action in this amendment is not expected to have any direct effects on the biological environment because the Council is not considering changes to the total quota or fishing gear. Therefore, any biological effects from these alternatives are expected to be indirect. Indirect effects from this action on the biological environment could occur if there are changes in the total number of red snapper killed (landed or discarded dead) by either sector, or any changes to the frequency or magnitude of any quota overages due to modifications to the red snapper allocation. Gear types used by the commercial and recreational sectors and their expected effects are discussed in Sections 3.1 and 4.1.1 of this document.

The most recent benchmark red snapper stock assessment (SEDAR 31 2013) estimated dead discard rates separately for each sector. Note these same values were used in the recent 2014 update assessment. Based on the commercial observer program, dead discard rate estimates were based on average depths, gear type (handline or longline), region (eastern or western Gulf), and season (open or closed). The assessment defined open season discard rates as those occurring on commercial fishing trips with IFQ allocation, while discards from trips without IFQ allocation were considered closed season dead discard rates. For the recreational sector, average depths at which discards occurred for each region (eastern or western Gulf) and season (open or closed) were calculated using self-reported discard data from the iSnapper program and reflected fishing depths, in general, reported by recreational anglers (SEDAR 31 2013). The stock assessment also estimated discard mortality rates before and after the implementation of the circle hook and venting tool requirement in 2008 for both sectors (GMFMC 2007). In August 2013, the Council decided to remove the venting tool requirement due to questions of its efficacy (GMFMC 2013c).

For purposes of comparing these alternatives, only the discard mortality rates estimates by sector, region (east and west), and fish venting are cited and discussed from Tables 5.1 and 5.2 in SEDAR 31 (2013). Regardless of whether the recreational red snapper season is open or closed, the recreational sector reported fishing at shallower depths and typically used hook and line gear that results in lower rates of dead discards (Table 4.1.2.1). The commercial sector is estimated to have higher estimates of dead discard rates than the recreational sector due to gear types and depth fished (GMFMC 2007; SEDAR 7 2005; SEDAR 31 2013). This is especially true in the western Gulf when commercial fishers did not possess IFQ allocation (closed season).

Because **Alternatives 2 through 9** would increase the recreational quota and decrease the commercial quota relative to **Alternative 1 (no action)**, the following discussion will only focus on this direction of allocation change. For the recreational sector, the average rate of red snapper discarded dead is lower based on information in the stock assessment for depths fished and gear types (Table 4.1.2.1). Additionally, as a result of increased allocation and subsequently longer fishing season, some red snapper caught could now be retained instead of discarded dead. However, the magnitude of this reduction in dead discards is expected to be minimal based on the number recreational anglers compared to commercial fishermen. **Alternative 6** has the greatest allocation shift and is expected to increase the recreational season the most compared to **Alternative 1 (no action)**.

Table 4.1.2.1. Average depth fished and estimated discard mortality rates of red snapper by sector during the closed and open seasons in the eastern and western Gulf. The associated discard mortality estimates for the recreational and commercial sector listed are based on use of circle hooks and the venting tool requirement.

Recreational sector		Commercial handline		Commercial bottom longline	
Open		Open		Open	
East	West	East	West	East	West
102 ft	105 ft	135 ft	159 ft	186 ft	312 ft
10%	10%	56%	60%	64%	81%
Closed		Closed		Closed	
East	West	East	West	East	West
99 ft	108 ft	126 ft	252 ft	198 ft	396 ft
10%	10%	55%	74%	66%	88%

Source: Tables 5.1 and 5.2 in SEDAR 31 2013

For the commercial sector, estimates of dead discard rates are higher compared to the recreational sector and a decrease in the allocation would likely lead to increased dead discards as a result of a reduced commercial quota (Table 4.1.2.1). Since the implementation of the red snapper IFQ program, the overall rates of dead discards by the commercial sector have been reduced (GMFMC 2013b), which may minimize any increases in discarded fish from this action. However, SEDAR 31 (2013) reported that in the western Gulf, where most of the red snapper are commercially caught, the discard mortality rate for vessels using handline gear without IFQ shares was greater than the discard mortality rate for handline vessels with IFQ shares (Table 4.1.2.1). Handline gear is the predominant gear used to harvest red snapper (see Section 4.1.1). Thus in the western Gulf, a decrease in allocation could result in more trips without red snapper shares and more dead discards. In eastern Gulf, even though there did not seem to be a different discard mortality rates between commercial vessels with IFQ shares and those without; as allocation is shifted away from the commercial sector, it is likely that the number of dead discards would increase (Table 4.1.2.1). As the red snapper stock expands into the eastern Gulf, the incidence of red snapper being encountered should increase as catch rates increase (Boen and Keithly 2012). As a result, fewer red snapper could be kept and more fish would need to be discarded because of the reduced allocation and subsequent quota reduction from **Alternatives 2** through **9**. Additionally, the reef fish fishery is a multispecies fishery and commercial fishermen may shift fishing effort to others species due to the reduction in red snapper quota so they could compensate for lost income.

With the introduction of the IFQ program, no overages of the commercial quota have occurred and are not likely to occur in the near future. For the recreational sector, quota overages have occurred frequently in recent years and could adversely affect the stock's recovery if they continue (NMFS 2013d; SEDAR 31 2013). Recreational quota overages have occurred because of difficulties assessing past fishing patterns and projecting them into the future to estimate season length (NMFS 2013). However, to reduce the likelihood of quota overages, the projected recreational season is now based on the annual catch target set 20% below the quota and preliminary harvest information for 2014 indicates the recreational quota was not exceeded.

Given the discussion above, if the recreational quota were increased as a result of **Alternative 2** through **Alternative 9**, the number of recreational dead discards would likely decrease.

However, this benefit to the red snapper stock would likely be offset by increases in dead discards as a result of a reduced commercial quota. Therefore, it is difficult to assess whether these alternatives, in terms of dead discards, would be beneficial, adverse, or have no effect on the red snapper stock. These effects need to be qualified because they are largely based upon fishermen behavior and this behavior could change in response to changing allocation. Current monitoring of harvests and discards could provide insights into these effects in the future.

Based on the information discussed above, **Alternative 6** would be expected to have the greatest beneficial effect on the biological environment compared to **Alternative 1 (no action)**, if in fact discard mortality rates are reduced when the recreational sector has more quota. Whereas, **Alternative 6** would be expected to have the greatest adverse effect on the biological environment compared to **Alternative 1 (no action)**, if in fact dead discard mortality rates are increased when the commercial sector has less quota. The comparison of these alternatives to no action, whether beneficial or adverse depends on fishermen behavior, and based on these behaviors, any potential effects on the biological environment could end up canceling each other out. **Alternative 4** and **Preferred Alternative 5** would be expected to have the next greatest effects (either beneficial or adverse) on the biological environment after **Alternative 6** compared to **Alternative 1 (no action)**. Given the combined quotas for 2015-2017, **Alternative 9**, **Alternative 7**, **Alternative 3**, and **Alternative 2** are expected to have intermediate impacts compared to **Alternative 8** and **Preferred Alternative 5**. If the total quota is decreased, but does not reach the given threshold of 9.12 mp, the indirect effects under **Preferred Alternative 5**, **Alternative 6**, and **Alternative 7** would be reduced as the allocations get closer to the **Alternative 1 (no action)** allocations. However, if the total quota substantially increases, effects of **Preferred Alternative 5**, and **Alternatives 6** and **7** could be greater than any of the other alternatives.

The relationships among species in marine ecosystems are complex and poorly understood, making the nature and magnitude of ecological effects difficult to predict with any accuracy. The most recent red snapper stock assessment (SEDAR 31 2013) indicated the stock is rebuilding. Consequently, it is possible that forage species and competitor species could decrease in abundance in response to an increase in red snapper abundance. This action, regardless of the alternative, should not effect the red snapper recovery, thus any effects on forage species and competitor species would not likely be different from no action. Changes in the bycatch of red snapper are not expected to directly affect other species in the ecosystem. Although birds, dolphins, and other predators may feed on red snapper discards, there is no evidence that any of these species rely on red snapper discards for food.

4.1.3 Direct and Indirect Effects on the Social Environment

Alternative 1 (no action) would retain the current sector allocations for red snapper and would have no impact upon the commercial sector as their allocation would remain the same. The shortened recreational fishing seasons over the past few years have been exacerbated by differential management between some states and their adjoining federal waters. This varied management has allowed for continued harvest, including when federal waters are closed, which then translates into shortened seasons because season length is based on total harvest in state and federal waters.

A direct result of the shortened seasons has been dissatisfaction with current management for the recreational sector. This dissatisfaction has, in part, prompted the Council to revisit the red snapper allocation to potentially provide some relief to the shortening seasons, which in turn has increased tension among the recreational and commercial sectors. While the red snapper stock has rebounded, the appearance of good year classes has resulted in an abundance of larger fish which has allowed the recreational quota to be caught faster, as each angler's bag limit weighs more and thus represents more of the quota. Without addressing the problem of shortened seasons, there will continue to be dissatisfaction with management and continued quota overages by the recreational sector, although new accountability measures have recently been adopted to reduce the likelihood of quota overages. Modifying the red snapper allocation could potentially provide some temporary relief to the shortened recreational fishing seasons. However, with the 2014 federal season only nine days long, allocating the total red snapper quota to the recreational sector would still allow less than one month of red snapper harvest in federal waters. Nevertheless, the scope of this action is to evaluate reallocation, rather than addressing the broader issues of managing the recreational harvest of red snapper.

Alternative methods of allowing for transfer of quota between the sectors, such as incentive-based mechanisms, rather than the regulatory-based alternatives provided in this amendment might avoid some of the disparities that occur with the regulatory approach used here, and have been recommended by the Socio-economic Scientific and Statistical Committee (SESSC). With the commercial sector already under an IFQ program, such incentive-based mechanisms would allow for trading of quota between the two sectors, thereby allowing market mechanisms to determine efficiency. Incentive-based approaches would more likely result in actual increases in efficiency, but would face similar concerns for social impacts resulting from unequal distributional effects (see Section 3.4). Reallocation of quota through the regulatory-based approaches in **Alternatives 2-9** would be the quickest manner of providing some additional fishing opportunities to the recreational sector; yet, the season is extended only nominally and would be matched by negative impacts in the commercial sector, as discussed below.

Because **Alternatives 2-9** all transfer a certain amount of quota from the commercial sector to the recreational sector, the types of effects on the social environment would be similar among the alternatives. The effects would vary in scope and strength relative to the amount of quota that is reallocated. It is difficult to quantify social effects because a quantitative social benefits model is not available. As a result, the discussion that follows will be qualitative in its approach and identify possible direct and indirect effects that might accrue from reallocation under the different alternatives. Most generally, the quality of social impacts differs between the sectors, in that a loss of commercial access to red snapper could affect the livelihoods of commercial fishermen, especially small-scale owner-operators, hired captains and crew who do not own red snapper shares, and the well-being of commercial communities. In addition, some negative effects would be expected for red snapper consumers if decreased commercial access is associated with decreased availability. For the recreational sector, the gains in recreational quota would provide additional recreational opportunities to retain red snapper.

Red snapper is an iconic Gulf species, and the issue of red snapper reallocation is affected by the conflict between the commercial and recreational sectors over rights to the resource. The

commercial sector currently retains the majority share of the resource (51%), although for most years, the majority of landings have been made by the recreational sector. Compared with no action, under all the **Alternatives 2-9**, the recreational sector will assume the majority share, a benefit sought after by the recreational sector, regardless of the poundage corresponding to the selected reallocation. This is a primary and repeated theme in public comments submitted by private recreational anglers. A sector allocation is a policy designation of the rights to access, but the reallocation of red snapper also has socio-cultural significance as a symbol of the struggle over a highly sought after resource with the recreational sector now in the majority.

From a social perspective, the potential economic gains estimated in an economic efficiency analysis assume certain aspects of the economy are equal, which may not be the case. The distributional effects of how dollars lost and gained from reallocation move through the various value chains and other targeted fisheries, including fishing communities and the larger Gulf coast economy, should be taken into consideration. While it might be expected that any net benefits from a purely economic efficiency standpoint should continue to provide net gains, there is concern that gains and losses may be experienced differently and appear with other types of analysis (Copes 1997). This point was made by the SEFSC as there are other aspects within the current economic and social climate that are not taken into consideration in the analysis. Some of the factors that might contribute to resulting impacts and how impacts are distributed through the economy include differential value chains, a sluggish economy, a high unemployment rate, the recovery from the recent Deepwater Horizon MC252 oil spill, different property rights structures, and the general differences in community well-being that currently exist.

Further, the net benefits estimated by an economic efficiency analysis are not actual economic gains, but potential gains that do not consider other distributional effects (Bromley 1977). Should net gains in economic efficiency be realized as a result of reallocation, there is no reason to expect that the gains or losses would be equally distributed among fishing communities. Jacob et al. (2013) found that when shifting allocation between recreational and commercial fishing communities, highly dependent fishing communities experienced greater positive or negative effects on well-being than those communities that were less dependent. Although this research was not specific to red snapper or the Gulf coast, it did look at reallocation and reinforces the idea that any shift may have unintended consequences not accounted for in an economic efficiency analysis (Appendix G).

Current measures of community well-being (Section 3.3) also suggest that commercial dependent fishing communities exhibit greater vulnerability than recreational-dependent fishing communities, in that more index thresholds are exceeded for commercially dependent communities than recreationally dependent communities (Figures 3.4.2.1 & 3.4.2.2). Of the commercially dependent communities discussed in Section 3.3, five exceed the social vulnerability threshold on all three measures and three exceed the thresholds for two social vulnerability measures. For the recreationally dependent communities discussed in Section 3.3, only one community exceeds the social vulnerability threshold for all three measures and three communities exceed at least two measures of social vulnerability. Again, these social vulnerability measures are not specific to red snapper but suggest the nature of differences among other parts of the economy outside of red snapper fishing. The communities that are experiencing higher social vulnerabilities may be less able to absorb negative social effects from

a change in resource access resulting from reallocation due to having higher levels of poverty, unemployment, and a higher proportion of vulnerable populations. The losses to commercial fishing communities may be compounded because of increased vulnerabilities that are not captured in the economic efficiency analysis, as discussed above.

Reallocating 3% of the red snapper quota to the recreational sector (**Alternative 2**) would provide the recreational sector with a limited number of additional fishing days. With a larger shift in allocation of 10% (**Alternative 4**), the projected fishing season could possibly be extended further. However, these additional fishing opportunities for recreational fishing communities would not extend the season near the six months advocated by many anglers (<https://docs.google.com/spreadsheets/ccc?key=0Atgbk2rxQkqhdHByby1ad0F0THZiMGtoVTdIVDJ6cWc#gid=0>). Furthermore, assuming the daily rate of harvest will increase as the season becomes shorter (Figure 3.4.3), and the increasing proportion of the recreational quota caught during extended state water seasons, estimations of additional fishing days may be over generous, as changes in effort or participation are likely for an open entry sector.

Conversely, the increase in fishing opportunities provided to the recreational sector from reallocation would correspond with negative impacts to the commercial sector by reducing their access to the red snapper resource. **Alternatives 2-9** will not increase the stability of red snapper fishing for the recreational sector but, these alternatives would be expected to trigger some instability in the IFQ market as a result of restructuring existing fishing privileges. Although the commercial harvest of red snapper has been open year round since inception of the IFQ program, a commercial fisherman's ability to harvest red snapper depends on the ability to acquire quota. The commercial sector consists of numerous participation roles that may incur differential impacts from this management action. For example, some captains own and fish from their own vessel, and other captains work vessels for owners, including dealers. Commercial red snapper allocation can cost upwards of 75% of ex-vessel price (GMFMC 2013b; Appendix G) for those who must purchase allocation from others. Although IFQ shares were initially distributed based on historical landings, since implementation of the program, red snapper IFQ shares have been bought by fishermen who did not initially receive them representing direct economic investment in the IFQ program. Because frustration has been expressed in public testimony by those opposed to the sale of red snapper quota allocation in the IFQ program, it must be noted that for every pound of allocation sold, another commercial fisherman paid to land that red snapper.¹⁷

One concern about reallocation under current management is that the quota has been increasing, but may not continue to do so in the future. If the quota decreases, the losses and benefits that accrue would be much different and could shift the direction of how those benefits accrue. Even with a stable quota, net benefits could change over time as other factors related to either sector or other parts of the economy can change.

The concerns discussed above highlight many of the issues that might be raised with this choice of reallocation alternatives. As mentioned earlier, the shortened seasons and quota overages occurring in the recreational sector suggest the need for a revision to current management. As

¹⁷ In the IFQ program, 'shares' refer to a percentage of the entire commercial quota; shares may be bought and sold by any U.S. citizen. 'Allocation' refers to the pounds of red snapper represented by those shares, based on the current year's quota. Allocation may only be purchased and landed by a permitted commercial vessel.

discussed, other alternative management strategies have been suggested that include incentive-based mechanisms that would require a more complex management regime. The various reallocation alternatives under consideration may provide some temporary relief to a challenge in the recreational sector that needs a long-term solution.

Another aspect of reallocation is the effect on perceptions of management. Existing management has led to considerable dissatisfaction among the recreational sector. However, with a reallocation of quota from the commercial sector, considerable dissatisfaction and instability in commercial participants' confidence in the IFQ market would be expected to result, because there would be no mitigation to the commercial sector for the loss of access to red snapper quota. Although the efficiency analysis suggests potential net gains from a shift in allocation, all losses accrue to the commercial sector. Prior to implementation of the IFQ program for the commercial sector, there were many years during which commercial fishermen experienced similar dissatisfaction with management due to trip limits and shortened seasons that led to derby fishing (Figure 3.4.1). Doubtless, painful social impacts accompanied the transition to the incentive-based management regime, including reductions in participation; however, seven years later, commercial red snapper fishing has stabilized, both in terms of the season length (year round), prices, and avoiding quota overages. Nevertheless, the commercial red snapper IFQ program is still considered overcapitalized (GMFMC 2013b). A reallocation from the commercial quota would be expected to negatively affect the stability of the commercial sector in terms of long-term access to red snapper allocation and confidence in the IFQ program. These effects are different than would be expected from a quota decrease deemed necessary for biological concerns, which would also result in less quota availability, but would not be expected to negatively affect participants' confidence in the IFQ market and their ability to continue participating. Given the history of the commercial sector's derby seasons prior to the IFQ program's implementation, reallocating commercial quota to the recreational sector may be seen as unfair and create new tensions with management, as quota overages and shortened seasons would be expected to continue in the recreational sector.

Although the allocation is currently set at 51% commercial, 49% recreational, the proportion of actual landings by each sector has consistently departed from the established allocation (Tables 2.1.1 and 2.1.2). That is, since the allocation was established in 1990, in all but five years the recreational sector's annual landings have represented a larger proportion of total landings than their allocation. With a 3% reallocation, **Alternative 2** would be expected to result in the second least negative direct or indirect effects upon the commercial sector while providing fewer additional opportunities for the recreational sector to retain red snapper among **Alternatives 2-7, and 9**. With a 5% reallocation, **Alternative 3** would result in slightly more negative direct and indirect social effects upon the commercial sector compared with **Alternative 2**, assuming that any gains and losses move through all sectors proportionately in strength and scope. With a 10% reallocation, **Alternative 4** would provide greater fishing opportunities to the recreational sector, but also result in the greater negative direct and indirect social effects on the commercial sector. For the current quota, **Alternative 6** would result in the greatest quota increase for the recreational sector, and consequently, the greatest decrease for the commercial sector. **Alternative 6** has the potential to provide the greatest benefits to the recreational sector and the most adverse effects on the commercial sector, including social aspects of the IFQ program.

Given the progress of red snapper rebuilding, as evidenced by larger fish and quota increases, the preceding discussion largely focused on impacts assuming a stable or increasing quota. However, it is possible the quota may decrease in future years, for example, if recruitment declines. Under **Alternatives 2-4**, quota decreases would compound the problems of the commercial sector's loss of access to red snapper from reallocation. **Alternative 5** and **Alternative 6** propose reallocations only on any quota above 9.12 mp, and **Alternative 7** would reallocate only that portion of the quota above 10.0 mp. **Preferred Alternative 8** and **Alternative 9** reallocate portions of the quota linked to the MRIP calibration of recreational landings and to changes in size selectivity in the recreational sector. As a result, these alternatives (**Alternatives 5-9**) result in different sector allocations depending on the total amount of the red snapper quota.

By limiting reallocation of 75% of any quota over 9.12 mp to the recreational sector (**Alternative 5**), no negative social effects on the commercial sector would occur when the quota is at or below 9.12 mp, because the sectors' proportions of the quota would remain the same as under **Alternative 1**. However, with a current 2015 quota of 14.30 mp, the potential increased benefits associated with the increased quota under **Alternative 5** to the recreational sector could be appreciable compared to **Alternative 1**. In turn, the commercial quota would be decreased by the same amount, and attending adverse impacts would result from decreased access to the red snapper resource. Yet, if the red snapper stock continues to rebuild, quota increases could benefit both sectors, but provide more additional quota to the recreational sector.

By allocating 100% of all quota above 9.12 mp to the recreational sector (**Alternative 6**), the negative social effects to the commercial sector would be greater than under **Alternative 5**, but remain the same as **Alternative 1** when the quota is equal or less than 9.12 mp. Setting the baseline above which to reallocate at 10.0 mp, **Alternative 7** would reallocate a lesser amount of quota compared with **Alternative 5**. **Alternative 7** would therefore be expected to provide less potential benefits to the recreational sector relative to **Alternative 5**. However, the baseline is lower than the current quota (**Alternative 1**), meaning that adverse impacts would still be expected for the commercial sector.

With **Preferred Alternative 8** and **Alternative 9** the reallocation is based upon calibration of the MRIP catch estimates and changes in size selectivity that were factored into the new stock assessment which resulted in higher estimates for the stock ACL. The resulting increase to the annual catch limit from the calibration would be added to the recreational sector's quota in its entirety with **Preferred Alternative 8**. The change in allocation is averaged over the time periods from 2015 to 2017 which results in 51.5% of the annual catch limit attributed to the recreational sector and 48.5% to the commercial sector. This reallocation scenario would shift the least amount away from the commercial sector except for **Alternative 1** and therefore have the least negative social effects to that sector, among **Alternatives 2-9**. By taking the changes in recreational selectivity and adding those gains to the increases from the calibration to the recreational sector in **Alternative 9**, the percentage shift of ACL to the recreational sector is greater than in **Alternatives 1, 2, 3, 7 and 8**. Therefore, the negative social effects which would be expected to accrue to the commercial sector from **Alternative 9** would also be expected to be greater than the negative effects resulting from those alternatives.

This section has primarily addressed the recreational sector as a whole; however, fishing opportunities are not distributed evenly Gulf-wide. Prior to 2014, three of the five Gulf States allowed some additional harvest of red snapper in their state waters when the retention of red snapper from federal waters was prohibited. In 2014, all five Gulf States allowed additional fishing days for red snapper in state waters. The result is fewer red snapper fishing opportunities for 1) all anglers in federal waters during the federal season, 2) all anglers in states with compatible regulations, and 3) federal for-hire vessels operating from states with incompatible regulations. It is unknown whether a reallocation decision will affect the practice of states adopting incompatible regulations, by either increasing compliance, or resulting in greater state regulatory inconsistency. Nevertheless, those states with incompatible regulations provide additional fishing opportunities for anglers in their state waters, which shortens the recreational fishing season for other anglers. For the 2014 red snapper fishing season, an estimated 2.04 mp of the recreational red snapper quota was expected to be harvested in state waters outside of the federal season. This is approximately half of the 4.312 mp ACT implemented by emergency rule for the 2014 recreational red snapper season (NMFS 2014). Thus, it cannot be assumed that additional fishing opportunities provided through reallocation would benefit all recreational anglers through a longer federal season, as some portion of the quota would be expected to be landed in state waters outside of the federal season.

4.1.4 Direct and Indirect Effects on the Economic Environment

This action considers alternative reallocations of the red snapper quota between the recreational and the commercial sectors. The current partition of the resource grants 49 percent of the quota to the recreational sector and 51 percent to the commercial sector. Reallocation alternatives considered in this action vary the recreational share of the quota from 49 percent (**Alternative 1**) to 59 percent in **Alternative 4**. Conversely, the commercial share of the red snapper quota ranges from a minimum of 41 percent to a maximum of 51 percent for **Alternative 4** and **Alternative 1**, respectively. The commercial and recreational red snapper allocations, in pounds and percentage of the quota, are provided in Table 2.1.3.

Alternative 1 (no action) would maintain the current split of the red snapper quota between the commercial and recreational sectors (51% commercial and 49% recreational¹⁸). Therefore, direct economic effects are not expected to result from **Alternative 1** because changes to harvests or other customary uses of red snapper are not expected to result from the no action alternative. However, in a study evaluating the economic efficiency of red snapper allocation between the commercial and recreational sectors, Agar and Carter (2013, Appendix G) concluded that the existing allocation was not economically efficient. Based on this finding, the continued apportionment of red snapper resources according to the status quo allocation between the sectors could potentially be expected to result in indirect adverse economic effects that would stem from forgone opportunities to enhance economic efficiency and thus generate more economic benefits. Improvements in economic efficiency would increase the economic value derived from the red snapper resources if the current allocation is moved closer to the optimal allocation, which is unknown.

¹⁸ The status quo allocation was established in Amendment 1 (GMFMC, 1989) and was based on historical landings during the base period 1979-1987.

All remaining alternatives (**Alternatives 2-9**) considered in this amendment would increase the percentage of the red snapper quota allocated to the recreational sector (and decrease the commercial sector's share by an equivalent percentage). Therefore, the implementation of any one of these alternatives would be expected to result in economic losses to the commercial sector and potentially generate economic benefits for the recreational sector. For each reallocation alternative, the relative magnitude of the expected losses to the commercial sector and potential gains to the recreational sector would determine the net economic effects.

Alternatives 2, 3, and 4 would add 3%, 5%, and 10% of the red snapper quota to the recreational allocation, respectively. Adjustments proposed in **Alternative 5** and **Alternative 6** would only reapportion quota amounts in excess of 9.12 mp and would either grant 75% of the amounts in excess of 9.12 mp (**Alternative 5**) or 100% of the amount in excess of 9.12 mp (**Alternative 6**) to the recreational sector. The status quo allocation ratio would apply if the quota were 9.12 mp or lower. **Alternative 7** would allocate 75% of quota amounts in excess of 10.0 mp to the recreational sector, and the remaining 25% to the commercial sector. The status quo allocation ratio would apply if the quota were 10.0 mp or lower. **Preferred Alternative 8** would allocate quota amounts attributable to the recalibration of MRIP catch estimates to the recreational sector. **Alternative 9** would allocate the quota amounts attributable to the recalibration of MRIP catch estimates and to the change in size selectivity to the recreational sector. Based on the red snapper quotas between 2015 and 2017, of all the alternatives considered in this amendment, **Alternative 6** would allocate the greatest percentage of the red snapper quota to the recreational sector (ranging from 66.1% in 2017 to 67.5% in 2015). For each alternative, red snapper allocations to the commercial and recreational sector (in pounds and in percentage of the quota) between 2015 and 2017 are provided in Table 2.1.4.

Resulting percentages allocated to each sector would be fixed in **Alternatives 2-4** but would fluctuate in **Alternative 5** and **Alternatives 6-7** based on the magnitude of the red snapper quota. **Alternative 5** and **Alternatives 6-7** could potentially result in the reallocation of large portions of the red snapper quota as the red snapper stock recovers and red snapper quotas are increased. Percentages of the red snapper quota allocated to each sector would also not be fixed under **Preferred Alternative 8** and **Alternative 9** but would vary based on the quota and on the amounts attributed to the recalibration and to the change in size selectivity in the recreational sector.

Estimates for mean net economic benefit per pound of red snapper are provided by Agar and Carter (2013, Appendix G). Aggregate net benefits estimates are also provided in Appendix G. In general, for commercial fisheries managed under an IFQ program, e.g., red snapper, changes in economic value in the commercial sector could be evaluated using IFQ allocation prices because for well-functioning IFQ markets, allocation prices can be used to measure net economic benefits. The estimates of economic value to the commercial sector provided in Appendix G were derived following the approach suggested in Newell et al. (2005a and 2005b), which provide discussions on IFQ markets and on the determinants of allocation prices in individual fishing quota markets. For commercial red snapper harvesters, the mean net benefit per pound of red snapper is estimated to range from \$2.75 to \$2.95, for a commercial red snapper quota of 5.06 mp and 4.06 mp, respectively (Agar and Carter, 2013, Appendix G). These net benefit estimates are limited to red snapper IFQ participants, including harvesters and individuals/

entities who elect to lease their annual allocation. Producer surplus received by economic agents operating between the harvest and the final consumption of red snapper, e.g., dealers and retailers, were not included. The consumer surplus enjoyed by red snapper consumers was also not included in the estimates provided. However, if there are many substitutes for red snapper (e.g., other domestic or imported reef fish), then the surplus to the retail consumer would be expected to be small. For a discussion on substitution between red snapper and imports, see, for example, Norman-López (2009).

In the recreational sector, due to the absence of market transactions for recreationally-caught fish, the evaluation of economic benefits typically relies on non-market valuation techniques such as revealed preference methods or stated preference approaches. Following Carter and Liese (2012), estimates of economic value cited in this analysis were derived based on a 2003 stated preference choice experiment survey administered by the SEFSC. For recreational anglers who prefer to fish for red snapper, the estimated benefit of keeping 2 red snapper per trip instead of keeping 2 of the next preferred species is \$142.11 (in 2012 dollars). On a per pound basis, this estimate corresponds to a mean net benefit of \$11.21 per pound (based on an average weight of 6.34 lbs per red snapper). This estimate does not include producer surplus to the for-hire entities (charter and headboat owners and operators).

The economic effects expected to result from reallocations of the red snapper quota between the recreational and commercial sectors are usually evaluated based on aggregate (sum of recreational and commercial) changes in economic benefit relative to a baseline allocation (51% commercial and 49% recreational). Although it logically follows that the allocation of greater proportions of the red snapper quota to a given sector would be expected to result in greater economic benefits for that sector and lower economic benefits for the other sector, inferences about overall changes in economic efficiency are not provided here because it cannot be assumed that the resource allocation within each sector is efficient. The resource allocation within the commercial sector, which is managed under an IFQ system, would constitute a reasonable approximation for an efficient resource allocation (despite the limitations to the transfer of IFQ shares and allocation due, for example, to ownership caps). However, the open access management approach in the recreational sector cannot be conducive to an efficient allocation of red snapper within the recreational sector. As suggested by Holzer and McConnell (2014), by Abbott (2015) and in a recent report (OECD 2014), changes in net benefit estimates based on the generally accepted application of the equimarginal principle and associated inferences about economic efficiency are erroneous when each sector's quota is not efficiently allocated within the sector (i.e., quota is not assigned to those participants that have the highest willingness to pay for the resource). As a result, policy prescriptions based on such inferences would not be valid, and therefore, not useful. Therefore, it is not possible to provide policy-relevant rankings of the reallocation alternatives in this amendment based on the expected net benefits to the nation, i.e., the sum of the change in economic benefits to the recreational and commercial sectors. It can only be stated that greater percentages of the red snapper quota allocated to the recreational sector would be expected to increase economic benefits to the recreational sector and decrease benefits to the commercial sector.

In addition to the preceding discussion relative to the economic changes of the proposed alternatives, several other factors should be considered in the evaluation of the potential

economic effects that would be expected to result. These factors include the Magnuson-Stevens Act mandates, discrepancies between Council-determined allocations and actual percentages of total red snapper landings attributed to each sector, potential impacts of increased scarcity of IFQ allocation, and considerations relative to which sectors may be better or worse off following a reallocation.

Provisions of the Magnuson-Stevens Act prohibit management measures, including allocation decisions, from having economic efficiency as their sole purpose (National Standard 5). Other factors that must be considered include the promotion of conservation, the prevention from acquiring an excessive share, and the fairness and equity of the measure (National Standard 4). Relative to fairness and equity considerations, the Magnuson-Stevens Act also stipulates that, should the reallocation maximize overall benefits, fairness and equity does not mean that the status quo allocation should be maintained. A concise summary of the Magnuson-Stevens Act considerations as they relate to allocation is provided by Plummer et al (2012). The purpose and need for this proposed action indicates that economic efficiency does not constitute the sole purpose for this amendment. It would not be expected that the range of allocation shifts considered would grant any one sector, entity, or individual an excessive share of the resource. However, it is not clear that the proposed reallocation alternatives would promote conservation, in light of the repeated and sizeable harvest overages recorded for the recreational sector. It is noted that recently implemented accountability measures for the recreational sector, i.e., annual catch target (ACT) are expected to mitigate the occurrence and size of overages (GMFMC, 2014). Fairness and equity considerations are discussed in the social effects section (Section 4.1.3).

The frequency and magnitude of recorded overages have resulted in sizeable discrepancies between the Council-mandated allocation (51% commercial and 49% recreational) and the percentages of red snapper landings attributed to each sector (Figure 2.1.2). Given the Council's limited success in constraining landings to the mandated allocation, the relevance of reallocation efforts may be improved by management measures ensuring that a mandated apportionment would be reached and, as stated by the Socioeconomic SSC¹⁹, by giving more consideration to management approaches that would strengthen the property rights structure within the recreational sector and foster the use of rights-based instruments.

The decrease in the amount of IFQ allocation available to IFQ participants following a reallocation could be expected to put upward pressure on the price of allocation. The model explaining the variability of allocation prices as a function of the commercial quota and other explanatory variables presented in Appendix G suggests that a one million pound drop in commercial red snapper quota would result in approximately a \$0.20 increase in the per pound price of allocation. However, the extent to which the decreased availability of red snapper IFQ annual allocation would impact the behavior of participants in the market for IFQ allocation is not known. For example, the willingness to sell allocation could be reduced, especially in the Eastern gulf, possibly contributing to increased discards. Additional challenges to small IFQ shareholders who typically purchase allocation during the year and to potential new entrants

¹⁹ For example, during its November 2013 meeting, the SESSC unanimously approved a motion to encourage the Council to look at first best i.e., incentive based mechanisms vs. second best, i.e. regulatory actions when making allocation decisions away from the current allocation.

could also result from the limited availability. All of the proposed alternatives to the status quo (**Alternative 1**) consider increases in the recreational red snapper quota. However, because none of the proposed alternatives would allow or require actual compensation to the commercial sector, recreational anglers would be better off and commercial fishermen worse off.

4.1.5 Direct and Indirect Effects on the Administrative Environment

The setting of an allocation is an administrative action and it will have direct effects on the administrative environment through additional rulemaking. Because **Alternative 1** (no-action) would not require rulemaking, it would have no effect on the administrative environment. The act of setting the allocation under **Alternatives 2-4** and **Preferred Alternative 8** and **Alternative 9** is a one-time event, and thus these alternatives would have an equivalent burden though the minor direct administrative impacts associated with rulemaking to implement the new allocations. **Alternatives 5 - 7** would require the allocations to be changed each time the red snapper allowable biological catch (ABC) is changed. Therefore, it will trigger an additional administrative burden to the Council and NMFS to set the revised allocations and associated quotas. Under these conditions, **Alternatives 5 - 7** would have the greatest negative direct effect on the administrative environment, followed by **Alternatives 2, 3, 4, Preferred Alternative 8** and **Alternative 9**, which would have similar effects. **Alternative 1** would have no effect.

Indirect effects of setting allocations require monitoring of the resultant quotas, enforcement of the quotas. However, regardless of which alternative is selected, these management and enforcement activities need to continue. Therefore, the indirect effects from each alternative should be similar.

4.2. Cumulative Effects Analysis (CEA)

As directed by NEPA, federal agencies are mandated to assess not only the indirect and direct impacts, but cumulative impacts of actions as well. NEPA defines a cumulative impact as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 C.F.R. 1508.7). Cumulative effects can either be additive or synergistic. A synergistic effect is when the combined effects are greater than the sum of the individual effects.

This section uses an approach for assessing cumulative effects that was initially used in Amendment 26 to the Reef Fish FMP and is based upon guidance offered in CEQ (1997). The report outlines 11 items for consideration in drafting a CEA for a proposed action.

1. Identify the significant cumulative effects issues associated with the proposed action and define the assessment goals.
2. Establish the geographic scope of the analysis.
3. Establish the timeframe for the analysis.
4. Identify the other actions affecting the resources, ecosystems, and human communities of concern.

5. Characterize the resources, ecosystems, and human communities identified in scoping in terms of their response to change and capacity to withstand stress.
6. Characterize the stresses affecting these resources, ecosystems, and human communities and their relation to regulatory thresholds.
7. Define a baseline condition for the resources, ecosystems, and human communities.
8. Identify the important cause-and-effect relationships between human activities and resources, ecosystems, and human communities.
9. Determine the magnitude and significance of cumulative effects.
10. Modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects.
11. Monitor the cumulative effects of the selected alternative and adapt management.

Cumulative effects on the biophysical environment, socio-economic environment, and administrative environments are analyzed below.

1. Identify the significant cumulative effects issues associated with the proposed actions and define the assessment goals.

The CEQ cumulative effects guidance states this step is accomplished through three activities as follows:

- I. The direct and indirect effects of the proposed actions (Section 4.1);
- II. Which resources, ecosystems, and human communities are affected (Section 3 and Appendix C); and
- III. Which effects are important from a cumulative effects perspective (information revealed in this CEA).

2. Establish the geographic scope of the analysis.

The primary effects of the actions in this amendment would affect the social, economic, and administrative environments of the Gulf. The physical and biological/ecological environments would be less affected as described in Section 4.1.

The geographic scope affected by these actions is described in detail in Reef Fish Amendments 22 and 27 (GMFMC 2004c and 2007) and pertains directly to the Gulf. Red snapper are one of the most sought after species in the reef fish fishery. This species occurs on the continental shelves of the Gulf and the U. S. Atlantic coast to Cape Hatteras, N. C. (Moran 1988). Eggs and larvae are pelagic and juveniles are found associated with bottom features or bare bottom. In the Gulf, adults are found in submarine gullies and depressions; natural vertical relief structures such as coral reefs, rock outcroppings, and gravel bottoms; and artificial structures such as oilrigs and artificial reefs (GMFMC 2004c).

Commercial reef fish vessels and dealers are primarily found in Gulf States (GMFMC 2008b, 2013b). Based on mailing addresses or home ports given to the Southeast Regional Office (SERO) as of January 6, 2014,²⁰ 100% of historical charter captain reef fish, 97% of for-hire reef

²⁰http://sero.nmfs.noaa.gov/operations_management_information_services/constituency_services_branch/freedom_of_information_act/common_foia/index.html

fish, 98.5% of commercial reef fish permitted vessels, and 100% of vessels with reef fish longline endorsements are found in Gulf States. For permitted reef fish dealers, 94.5 percent are found in Gulf States. All dealers who are able to process IFQ transactions are located in Gulf States (Section 3.5.1.3). With respect to eligible red snapper individual fishing quota shareholders actually holding red snapper shares, 98% have mailing addresses in Gulf States (GMFMC 2013b). According to NMFS (2013b), the Gulf accounted for approximately 35% of trips and 42% of the catch in 2012 for U. S. marine recreational fishing trips by approximately 3.1 million Gulf anglers catching, with visitors, 161 million fish.

3. Establish the timeframe for the analysis

The timeframe for this analysis is 1984 through 2017. Red snapper have been managed in the Gulf since the implementation of the Reef Fish Fishery Management Plan in **1984** which put in place a 13-inch minimum size limit total length (TL). The red snapper stock has been periodically assessed since 1988. The 2013 SEDAR 31 red snapper stock assessment was the last benchmark assessment and this assessment was updated in 2014. The 2014 assessment update used the same methodology as the 2013 SEDAR 31 assessment and included reconstructed data for analysis for the commercial sector from 1872 through 1962 (Porch et al. 2004), data from 1963-2011 for commercial landings, and data from 1981-2013 for recreational landings (calibrated MRIP) with provisional 2014 landings. In addition, catch effort for the Gulf shrimp fishery (SEDAR 31 2013), including reconstructed data from 1948-1972 (Porch and Turner 2004), was used to estimate juvenile red snapper discards from this fishery. Based on projected harvests from the assessment, the Council set red snapper quotas through **2017**.

The following is a list of reasonably foreseeable future management actions. These are described in more detail in Step 4.

- The next assessment for red snapper through SEDAR is an update scheduled to occur in **2017** as a standard assessment. Other reef fish species scheduled for assessments include: red grouper, vermilion snapper, mutton snapper, gray triggerfish, goliath grouper, and black grouper in 2015; and gag, greater amberjack, and data poor stocks in 2016; and gray snapper, scamp, yellowedge grouper, red snapper, and yellowtail snapper in 2017.
- The Council is currently developing several actions that will affect the reef fish fishery. Actions affecting red snapper include: Amendment 36 (IFQ program revision), Amendment 39 (red snapper regional management), and a generic minimum stock size threshold for low natural mortality stocks amendment. In addition, the Council is working on reef fish actions that update ACLs with new MRIP numbers, look at gag regional management, and require electronic reporting for charter boats. These actions are described in more detail in Step 4 of this CEA.

4. Identify the other actions affecting the resources, ecosystems, and human communities of concern.

a. Past actions affecting red snapper fishing are summarized in Sections 1.4 and 3.1. The following list identifies more recent actions (Note actions taken prior to Amendment 32, the last EIS done for the Reef Fish FMP are described in detail in that amendment (GMFMC 2011b) and are incorporated here by reference).

- The following are past actions are specific to red snapper:
- In January 2011, the Council submitted a framework action (GMFMC 2011c) to NMFS to increase the red snapper total allowable catch to 7.185 mp, with a 3.521 mp recreational quota and a 3.664 mp commercial quota. The final rule from this action established a 48-day recreational red snapper season was June 1 through July 18.
- On August 12, 2011, NMFS published an emergency rule that, in part, increased the recreational red snapper quota by 345,000 pounds for the 2011 fishing year and provided the agency with the authority to reopen the recreational red snapper season later in the year, if the recreational quota had not been filled by the July 19 closing date. However, in August of that year, based on headboat data plus charter boat and private recreational landings through June, NMFS calculated that 80% of the recreational quota had been caught. With the addition of July landings data plus Texas survey data, NMFS estimated that 4.4 to 4.8 mp were caught, well above the 3.865 mp quota. Thus, no unused quota was available to reopen the recreational fishing season.
- On May 30, 2012, NMFS published a final rule to implement a framework action submitted by the Council to increase the commercial and recreational quotas and establish the 2012 recreational red snapper fishing season (GMFMC 2012a). The recreational season opened on June 1 through July 11. However, the north-central Gulf experienced extended severe weather during the first 26 days of the 2012 recreational red snapper fishing season, including Tropical Storm Debby. Because of the severe tropical weather, the season was extended by six days and closed on July 17.
- On May 29, 2013, NMFS published a final rule to implement a framework action submitted by the Council to increase the commercial and recreational quotas (GMFMC 2013c). The combined quotas were raised from 8.080 million pounds whole weight to 8.460 lbs whole weight. The recreational fishing season was set differently for waters off different states because of non-compatible regulations. However, a federal court ruled against different seasons, so the season for federal waters was from June 1 through July 5. Later in 2013, NMFS approved a framework action (GMFMC 2013a) to increase the combined quotas from 8.46 mp to 11 mp. This allowed an additional recreational fishing season from October 1 through October 15.
- An exempted fishing permit was given to the Gulf of Mexico Headboat Collaborative Pilot program that began on January 1, 2014. NMFS authorized the 2-year pilot program to assess the viability of an allocation-based management strategy for achieving conservation and economic goals more effectively than current management. The Headboat Collaborative was allocated a portion of the red snapper and gag recreational quotas based on historical landings data and participating headboats are able to use the allotted quota to harvest red snapper and gag outside the normal recreational fishing seasons.
- In response to a decision by the U.S. District Court for the District of Columbia (Court) in *Guindon v. Pritzker*, 2014 WL 1274076 (D.D.C. Mar. 26, 2014), NMFS took emergency action May 15, 2014 (79 FR 27768) to address recent recreational red

snapper quota overages. At their April 2014 meeting, the Council requested an emergency rule to implement an in-season accountability measure for the recreational harvest of red snapper in the Gulf that would apply to the 2014 season that opened on June 1, 2014. The action set an ACT equal to 80% of the 5.390 mp quota (ACT = 4.312 mp). The resultant 9-day season was based on the ACT and has only a 15% probability of exceeding the quota.

- A framework action (GMFMC 2014b) was submitted by the Council to establish a recreational red snapper ACT and overage adjustment as accountability measures for the recreational sector. A final rule was published on March 19, 2015.
- On April 22, 2015, the final rule for Amendment 40 was published. Amendment 40 (GMFMC 2014a) contained measures to establish two components within the recreational sector (federal for-hire and private angling) with a three-year sunset provision; allocated the recreational red snapper quota between the components; and established separate season closure provisions for the federal for-hire component and the private angling component.
- On April 22, 2015, a final rule for a framework action that sets the recreational and commercial quotas was published. The purpose of the action was to revise the quotas for commercial and recreational harvest of red snapper in the Gulf consistent with the red snapper rebuilding plan and allow each sector to harvest the additional quota.

b. The following are recent reef fish actions not summarized in Section 1.4 or 3.1 but are important to the reef fish fishery in general (Note actions taken prior to Amendment 32 are described in detail in that amendment (GMFMC 2011b) and incorporated here by reference).

- A rule effective April 2, 2012, that adjusted the 2012 commercial quota for greater amberjack, based on final 2011 landings data. For 2011, the commercial quota was exceeded by 265,562 pounds. Therefore, NMFS adjust the 2012 commercial quota to account for the overage resulting in a quota of 237,438 pounds.
- A temporary rule effective May 14, 2012, reduced the gray triggerfish annual catch limits and commercial and recreational annual catch targets. The temporary rule was put in place to reduce overfishing while the Council worked on long-term measures to end overfishing and rebuild the stock in Amendment 37.
- A framework action effective on November 19, 2012, eliminated the earned income qualification requirement for the renewal of Gulf commercial reef fish permits and increased the maximum number of crew members for dual-permitted (commercial and charter) vessels. The Council determined the existing earned income requirement in the reef fish fishery is no longer necessary and relaxing the number of crew on dual-permitted vessels increased the safety on commercial trips, particularly for commercial spear fishermen.
- Amendment 38 (GMFMC 2012c), effective March 1, 2013, allows NMFS to shorten the season for gag and red grouper if landings exceeded the catch limit in the previous year. The amendment also changed the trigger method for recreational accountability measures to an annual comparison of landings to the catch limit rather than using a three-year moving average. Finally, the amendment allows the establishment or

modification of accountability measures through the faster framework procedure rather than through slower plan amendments.

- Amendment 37 (GMFMC 2012b), rulemaking effective June 10, 2013, was developed to end overfishing of gray triggerfish and rebuild the gray triggerfish stock. The amendment adjusted the commercial and recreational gray triggerfish annual catch limits and annual catch targets, established a 12-fish commercial gray triggerfish trip limit and a 2-fish recreational daily bag limit, established an annual fishing season closure from June 1 through July 31 for the commercial and recreational sectors, and established an overage adjustment for the recreational sector.
- A framework action effective July 5, 2013, adjusted the recreational gag season to July 1 through December 3, 2013, the time projected to harvest the recreational annual catch target of 1.287 mp. The framework action also restricted the geographical extent of the fixed February 1 through March 31 shallow-water grouper closed season to apply only to waters seaward of the 20-fathom boundary. This allows grouper fishing to occur year-round while providing some protection to species that spawn during February and March.
- A framework action effective September 3, 2013, set a 10-vermilion snapper bag limit within the 20-fish aggregate reef fish bag limit as a precautionary measure to reduce the chance of overfishing for this species. The action also increased the Gulf yellowtail snapper annual catch limit from 725,000 pounds to 901,125 pounds based on a recent stock assessment. Finally, the action eliminated the requirement to use venting tools when fishing for reef fish as 1) some scientific studies have questioned the usefulness of venting tools in preventing barotrauma in fish and 2) the action would give more flexibility to fishermen on when to vent or to use some other device like fish descenders.
- A framework action effective August 30, 2013, simplified for-hire permit renewals and transfers as well as allow more flexibility to the for-hire industry in how they use their vessels.
- Accountability measures for red grouper and gray triggerfish were implemented. For red grouper recreational fishing, the bag limit was reduced from four to three fish on May 5, 2014, and a season closure was projected for September 16, 2014. For gray triggerfish, the recreational season was closed on May 1, 2014.

c. The following are reasonably foreseeable future actions (RFFA) important to red snapper and the reef fish fishery in general²¹.

- The Council is currently developing the following actions for red snapper.
 - Amendment 36 would revise the IFQ program based on recommendations from the red snapper IFQ program. These recommendations would be based on a review of the program completed in 2013 (GMFMC 2013b).
 - Amendment 39 would allow regional management of red snapper for the recreational sector. This regional management could be set at the state level or be based on broader regions (e.g., eastern and western Gulf).
 - A reef fish amendment (unnumbered) addressing the minimum stock size threshold (MSST) for stocks with low natural mortality rates. The purpose of the

²¹ Information on these developing actions can be found on the Council's website at www.gulfcouncil.org.

amendment is to set MSST for reef fish stocks taking into consideration natural mortality rates, and to establish MSST for all stocks in the reef fish fishery management unit.

- The Council is working on other reef fish actions. These are as follow:
 - A framework action to update ACLs with new MRIP numbers for grouper and tilefish stocks managed under IFQ programs. The action proposes to update ACLs developed in the Generic ACL/AM Amendment that used MRFSS landings data with the new MRIP landing estimates.
 - An abbreviated framework action for definition & intent of for-hire fishing in the EEZ.
 - An amendment for regional management for the recreational harvest of gag to provide greater flexibility in regionally managing this species.
 - An amendment to require electronic reporting for charter boats to improve the quality and timeliness of landings data for this sector.

d. The following are non-FMP actions which can influence the reef fish fishery.

In addition, Amendment 32 (GMFMC 2011a) discussed in detail a 2005 red tide event on the west-Florida shelf and the resultant oil spill from the explosion on the Deepwater Horizon MC252 oil rig. The red tide event may have affected reef fish, including red snapper populations. It has only been in the last 10 years that mortalities of higher vertebrates have been indisputably demonstrated to be due to acute red tide blooms and their brevetoxins (Landsberg et al. 2009). The extent of this event and possible effects of fish community structure has been described in Gannon et al. (2009).

Millions of barrels of oil were released into the Gulf from the Deepwater Horizon MC252 event (see <http://response.restoration.noaa.gov/deepwaterhorizon>). The effects on the environment on reef fish and the reef fish fisheries may not be known for several years when affected year classes of larval and juvenile fish enter the adult spawning population or fishery. For red snapper, this occurs at approximately 3 years of age, so a year class failure in 2010 may not be detected in the spawning populations or by harvesters of red snapper until 2013 at the earliest. The results of the studies detecting these impacts on recruitment should be available soon and will be taken into consideration in the next SEDAR assessment. In addition to impacts on recruitment, adult reef fish may also have been negatively affected by the oil spill. For example, Weisberg et al. (2014) suggested the hydrocarbons associated with Deepwater Horizon MC252 oil spill did transit onto the Florida shelf and may be associated with the occurrences of reef fish (including red snapper) with lesions and other deformities. The overall impact of the oil spill may not be realized for quite some time and study results are just now becoming available.

There is a large and growing body of literature on past, present, and future impacts of global climate change induced by human activities (Kennedy et al. 2002). Some of the likely effects commonly mentioned in relation to marine resources are sea level rise, ocean acidification, coral bleaching, increased frequency of severe weather events, and change in air and water temperatures (Kennedy et al. 2002; Osgood 2008). The Environmental Protection Agency's climate change Web page provides basic background information on these and other measured or anticipated effects. In addition, the Intergovernmental Panel on Climate Change has numerous

reports addressing its assessments of climate change (http://www.ipcc.ch/publications_and_data/publications_and_data.shtml). Additional reports are provided on the Global Climate Change website <http://climate.nasa.gov/scientific-consensus>. NOAA's Climate Change Web Portal (<http://www.esrl.noaa.gov/psd/ipcc/ocn/>) indicates the average sea surface temperature in the Gulf will increase by 1.2-1.4°C for 2006-2055 compared to the average over the years 1956-2005.

Global climate changes could affect Gulf fisheries; however, the extent of these effects is not known at this time. Possible impacts include temperature changes in coastal and marine ecosystems that can influence organism metabolism and alter ecological processes such as productivity and species interactions; changes in precipitation patterns and a rise in sea level which could change the water balance of coastal ecosystems; altering patterns of wind and water circulation in the ocean environment; and influencing the productivity of critical coastal ecosystems such as wetlands, estuaries, and coral reefs (Kennedy et al. 2002; Osgood 2008). An area of low oxygen, known as the dead zone, forms in the northern Gulf each summer, and has been increasing in recent years (see Section 3.3). Climate change may contribute to this spread by increasing rainfall that brings allochthonous materials and runoff from agricultural lands by rivers to the Gulf increasing nutrient inputs. This increased nutrient load causes algal blooms that, when decomposing, reduce oxygen in the water (Needham et al. 2012; Kennedy et al. 2002). It is unclear how climate change would affect reef fishes and likely would affect species differently. Climate change can affect factors such as migration, range, larval and juvenile survival, prey availability, and susceptibility to predators. Burton (2008) speculated climate change could cause shifts in spawning seasons, changes in migration patterns, and changes to basic life history parameters such as growth rates. The OceanAdapt model (http://oceanadapt.rutgers.edu/regional_data/) shows that for red snapper, although there is little change in latitudinal distribution from 1985-2013, there does appear to be a distributional trend towards deeper water later in the 1985-2013 time series. In addition, the distribution of native and exotic species may change with increased water temperature, as may the prevalence of disease in keystone animals such as corals and the occurrence and intensity of toxic algae blooms. Hollowed et al. (2013) provided a review of projected effects of climate change on the marine fisheries and dependent communities. Integrating the potential effects of climate change into the fisheries assessment is currently difficult due to the time scale differences (Hollowed et al. 2013). The fisheries stock assessments rarely project through a time span that would include detectable climate change effects. Climate change may significantly affect Gulf reef fish species in the future, but the level and time frame of these effects cannot be quantified at this time. Actions from this amendment are not expected to significantly contribute to climate change through the increase or decrease in the carbon footprint from fishing.

5. Characterize the resources, ecosystems, and human communities identified in scoping in terms of their response to change and capacity to withstand stress.

This step should identify the trends, existing conditions, and the ability to withstand stresses of the environmental components. According to the CEQ guidance describing stress factors, there are two types of information needed. The first are the socioeconomic driving variables identifying the types, distribution, and intensity of key social and economic activities within the

region. The second are the indicators of stress on specific resources, ecosystems, and communities.

Reef Fish Fishery

Data used to monitor commercial reef fish effort includes the number of vessels with landings, the number of trips taken, and trip duration. Declines in effort may be a signal of stress within the fishery. For the red snapper component of the commercial sector, the number of vessels and trips did decline after the red snapper IFQ program was first implemented. However, the number of vessels and trips with red snapper landings have increased from 2007 to 2012 (GMFMC 2013b). These trends are described in Sections 3.1, 5.0, 6.0 and in GMFMC (2013b). The commercial IFQ program recently underwent a 5-year review (GMFMC 2013b). The stated goals of this program, implemented through Amendment 26 (GMFMC 2006) were to reduce overcapacity and eliminate problems associated with overcapacity. The review found the program was moderately to highly successful in meeting the program goals; however, further improvements were identified regarding overcapacity, discard mortality price reporting, and social and community impacts. Therefore, the red snapper component of the commercial sector does not seem to be stressed.

Within the commercial reef fish sector as a whole, the number of commercial vessels has been declining as evidenced by the number of permits (Table 4.2.1). The number of permits has declined from 1,099 in 2008 to 882 in 2014 and the number landing at least one pound of reef fish has declined from 681 to 406 over the same time period. Although this could be an indicator of stress in the fishery, the commercial sector has undergone several changes in the past few years with the IFQ programs for red snapper, grouper, and tilefish. Given that a primary goal of these programs is to reduce overcapacity, the reduction in permits may just reflect this expected change.

Table 4.2.1. Number of Gulf of Mexico reef fish commercial (landing at least one pound of reef fish), for-hire, and historical captain permits by year.*

<u>Sector</u>	<u>Year</u>						
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014*</u>
<u>Commercial</u>	1099 (681)	998 (696)	969 (579)	952 (561)	917 (558)	895(523)	882(406)
<u>For-hire</u>	1458	1417	1385	1353	1336	1323	1310
<u>Historical captain</u>	61	56	47	43	42	40	35

Source: Southeast Regional Office, Limited Access Permit Program Branch.

*2014 landings are not complete

Table 4.2.2. Number of Gulf of Mexico reef fish commercial trips catching at least one pound of reef fish and the number of offshore angler trips for the charter and private angler components of the reef fish recreational sector* for the years 2008-2013.

Sector	Year					
	2008	2009	2010	2011	2012	2013
Commercial	8,081	8,177	5,991	6,541	6,647	6,180
Charter	351,098	304,258	212,358	286,263	347,126	412,325
Private angler	1,310,025	1,025,917	658,068	598,386	769,437	1,622,302

Sources: Commercial trip data from the Southeast Regional Office, Limited Access Permit Program Branch and recreational angler trip data from NOAA Office of Science and Technology’s Recreational Fisheries Statistics web page at

<https://www.st.nmfs.noaa.gov/recreational-fisheries/index>.

*Includes all trips where reef fish species were harvested or released. Texas information unavailable.

Social and economic characteristics of recreational anglers are collected periodically as an add-on survey to MRIP. Data used to monitor recreational reef fish effort in the sector primarily comes from MRIP and includes the number of trips and number of catch trips. Declines in effort may be a signal of stress within the sector. Private and charter fishing modes accounted for most of red snapper target trips, with the private angler mode the most common mode (Table 3.5.2.1.2), and Florida has the highest landings among the states (Table 3.5.2.1.1). For red snapper, changes in angler trips across states between 2010 and 2013 do not appear to show this segment of the fishery is stressed. Both targeted angler trips and trips that caught red snapper by the sector were high in 2008 and 2009 before declining in 2010 and 2011 (Table 4.2.2). The low harvest in 2010 was likely due to the Deepwater Horizon MC252 oil spill when large areas of the northern Gulf were closed to fishing. Since 2010 and 2011, the number of annual angler trips has increased for the charter and private angler modes such that the number of trips in 2013 has exceeded 2008 and 2009 levels (Table 4.2.2).

For the reef fish recreational sector, the number of angler trips in offshore waters (Table 4.2.2; used as a proxy for recreational reef fish fishing) and on headboats (Table 3.5.2.1.3) show a similar trend as noted above for recreational red snapper fishing with a low in 2010 followed by an increase in trips in 2012 - 2014. This suggests the sector is recovering from the 2010 Deepwater Horizon MC252 oil spill. Within the for-hire component, the number of for-hire and historical captain permitted vessels has declined from 2008 to 2014 (Table 4.2.1; 1458 to 1310 permits and 61 to 35 permits, respectively) and could be viewed as an indicator of stress. However, the number of offshore trips by the charter component has increased above 2008 and 2009 values suggesting economic conditions for this component are improving. In addition, the establishment of a federal for-hire component (Amendment 40) is expected to benefit for-hire fishermen with federally permitted reef fish vessels as they will be fishing under their own quota rather than the recreational quota as a whole.

At this time, climate change does not appear to be a stressor on the reef fish fishery. However, it could be in the future. The National Ocean Service (2011) indicated that 59% of the Gulf coast shoreline is vulnerable to sea level rise. This means coastal communities that support this fishery could be impacted in the future from higher storm surges and other factors associated with sea level rise. These communities do appear to be somewhat resilient given their ability to recover

after the 2004 and 2005 hurricane seasons as well as from the Deepwater Horizon MC252 oil spill (see step 4).

Red Snapper

Major stresses to the red snapper stock have primarily come from overfishing, which has been occurring at least since the first stock assessment in 1988 and overfishing only recently ended. It is likely that quota overruns by both commercial and recreational sectors have slowed the recovery of the stock. Trends in landings and the status of red snapper stock are based on NMFS and SEDAR stock assessments (summarized in Sections 3.1 and 3.3) and incorporated here by reference. The most recent stock assessment indicates the stock is continuing to rebuild. It is likely the red snapper stock was adversely affected by the Deepwater Horizon MC252 oil spill in 2010; however, these effects are only just being realized (see step 4d). A recommendation in the 2013 stock assessment (SEDAR 31 2013) is that future assessments of Gulf red snapper should be conducted with the explicit goal of attempting to model any enduring oil spill effects and their effect on the stock. At this point, it is unclear if and how climate change is affecting red snapper stocks. Burton (2008) speculated climate change could cause shifts in spawning seasons, changes in migration patterns, and changes to basic life history parameters such as growth rates in Gulf fish stocks, but changes to such patterns have not been observed for red snapper.

Ecosystem

With respect to stresses to the ecosystem from actions in this amendment, changes in the red snapper allocation are not likely to create additional stress. Handline gear, the primary gear used by the fishery, and longlines can damage habitat through snagging or entanglement; however, as described in Section 4.1.1, these impacts are minimal. Changes in the population size structure as a result of shifting red snapper fishing selectivities and increases in stock abundance could lead to changes in the abundance of other reef fish species that compete with red snapper for shelter and food. Predators of red snapper could increase if red snapper abundance is increased, while species competing for similar resources as red snapper could potentially decrease in abundance if food and/or shelter are less available. Efforts to model these interactions are still ongoing [e.g., Ecopath (Walters et al. 2006) and Atlantis], and so predicting possible stresses on the ecosystem in a meaningful way is not possible at this time. As described in Part 4d of this cumulative effects analysis, the Deepwater Horizon MC252 incident has affected more than one-third of the Gulf area from western Louisiana east to the panhandle of Florida and south to the Campeche Bank in Mexico. The impacts of the oil spill on the physical and biological environments are expected to be significant and may be long-term. Stressors to the ecosystem could include such factors as year-class failures and damage to reef fish EFH. Climate change may also be a stressor to the ecosystem, but is poorly understood. Hollowed et al. (2013) outlined the difficulties in understanding the effects of climate change and developed a conceptual pathway of direct and indirect effects of climate change and other anthropogenic factors on marine ecosystems. They suggest integrated interdisciplinary research teams be used better understand the effects.

Administrative Environment

The stresses to the administrative environment from these actions would likely focus on the setting of annual quotas, ACTs, as well as monitoring landings to determine if AMs have been triggered. However, these stresses are not expected to significantly differ from the current

stresses. In 2013, several states established recreational red snapper regulations that were inconsistent with federal regulations and by 2014, all Gulf states had extended their seasons beyond the federal season in state waters. This caused additional stress on the administrative environment requiring additional regulations, analysis, presence of law enforcement, and increased confusion among the fishing public. The actions in this amendment would allow regions to adjust regulations to meet their regional needs while maintaining consistency with the FMP and likely reduce stress in this environment. It is unknown whether the regions would be able to constrain harvest to the quota. However, with the current federal management, the recreational sector has exceeded the allocation in 14 of 22 years in which an allocation was specified. The stock could likely withstand some overages without jeopardizing the rebuilding plan; however, continuous overages could result in a change of the stock status. However, the regions have indicated they intend to establish new monitoring procedures, which could improve the estimations for landings, but the SEFSC would need to review the sampling designs and data to insure compatibility with the current methods.

6. Characterize the stresses affecting these resources, ecosystems, and human communities and their relation to regulatory thresholds.

This section examines whether resources, ecosystems, and human communities are approaching conditions where additional stresses could have an important cumulative effect beyond any current plan, regulatory, or sustainability threshold (CEQ 1997). Sustainability thresholds can be identified for some resources, which are levels of impact beyond which the resources cannot be sustained in a stable state. Other thresholds are established through numerical standards, qualitative standards, or management goals. The CEA should address whether thresholds could be exceeded because of the contribution of the proposed actions to other cumulative activities affecting resources.

Reef Fish Fishery

As indicated above, both commercial and for-hire fisheries are subject to stress as a result of increases in fishing costs, increases in harvesting efficiency, more restrictive regulations (particularly for red snapper), and changes in the stock status of certain species (effort shifting). Reductions in dollars generated by these entities would likely be felt in the fishery infrastructure. For the reef fish fishery, an indicator of stress would be a decline in the number of permitted vessels. For the commercial sector, the number of vessels and trips landing red snapper initially declined after the IFQ program went into effect in 2007 (419 vessels and 4,714 trips in 2006 compared to 319 vessels and 2,578 trips in 2007; GMFMC 2013b). However, the number of vessels and trips landing red snapper has increased in recent years (368 vessels and 3,389 trips in 2011) demonstrating that conditions in commercial red snapper sector are improving. GMFMC (2013b) also cites other factors such as pricing, fleet and effort consolidation, and market conditions that also support an improved socioeconomic environment. As mentioned in Step 5 of this CEA, the number of vessels in the commercial sector has declined (Table 4.2.1); however, with the shift towards IFQ management, it is difficult to determine if this reflects stress in the sector or is a result of overcapacity reduction - an expected result of IFQ management. Five-year reviews similar to the one conducted for red snapper are planned for the grouper and tilefish IFQ programs after the 2014 fishing year (year 5 of the) is complete.

Analyses conducted on the effects of a limited access program for for-hire vessels indicated operations were generally profitable (GMFMC 2005a). However, testimony from for-hire operators in light of recent red snapper regulations have suggested some for-hire operators may go out of business, particularly in the northeastern Gulf. This may be reflected in the declines in the numbers of permitted vessels shown in Table 4.2.2. However, the proposed Action would increase the recreational allocation and support more red snapper fishing days. As a result, more red snapper trips would likely be booked unless any gains derived from shifting the allocation are minimized through the use of ACTs (20% less than the quota) to estimate the red snapper season length. This is particularly true with the proposed federal for-hire component quota that would likely increase the season length for federally permitted reef fish for-hire operators. Other reasonably foreseeable actions listed in Step 4c of this analysis are not expected to adversely affect the for-hire component and so should not place additional stress to the recreational sector. Non-FMP actions (see Step 4d) may place added stress on the for-hire component of the recreational sector (e.g., hurricanes and higher fuel costs). However, timing and magnitude of the potential negative cumulative the effects from these events are difficult to predict.

Little information is available on the stresses on the private angler sector. Because private angling is an optional activity, likely factors that affect a person's involvement are likely economic. Therefore, costs such as fuel, marina fees, and boat upkeep are likely to affect a person's decision to go red snapper fishing or not, particularly within the current short recreational red snapper season. As a result, more red snapper trips in federal waters could be taken if there are gains in pounds for this component depending on how states manage recreational red snapper fishing in state waters. Other reasonably foreseeable actions listed in Step 4c of this analysis are not expected to adversely affect the private angling component and so should not place additional stress to the recreational sector as a whole. Non-FMP actions (see Step 4d) may place added stress on the private angling component (e.g., hurricanes, higher fuel costs, and climate change). However, timing and magnitude of the potential negative cumulative the effects from these events are difficult to predict (see steps 4 and 6).

Red Snapper

Amendment 1 to the Reef Fish FMP (GMFMC 1989), implemented in 1990 before the Sustainable Fisheries Act (SFA) was passed, established the minimum spawning stock biomass at 20 percent SPR for all reef fish species. A 1991 regulatory amendment (GMFMC 1991) established a commercial quota and a 1997 regulatory amendment established a recreational quota. The quotas were set based on the 51:49 commercial:recreational allocation being applied to the total allowable catch. The Generic Sustainable Fisheries Act (SFA) Amendment (GMFMC 1999) proposed SFA definitions for optimum yield, minimum stock size threshold and maximum fishing mortality threshold for three reef fish species and generic definitions for all other reef fish. The definition of maximum fishing mortality threshold for red snapper, $F_{26\%SPR}$, was approved and implemented. Definitions for optimum yield and minimum stock size threshold were disapproved because they were not biomass-based. ACLs were not implemented for red snapper as the commercial and recreational quotas were considered functional equivalents; however, ACLs are currently being developed by the Council in a Generic Status Determination Criteria Amendment (see 4c of this CEA).

A benchmark assessment was conducted for red snapper in 2013 with an update in 2014 under the SEDAR stock assessment process (see Section 3.3 for a summary of the assessment). Based on the parameter estimates through 2014 (using provisional landings), the red snapper stock was found to be overfished, but that overfishing had ended. A brief description of the stock and its status can be found in Section 3.3 and step 5 of this CEA. Measures proposed in this amendment are not likely to adversely affect the red snapper stock status as long as landings do not exceed the OFL. This is because the actions would affect the allocation of red snapper between sectors and not how many red snapper can be caught. At this time, it is unclear how climate change may affect these regulatory thresholds (see steps 4 and 5).

Ecosystem

The stresses associated with the proposed actions in relation to regulatory thresholds are not likely to cause beneficial or adverse effects on the ecosystem. The actions would not change the way the reef fish fishery as a whole is prosecuted. Actions in the amendment would affect red snapper recreational fishing and not fishing for the other 30 reef fish species. Thus, significant effects on the ecosystem are not expected. The overall Gulf-wide fishing effort would remain constrained by the recreational quotas and annual catch limits. Climate change is likely to affect the Gulf ecosystem; however, as described in steps 4 and 5, these effects are poorly understood.

Administrative Environment

The stresses associated with the proposed actions in relation to regulatory thresholds are not likely to cause beneficial or adverse effects on the administrative environments. Activities such as monitoring landings, setting quotas, and enforcing fisheries regulations will continue as before. If the creating reallocating red snapper between sectors results in more satisfying management measures for each sector, this should reduce stresses on managers to respond complaints by stakeholders on red snapper management. However, given the allocation for the commercial sector would be reduced, dissatisfaction by the sector could result and place more stress on fishery managers.

7. Define a baseline condition for the resources, ecosystems, and human communities.

The purpose of defining a baseline condition for the resource and ecosystems in the area of the proposed actions is to establish a point of reference for evaluating the extent and significance of expected cumulative effects.

Reef Fish Fishery

As noted in Section 3.1, a description of the fishery and affected environment relative to red snapper was last fully discussed in joint Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007). Red snapper landings for the recreational sector are not available at the community level, making it difficult to identify communities as dependent on recreational fishing for red snapper. Data reflecting commercial landings of red snapper may or may not reflect areas of importance for recreational fishing of red snapper. It cannot be assumed that the proportion of commercial red snapper landings among other species in a community would be similar to its proportion among recreational landings within the same community because of sector differences in fishing practices and preferences. Thus, in addition to communities with the greatest commercial red snapper landings, the referenced analysis identifies communities with

the greatest recreational fishing engagement, based on numbers of: 1) federal for-hire permits, 2) vessels designated recreational by owner address, and 3) vessels designated recreational by homeport, plus availability of recreational fishing infrastructure. The Gulf communities to score highest for recreational fishing engagement based on the described analysis are listed in Figures 3.4.1.1 and 3.4.1.2, and Table 3.4.1.2. Because the analysis used discrete geo-political boundaries, Panama City and Panama City Beach had separate values for the associated variables. Calculated independently, each still ranked high enough to appear in the top 30 list suggesting a greater importance for recreational fishing in that region.

Information is lacking on the social environment of these fisheries, although some economic data are available, although primarily for the commercial sector. Fishery-wide ex-vessel revenues are available dating to the early 1960s, and individual vessel ex-vessel revenues are available from 1993 when the logbook program was implemented for all commercial vessels.

Red Snapper

The first stock assessment of red snapper was conducted in 1986 and has been assessed periodically since then (see Section 3.1). The most recent assessment (see Section 3.3 for a summary) occurred in 2013 through the SEDAR process and included data through 2011. The assessment shows trends in biomass, fishing mortality, fish weight, and fish length dating to the earliest periods of data collection. For this assessment, reliable commercial landings data were estimated back to 1963 and projected landings were estimated back to 1872 (Porch et al. 2004). Recreational data were available since 1981. Beginning with the 1988 assessment (Goodyear 1988), red snapper have been considered overfished and undergoing overfishing. However, the most recent assessment (SEDAR 31 2013) showed that overfishing had ended and that the stock condition, although still overfished, was improving. At this time, it is unknown what affects non-FMP actions (beneficial or adverse) such as the Deepwater Horizon MC252 oil spill or climate change may have on the health of red snapper stocks. Long-term monitoring of reef fish stocks relative to the Deepwater Horizon MC252 oil spill are ongoing.

Ecosystem

A baseline for analysis of the physical environment, as discussed in Section 3.2, was conducted in the EIS for the Generic EFH Amendment (GMFMC 2004a). Detailed information pertaining to the closures and preserves is provided in the February 2010 Regulatory Amendment (GMFMC 2010). In the Gulf, fish habitat for adult red snapper consists of submarine gullies and depressions; natural vertical relief structures such as coral reefs, rock outcroppings, and gravel bottoms; and artificial structures such as oilrigs and artificial reefs (GMFMC 2004a). Many of these vertical relief areas are identified as protected areas.

Other species in the ecosystem are discussed in Section 3.3. The Reef Fish FMP currently encompasses 31 species (Table 3.3.2). Eleven other species were removed from the FMP in 2012 through the Generic ACL/AM Amendment (GMFMC 2011a). Stock assessments and stock assessment reviews have been conducted for 13 species and can be found on the Council (www.gulfcouncil.org) and SEDAR (www.sefsc.noaa.gov/sedar) websites.

Administrative Environment

The administrative environment is described in Section 3.6. Responsibility for federal fishery management is shared by the Secretary of Commerce (Secretary) and the Council for the federal waters of the Gulf. These waters extend to 200 nautical miles offshore from the nine-mile seaward boundary of the states of Florida and Texas, and the three-mile seaward boundary of the states of Alabama, Mississippi, and Louisiana. The state governments of Texas, Louisiana, Mississippi, Alabama, and Florida have the authority to manage their respective state fisheries. Each of the five Gulf states exercise legislative and regulatory authority over their respective state's natural resources through discrete administrative units. Although each agency is the primary administrative body with respect to the states' natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources.

Regulations contained within FMPs are enforced through actions of NOAA's Office of Law Enforcement, the United States Coast Guard, and various state authorities. To better coordinate enforcement activities, federal and state enforcement agencies have developed cooperative agreements to enforce the Magnuson-Stevens Act. These activities are being coordinated by the Council's Law Enforcement Advisory Panel and the Gulf States Marine Fisheries Commission's Law Enforcement Committee, which have developed a 5-year "Gulf of Mexico Cooperative Law Enforcement Strategic Plan – 2008-2012."

The ability of the regions to constrain harvest causes uncertainty surrounding the effects of implementing regional management. The federal management has experienced overages of the quota or allocation in 14 of the last 22 years. However, the methods for estimating landings and projecting the season have improved consistently over time. The question remains if regions could constrain the harvest within the regional quotas; however, the regions have indicated they intend to improve monitoring for their specific regions under this plan, which should ameliorate any concerns about overages being worse. Nevertheless, NMFS would need to continue analyzing the catch rates and landings to determine whether the regional management measures constrain the harvest. If the quota is exceeded for Gulf recreational red snapper harvest, then NMFS would be required to prohibit harvest in the EEZ regardless of the regional management plans.

8. Identify the important cause-and-effect relationships between human activities and resources, ecosystems, and human communities.

Cause-and-effect relationships are presented in Tables 4.2.3.

Table 4.2.3. The cause and effect relationship of fishing and regulatory actions for red snapper within the time period of the CEA.

Time periods	Cause	Observed and/or expected effects
1800-2016	Climate change	Changes ocean acidity and temperature modifies fish and prey distributions and productivity; threaten fishing communities through sea level rise and changing weather patterns
1962-1983	Growth and recruitment overfishing	Declines in mean size and weight
1984	13-inch minimum size limit for the recreational and commercial fisheries	Slowed rate of overfishing
1990	3.1 mp quota for commercial fishery and 7 fish bag limit	Further slow rate of overfishing
1991-1992	2.04 mp commercial quota	Continue to slow rate of overfishing
1992	Establish red snapper Class 1 and 2 endorsements and respective trip limits	Begin derby fishery
1993-1998	3.06 mp commercial quota	Continue to slow rate of overfishing
1994	Increase minimum size to 14 inches in the commercial and recreational fisheries	Increase yield per recruit, increase the chance for spawning, and slow rate of overfishing
1995-1997	Increase minimum size to 15 inches in the commercial and recreational fisheries and reduce the bag limit to 5 fish	Increase yield per recruit, increase the chance for spawning, and slow rate of overfishing
1997-2005	Reduce recreational season length	Constrain harvest in recreational fishery
1998	Shrimp trawls in the EEZ required to use NMFS-certified BRDs west of Cape San Blas	Reduce fishing mortality rate on age 0 and age 1 red snapper
1998-2005	Reduce bag limit to 4 fish	Reduce fishing mortality rate in recreational fishery
1999-2005	Raise total quota to 9.12 mp	Reduce rebuilding rate for fishery
2000-2016	Raise recreational minimum size limit to 16 inches	Increase yield per recruit, increase the chance for spawning, slow rate of overfishing
2004	Shrimp trawls in the EEZ required to use NMFS-certified BRDs east of Cape San Blas	Further reduce fishing mortality rate on age 0 and age 1 red snapper
2004	Implement red snapper rebuilding plan	Provide mechanism to monitor harvest for rebuilding
2007-2016	Commercial- Established Individual Fishing Quota Program (IFQ)	Constrain commercial harvests within the limits set by the rebuilding plan; IFQ to further control commercial sector to prevent overages; increase in administrative work to manage the IFQ.
2007-2016	Recreational - Reduction of bag limit to 2 fish and adjustment of season length	Constrain recreational harvest to the quota. Progressively shorter seasons as average size of landed fish increases.
2013-2016	Overfishing has ended, but the stock remains overfished.	Continue stock rebuilding

9. Determine the magnitude and significance of cumulative effects.

The primary objectives of this amendment and associated EIS is to reallocate red snapper resources between the commercial and recreational sectors as well as add accountability measures to reduce the probability of exceeding the recreational quota with the intent to increase the net benefits from red snapper fishing as well as increase the stability of the red snapper component. The short- and long-term direct and indirect effects of each these actions are provided in Section 4.1.

To examine the magnitude and significance of the cumulative effects, important valued environmental components (VECs) were identified for the overall actions to be taken with this amendment. VECs are “any part of the environment that is considered important by the proponent, public, scientists and government involved in the assessment process. Importance may be determined on the basis of cultural values or scientific concern” (EIP 1998). For purposes of this analysis, an initial 22 VECs were identified, and the consequences of each alternative proposed in this amendment on each VEC were evaluated. Some of these VECs were combined into a revised VEC because many of the past, current, and reasonably foreseeable future actions (RFFA) were similar. Based on this analysis, seven VECs were determined to be the most important for further consideration. These are shown in Table 4.2.4.

VECs not included for further analysis were sharks and protected resources. Many longline vessels that target reef fish also target sharks. However, sharks were not considered as an important VEC because, as shark stocks have declined, the shark fishery has become more and more regulated, limiting the effects of this fishery and the stock on reef fish stocks. There may be some effort shifting from the shark fishery to the reef fish fishery due to increased restrictions, however, this effect will likely be minor because only a minority of vessels have dual federal reef fish and shark permits. Protected resources were also eliminated from further analyses in this section. As described in Section 3.3, biological opinions have concluded the primary reef fish gear (longline and hook-and-line) were not likely to jeopardize sea turtles or small tooth sawfish. Because actions considered in this amendment are not expected to change how reef fish fishing gear is used in the prosecution of the reef fish fishery, any take associated with reef fish fishing should not exceed that considered in biological opinions. All other Endangered Species Act (ESA)-listed species have been found not likely to be adversely affected or not affected by the reef fish fishery. For marine mammals, gear used in the reef fish fishery were classified in the as Category III fisheries (see Section 3.3). This means this fishery has minimal impacts on marine mammals.

Table 4.2.4. VECs considered, consolidated, or not included for further evaluation.

VECs considered for further evaluation	VECs consolidated for further evaluation	VECs not included for further evaluation
Habitat	Hard bottom EFH	
Managed resources - red snapper - other reef fish species	Red snapper Other reef fish Prey species Competitors Predators	Sharks Protected species
Vessel owner, captain and crew - Commercial - For-hire	Vessel owner Captain Crew	
Wholesale/retail	Dealers Consumers	
Anglers		
Infrastructure	Fishing Communities Fishing support businesses (ice and gear suppliers, marinas, fuel docks)	
Administration	Federal Rulemaking Federal Permitting Federal Education State Rulemaking/Framework State Education	

The following discussion refers to the effects of past, present, and RFFAs on the various VECs.

Habitat

In the past, some fishing practices have had detrimental effects on the physical environment. Gears such as roller trawls and fish traps damaged habitats while harvesting fish species. As a result of these effects, the Council developed stressed areas to reduce these impacts. Further protections have been developed, primarily by either prohibiting fishing or limiting fishing activities that can occur within certain areas. Detailed information on the the closures and preserves is provided in the February 2010 Regulatory Amendment (GMFMC 2010). In addition, regulatory changes through Generic EFH Amendment 3 (GMFMC 2005b; implemented in 2006) prohibited bottom anchoring and the use of trawling gear, bottom longlines, buoy gear, and all traps/pots to protect coral reefs in several HAPCs, and required a weak link in the tickler chain of bottom trawls on all habitats throughout the Gulf EEZ to minimize damage done to habitats should the chain get hung up on natural bottom structures.

Current allowable gear types can adversely affect hard bottom areas; however, these impacts are not considered great (See Section 4.1.1). Handline gear and longlines used in the reef fish fishery can damage habitat through snagging or entanglement. Longlines can also damage hard bottom structures during retrieval as the line sweeps across the seafloor. Additionally, anchoring over hard-bottom areas can also affect benthic habitat by breaking or destroying hard bottom structures. However, these gears are not believed to have much negative impact on bottom

structures and are considerably less destructive than other commercial gears, such as traps and trawls, which are not allowed for reef fish fishing.

Damage caused from reef fish fishing, although minor, is associated with the level of fishing effort (see Section 4.1.1). Therefore, actions reducing levels of effort would result in greater benefits to the physical environment because fishing related interactions with habitat would be reduced. Thus, actions described in steps 3 and 4 of this CEA which have reduced fishing effort for some species, and possibly the fishery on the whole, have had a positive effect on hard bottom habitats. RFFAs, such as Amendments 28 and 39, should also benefit these habitats as they would also reduce or limit fishing effort. As described in Sections 4.1.1, 4.2.1, and 4.3.1, effects on the physical environment from the proposed actions would likely be minimal because prosecution of the fishery should not be changed.

Reef fish EFH, particularly coral reefs and SAVs, are particularly susceptible to non-fishing activities (GMFMC 2004a). The greatest threat comes from dredge-and-fill activities (ship channels, waterways, canals, and coastal development). Oil and gas activities as well as changes in freshwater inflows can also adversely affect these habitats. As described in Step 4d of this cumulative effects analysis, the potential harm to reef fish habitat was highlighted by the Deepwater Horizon MC252 incident (<http://response.restoration.noaa.gov/deepwaterhorizon>). Essential fish habitat and HAPC designations cited in Section 3.2, GMFMC (2005b), and GMFMC (2010) and are intended to promote careful review of proposed activities that may affect these important habitats to assure that the minimum practicable adverse impacts occur on EFH. However, NMFS has no direct control over final decisions on such projects. The cumulative effects of these alternatives depend on decisions made by agencies other than NMFS, as NMFS and the Gulf Council have only a consultative role in non-fishing activities. Decisions made by other agencies that permit destruction of EFH in a manner that does not allow recovery, such as bulkheads on former mangrove or marine vegetated habitats, would constitute irreversible commitments. However, irreversible commitments should occur less frequently as a result of EFH and HAPC designations. Accidental or inadvertent activities such as ship groundings on coral reefs or propeller scars on seagrass could also cause irreversible loss.

At this time, it is unclear what effects climate change will have on red snapper EFH. Factors associated with climate change such as ocean acidification could negatively affect important biotic components of red snapper EFH such as corals (IPCC 2014). Hollowed et al. (2013) has identified important ecosystem paths that deserve future study to determine climate change cause and effects.

Managed Resources

There are 31 species of reef fish managed in the Gulf EEZ, and of the species where the stock status is known, four of the eleven species are considered overfished (gag, greater amberjack, gray triggerfish, and red snapper; see Section 3.3). Recent actions for these overfished stocks were intended to end overfishing and set or continued rebuilding plans (e.g., Amendments 27, 32, 35, and 37).

In the past, the lack of management of reef fish allowed many stocks to undergo both growth and recruitment overfishing. This has allowed some stocks to decline as indicated in numerous stock assessments (Section 3.3). Red snapper have been considered overfished since the first stock assessment in 1986. For red snapper, management measures including a minimum size limit, commercial quota, and aggregate bag limit were put in place as part of the initial Reef Fish FMP or Amendment 1 (Section 3.1). None of these measures halted increases in landings (Table 3.1.2). However, over time, management measures have become more restrictive and held landings more closely to the quotas.

The present harvest levels are based on a rebuilding plan put in place by Amendment 27 which shifted the plan from a constant catch to a constant fishing mortality plan. The current plan, after an initial reduction in the total allowable catch from 9.12 mp to 5 mp, has allowed harvests to increase as the stock rebuilds. These measures have also limited the red snapper harvest sufficiently to end overfishing on the stock. In addition, the red snapper IFQ program has successfully held landings by the commercial sector below its quota. However, these measures, along with other IFQ programs for grouper and tilefish (Amendment 29) may have, at least for the commercial sector, redirected effort towards other non-IFQ managed reef fish species such as gray triggerfish and greater amberjack by fishermen without IFQ shares or allocation. Landings of these non-IFQ managed species are closely managed to prevent them from exceeding their ACLs and protects them from overharvest. In fact, measures for gray triggerfish and greater amberjack allow the fishery to be closed if the harvest is projected to meet their respective commercial and recreational quotas.

Fishery management RFFAs are expected to benefit managed species. These actions are expected to manage the stocks at OY per National Standard 1 and are described in steps 3 and 4 of this CEA. Although this amendment and Amendments 36, 39, and 40 do not specifically address overfishing of red snapper, they are intended to improve the management of the commercial and recreational sectors in ways that are likely to better keep harvests within the quotas. Other RFFAs described in steps 3 and 4 similarly do not specifically address overfishing but are intended to improve the management of reef fish stocks either through revising ACLs, improving data reporting, or allowing more flexibility in management.

Non-fishing activities are likely to adversely affect reef fish stocks as listed in Step 4d. For example, LNG facilities are being proposed in the western and northern Gulf. As described in Step 4d, these facilities can have a negative effect on species with pelagic larvae, like most reef fish species. To mitigate the effects of these facilities, closed- rather than open-loop systems are being called for. At this time, the effect of LNG facilities is unknown and is likely to be less for reef fish species than other more coastal species such as red drum. Other factors such as climate change, hurricanes, and oil and gas extraction could have detrimental effects on reef fish species.

Vessel Owner, Captain, and Crew (Commercial and For Hire)

Adverse or beneficial effects of actions on vessel owners, captains, and crew are tied to the ability of a vessel to make money. In commercial fisheries, these benefits are usually derived from shares awarded after fishing expenses are accounted for. The greater the difference between expenses and payment (revenue) for harvested fish, the more profit is generated by the

fishing vessel. For-hire businesses generate revenue by selling either at the vessel level (charter businesses) or passenger level (headboats)

The commercial fishery has benefited from past actions in the reef fish fishery relative to this action. Prior to 1990, entry into the reef fish fishery was unhindered by regulation. To constrain harvest in order to prevent overexploitation of reef fish in general and red snapper specifically, the Council implemented size limits, quotas, seasonal closures, and a permit moratorium. These measures have produced limited success. For red snapper, the commercial quota was overrun 10 times until the IFQ program established in 2007 (Table 3.1.2).

Current management measures have had an overall positive, short-term impact on the red snapper component of the commercial sector. Landing restrictions were needed to keep the commercial red snapper harvest within its quota and primarily took the form of short mini-seasons (Hood et al. 2007). The mini-seasons kept many commercial vessels from taking more fishing trips during these years limiting fishing effort. With the advent of the IFQ program, fishermen with red snapper allocation were able to have flexibility in when and where they could fish. It also stopped the commercial quota from being exceeded. However, this program adversely affected fishermen who did not qualify for the initial distribution of IFQ shares. These fishermen have been required to purchase IFQ shares or allocation if they wished to harvest red snapper.

For other overfished reef fish stocks other than red snapper, rebuilding measures required to end this condition and rebuild stocks have constrained the harvest for these species over the short-term and likely increased competition within the commercial sector to harvest other stocks. However, by using constant fishing mortality rebuilding plans, harvests have been allowed to increase as the stocks recover.

Non-FMP factors have adversely affected the reef fish commercial and for-hire fleets. Imports can cause fishermen to lose markets when fishery closures occur as dealers and processors use imports to meet consumer demand. Consumer comfort with imports can then limit the price fishermen receive when harvest is allowed. Other factors that have had an adverse effect on the commercial fishery include hurricanes and increases in fishing costs, such as fuel, which may have pushed marginal fishing operations out of business (see step 4d). Hurricanes are unpredictable and localized in their effects. Increases in fishing costs, unless accompanied by an increase in prices or harvest quantity, decrease the profitability of fishing.

The for-hire component has benefited from past actions in the reef fish fishery relative to this action. This increase has been fueled by increased interest by the public to go fishing (i.e., more trips sold) as evidenced by an almost three-fold increase in recreational fishing effort since 1986 (SEDAR 12 2007). To constrain harvest in order to prevent overexploitation of reef fish in general and red snapper specifically, NMFS, through the Council, implemented minimum size and bag limits for most species prior to 2000. In addition, a recreational red snapper quota was implemented in 1997 and a permit moratorium to constrain the recreational effort from the for-hire industry in 2003. These measures have met with limited success toward ending overfishing.

Current management measures may have had a negative, short-term impact on the for-hire component of the reef fish fishery. Landing restrictions have been needed to keep the recreational red snapper harvest within its quota. These restrictions include a reduced bag limit and seasonal closures. These measures may have reduced interest by the public to take for-hire fishing trips and possibly resulted in a reduction in the number of trips taken, as shown in Table 4.4.2 (although the Deepwater Horizon MC252 oil spill may also be partly responsible for the decrease in trips). In addition, the restriction requiring a person aboard a federally-permitted Gulf for-hire reef fish vessel to comply with federal regulations for reef fish species regardless of where the fish are harvested (GMFMC 2008b), may have reduced the ability of federally permitted for-hire operators to sell trips because of longer non-compliant state fishing seasons. However, as discussed in Sections 4.1.3 and 4.1.4, the creation of the two recreational components through Amendment 40 may allow for more federal fishing days for the federal for-hire component. Other factors that have had an adverse effect on the for-hire component of the reef fish fishery include increases in fishing costs, such as fuel, and hurricanes which may have pushed marginal fishing operations out of business (see step 4d). But these factors may be less important than may seem apparent. For the red snapper for-hire component, reductions in charter fishing from more restrictive regulations, increased costs, and effects from hurricanes were claimed by the industry (GMFMC 2007). But red snapper data for 2007 found only lingering effects of the 2005 hurricanes; annual average effort for 2004 through 2005 were only slightly greater than in 2007. Although the available data cannot address claims of severe economic losses by individual entities, this data does not support contentions of widespread industry harm. This in part may be due to effort shifting to other species or other charter businesses.

Magnuson-Stevens Act §407(d)(1) requires recreational or commercial red snapper fishing to end when a sector catches its quota. The recreational sector includes both the federal for-hire and private angling components. Thus, if the private angling component exceeds its allocation of the recreational quota to such an extent that the overall recreational quota is projected to be met, the federal for-hire component would also be prohibited from retaining red snapper regardless of whether there is remaining quota available for that component. Reduced season lengths in the following year for the federal for-hire components could be further exacerbated by overage adjustments from exceeding the quota and non-compatible state fishing seasons. However, the likelihood of overages is reduced because each component's season will be based on the lower recreational ACT rather than the recreational quota.

Many RFFAs are likely to have a short-term negative impact on the for-hire component. Red snapper, gray triggerfish, greater amberjack, and gag have experienced overfishing, are considered overfished, and are being managed under stock rebuilding plans. Measures required to end overfishing and rebuild these stocks have constrained the harvest for these species. If these measures result in less interest by the fishing public to take fishing trips on for-hire vessels, then this will adversely affect this sector. However, as mentioned above, this effect has not been apparent for red snapper because the for-hire component has the ability to shift to other species. The ability to shift to other species would be expected to continue in response to subsequent RFFAs, though the flexibility would be reduced the more species that become subject to increased restrictions. Some short-term beneficial actions include an increase in TAC and

relaxation of management measures for red grouper and vermilion snapper, as these stocks have recovered from overfishing and harvest restrictions have been relaxed.

Because many management RFFAs are designed to manage stocks at OY, these actions should be beneficial to the for-hire component. Stocks would be harvested at a sustainable level, and at higher levels for those stocks being rebuilt. If allocation between components, as proposed in this amendment, favors the for-hire component, this could provide additional red snapper fishing days and allow for more trips for this component. Specific to red snapper fishing, Amendment 39 evaluates implementing some type of regional management of the recreational sector, respectively. Regional management would affect the recreational sector only in Amendment 39. Depending on how the recreational quota is allocated among states and the management measures implemented by the states, the effects on the federal for-hire component could be beneficial or adverse depending on where a vessel operator fishes.

Non-management-related RFFAs that could affect the for-hire component include hurricanes, oil and gas extraction, and increases in fishing costs. Hurricanes are unpredictable and localized in their effects. Oil spills, which are also unpredictable, can have extensive adverse impacts over large areas as evidenced by the Deepwater Horizon MC252 spill. Increases in fishing costs, unless accompanied by an increase in the price charged per trip or the number of trips, decrease the profitability of fishing.

Wholesale/retail

Reef fish dealers are primarily found in Gulf States (step 2). As of January 6, 2014, there were 202 reef fish dealer permits. In 2012, there were 82 dealers involved in buying and selling red snapper through the IFQ program (NMFS 2013c). These dealers may hold multiple types of permits. Average employment information per reef fish dealer is unavailable. The profit profile for dealers or processors is not known.

Relative to past actions, dealers have benefitted from actions that have allowed the commercial fishery to expand, as described above. However, the effect of measures constraining commercial landings both in the past, present, and RFFAs may not have negative effects on dealers. As described in step 4d, the amount of snapper and grouper imports have doubled between 1994 and 2005. In terms of pounds, 2012 imports (44.5 mp) were more than twice domestic annual Gulf snapper and grouper landings (19.6 mp; see Section 3.5.1.4). This means dealers have some ability to substitute domestic product with imports. In addition, dealers also have the ability to substitute other domestic seafood products for red snapper in order to satisfy public demand for seafood. Therefore, the negative effects from management actions for the fishery may not necessarily translate into significant negative effects for dealers, though it is recognized that foreign product is less desirable because, if not, dealers would be substituting imports instead of domestic harvest when domestic harvest is available. As domestic fish stocks are rebuilt and management programs like IFQs are instituted, a more stable supply of domestic reef fish will be available to dealers. This should improve their ability to market these products and improve the profit they receive from selling these fish. However, if a consequence of these actions is a reduction in the amount of domestically harvested red snapper, this would reduce any improvements in their ability to market red snapper.

In general, consumers of seafood may be somewhat sheltered from fluctuations in the domestic seafood supply by the availability of imported seafood. Therefore, if harvest is restricted for specific species of reef fish due to management change, there is likely some imported product that can be substituted for that species. However, the higher prices that domestically harvested reef fish generally receive compared to imports demonstrates the preference many consumers have for domestic harvest. This preference and the importance of red snapper to consumers is also supported by comments submitted during scoping. Here, they voiced their concern about the availability of red snapper in markets and restaurants if the commercial sector's allocation is decreased

(<https://docs.google.com/spreadsheet/ccc?key=0Atgbk2rxQkqhdHByby1ad0F0THZiMGtoVTdlVDJ6cWc#gid=0>).

Anglers

It is estimated that 3.1 million residents of Gulf States participated in marine recreational fishing (NMFS 2013b). Red drum and spotted sea trout are the species most commonly reported as target species by these anglers, with approximately 35% and 33% of interviewed anglers reporting targeting these species, respectively. The most commonly caught non-bait species across all waters of the Gulf were spotted seatrout, red drum, sand seatrout, Atlantic croaker, and gray snapper. In federal waters, the most commonly harvested species are white grunt, red grouper, red snapper, gag, and yellowtail snapper. As summarized in Holiman (2000), the typical angler in the Gulf is 44 years old, male (80%), white (90%), and employed full-time (92%). They have a mean income of \$42,700, and have fished in the state for an average of 16 years. The average number of trips taken in the 12 months preceding the interview was about 38 and these were mostly (75%) one-day trips with average expenditure of less than \$50. Seventy-five percent of interviewed anglers reported that they held salt-water licenses, and 59 percent owned boats used for recreational saltwater fishing. More recent comparable statistics are not available.

The effects of various past, present, and RFFAs on anglers are measured through levels of participation in the fishery. Measures that reduce participation are negative and measures that increase participation are positive. However, it is difficult to assess what affects past and present management measures have had on anglers because available data indicates the amount of effort by the private sector has increased. This increase has been from approximately 6.8 million trips in 1981 to over 14 million trips from in 2003 to 2009 (Rios 2013). The number of angler trips declined from 14,356,523 angler trips in 2009, to 13,548,899 in 2010, and 13,874,314 in 2011. The decline in 2010 and 2011 is likely due to the Deepwater Horizon MC252 oil spill. The effects of various management measures on the participation by anglers is likely similar to the effects on the for-hire industry discussed above with the exception that private anglers are not subject to permit restrictions on where they can fish that federally permitted for-hire vessel operators are (see above section). However, as discussed in Sections 4.1.3 and 4.1.4, the creation of the two recreational components may further restrict the number of federal fishing days for the private angling component due to non-compatible state season lengths. Factors unrelated to management, such as hurricanes and increasing fuel and other costs, likely affect private anglers similar to for-hire fishermen. It should be noted that a possible effect of the proposed action

could be constraining most of the private angling to state waters if state non-compatible seasons continue. If the private angling allocation is too low, then a greater proportion of private angling fish would be caught in state waters, reducing the days available to fish in federal waters.

As mentioned above in the discussion of the vessel owner, captain, and crew above, Magnuson-Stevens Act §407(d)(1) requires recreational or commercial red snapper fishing to end when a sector catches its quota. The recreational sector includes both the federal for-hire and private angling components. Thus, if the federal for-hire component exceeds its allocation of the recreational quota to such an extent that the overall recreational quota is projected to be met, the private angling component would also be prohibited from retaining red snapper regardless of whether there is remaining quota available for that component. Reduced federal season lengths for the private angling component in the following year could be further exacerbated by overage adjustments if the quota is exceeded and non-compatible state fishing seasons. However, the likelihood of this occurring is reduced because each component's season will be based on the lower recreational ACT rather than the recreational quota.

One RFFAs specific to red snapper fishing, Amendment 39 evaluates implementing some type of regional management of the recreational sector. Regional management would affect the recreational sector only in Amendment 39. Depending on how the recreational quota is allocated among states and the management measures implemented by the states, the effects on the private angling component could be beneficial or adverse depending on where anglers fish.

Non-management-related RFFAs that could affect anglers include hurricanes, oil and gas extraction, and increases in fishing costs. Hurricanes are unpredictable and localized in their effects. Oil spills, which are also unpredictable, can have extensive adverse impacts over large areas as evidenced by the Deepwater Horizon MC252 spill. Increases in fishing costs as well as lost fishing opportunities would likely reduce the amount of angler effort.

Infrastructure

Infrastructure refers to fishing-related businesses and includes marinas, rentals, snorkel and dive shops, boat dockage and repair facilities, tackle and bait shops, fish houses, and lodgings related to recreational fisheries industry. This infrastructure is tied to the commercial and recreational fisheries and can be affected by changes in those fisheries. Therefore, the effects of past, present, and RFFAs should reflect responses by the fisheries to these actions. Past actions allowing the recreational and commercial fisheries to expand have had a beneficial effect by providing business opportunities to service the needs of these industries. Present actions which have constrained the commercial fisheries likely have had a negative effect because lower revenues generated from the fishery would be available to support the infrastructure. However, as conditions improve for the fishery, as described above, through RFFAs, benefits should be accrued by the businesses comprising the infrastructure. For the recreational sector, as stated above, it is difficult to assess the impact of present and RFFAs because angler participation has increased until recently. Actions enhancing this participation should be beneficial to the infrastructure. However, it should be noted the Council has been receiving public testimony that participation may be declining due to fuel price increases and this decline may be reflected in the decline in the number of angler trips taken. Non-FMP factors, such as the Deepwater Horizon

MC252 oil spill (IAI 2012) and climate change (http://www.nefsc.noaa.gov/ecosys/climate_change/implications.html) may adversely affect fishing communities, particularly those communities considered more vulnerable.

Administration

Administration of fisheries is conducted by federal (including the Council) and state agencies that develop and enforce regulations, collect data on various fishing entities, and assess the health of various stocks. As more regulations are required to constrain stock exploitation to sustainable levels, greater administration of the resource is needed. The NMFS Office of Law Enforcement, in cooperation with state agencies, would continue to monitor regulatory compliance with existing regulations and NMFS would continue to monitor both recreational and commercial landings to determine if landings are meeting or exceeding specified quota levels. Further, stock status needs to be periodically assessed to ensure stocks are being maintained at proper levels. Some present actions have assisted the administration of fisheries in the Gulf. In 2007, an IFQ program was implemented for the commercial red snapper fishery, requiring NMFS to monitor the sale of red snapper IFQ shares. The recordkeeping requirements of the IFQ programs have improved commercial quota monitoring and prevented or limited overages from occurring. A vessel monitoring system was also implemented for all commercial reef fish vessels in 2007 and is helping enforcement identify vessels violating various fishing closures. The recent implementation of ACLs and AMs for most federally managed species has required close monitoring of landings. For some species, harvest is closed if landings are projected to exceed the ACL within the season. For others, quotas or ACLs need to be adjusted during the following season to account for any ACL overages that occur in the preceding year.

10. Modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects.

The cumulative effects of allocation for red snapper on the biophysical environment is likely neutral because it should not have much effect on overall fishing effort. For the socioeconomic environment, depending on the sector, some effects would be likely be positive and some negative. However, short-term negative impacts on the fisheries' socioeconomic environment may occur due to the need to limit directed harvest and reduce bycatch mortality. These negative impacts can be minimized for the recreational sector by using combinations of bag limits, size limits and closed seasons and for the commercial sector through individual fishing quota programs, size limits, and season-area closures.

11. Monitor the cumulative effects of the selected alternative and modify management as necessary.

The effects of the proposed actions are, and will continue to be, monitored through collection of landings data by NMFS, stock assessments and stock assessment updates, life history studies, economic and social analyses, and other scientific observations. Landings data for the recreational sector in the Gulf is collected through MRIP, NMFS' Headboat Survey, and the Texas Marine Recreational Fishing Survey. MRIP replaced the previous MRFSS program. Commercial data is collected through trip ticket programs, port samplers, and logbook programs.

Currently, SEDAR assessments of Gulf red snapper are scheduled for 2014 and 2015 (see step 3).

Unavoidable Adverse Effects

Unavoidable adverse effects are described in detail in the cumulative effects analysis of Amendment 30B (GMFMC 2008b) and 32 (GMFMC 2011b) and is incorporated here by reference. Catch quotas, minimum size limits, bag limits, and seasonal closures, are generally effective in limiting total fishing mortality, the type of fish targeted, the number of targeted fishing trips, and/or the time spent pursuing a species. However, these management tools have the unavoidable adverse effect of creating regulatory discards. Discard mortality must be accounted for in a stock assessment as part of the allowable biological catch, and thus restricts total allowable catches.

Many of the current participants in the reef fish fishery may never recuperate losses incurred from the more restrictive management actions imposed in the short-term to end overfishing of red snapper. Because red snapper is but one of the reef fish species managed in the Reef Fish FMP, short-term losses are not expected to be significant, and other species may be substituted to make up for losses to the fishery. With the anticipated recovery of the stock, future participants in the reef fish fishery will benefit. Overall, short-term impacts of actions would be offset with much higher allowable catch levels as the stock recovers and is rebuilt.

The actions considered in this amendment should not have an adverse effect on public health or safety because these measures should not alter actual fishing practices, just 1) which sector can harvest what percentage of the overall allowable harvest and 2) reduce the probability of the recreational sector exceeding its allocation. Unique characteristics of the geographic area are highlighted in Section 3. Adverse effects of fishing activities on the physical environment are described in detail in Section 4.1. This section concludes the impact on the physical environment should be minor from actions proposed in this document. Uncertainty and risk associated with the measures are described in detail in the same sections as well as assumptions underlying the analyses.

Relationship between Short-term Uses and Long-term Productivity

The primary objectives of this amendment and associated EIS are to 1) reallocate red snapper resources between the commercial and recreational sectors with the intent to increase the net benefits from red snapper fishing as well as increase the stability of the red snapper component, and 2) establish buffers and payback provisions as additional accountability measures for the recreational red snapper sector to support management efforts to maintain landings within the recreational quota and mitigate quota overages should they occur. The relationship between short-term economic uses and long-term economic productivity are discussed in the preceding section. However, because red snapper is but one species in the reef fish complex, these effects may be mitigated through effort shifting to other species and may not be significant.

No alternatives are being considered that would avoid these short-term negative effects because they are a necessary cost associated with rebuilding and protecting the red snapper stock. The range of alternatives has varying degrees of economic costs and administrative burdens. Some alternatives have relatively small short-term economic costs and administrative burdens, but would also provide smaller and more delayed long-term benefits. Other alternatives have greater short-term costs, but provide larger and more immediate long-term benefits.

Mitigation, Monitoring, and Enforcement Measures

Mitigation, monitoring and enforcement measures are described in detail in the cumulative effects analysis of Amendment 30B (GMFMC 2008b) and is incorporated here by reference. The process of reallocating the red snapper resource between sectors in favor of the recreational sector is expected to have a negative short-term effect on the social and economic environment for the commercial sector, and will create a burden on the administrative environment. Given the negative effects described in Sections 4.1 and 4.2, it is difficult to mitigate these measures and managers must balance the costs and benefits when choosing management alternatives for the reef fish fishery.

To ensure the red snapper stock recovers to a level that supports harvests at the optimum yield, periodic reviews of stock status are needed. These reviews are designed to incorporate new information and to address unanticipated developments in the respective fisheries and would be used to make appropriate adjustments in the reef fish regulations should harvest not achieve optimum yield objectives. The details for how assessments are developed, reviewed, and applied are described in Amendment 30B, as are the rule-making options the Council and NMFS have for taking corrective actions (GMFMC 2007).

Current reef fish regulations are labor intensive for law enforcement officials. NMFS law enforcement officials work cooperatively with other federal and state agencies to keep illegal activity to a minimum. Violators are penalized, and for reef fish commercial and reef fish for-hire operators, permits required to operate in their respective fisheries can be sanctioned.

Reef fish management measures include a number of area-specific regulations where reef fish fishing is restricted or prohibited in order to protect habitat or spawning aggregations of fish, or to reduce fishing pressure in areas that are heavily fished. To improve enforceability of these

areas, the Council has established a vessel monitoring system program for the commercial reef fish sector to improve enforcement. Vessel monitoring systems allows NMFS enforcement personnel to monitor compliance with these area-specific regulations, and track and prosecute violations.

Irreversible and Irretrievable Commitments of Resources

There are no irreversible or irretrievable commitments of resources proposed herein. The actions to change the red snapper allocation and accountability measures are readily changeable by the Council in the future. There may be some loss of immediate income (irretrievable in the context of an individual not being able to benefit from compounded value over time) to some sectors from the restricted fishing seasons.

Any Other Disclosures

CEQ guidance on environmental consequences (40 CFR §1502.16) indicates the following elements should be considered for the scientific and analytic basis for comparisons of alternatives. These are:

- a) Direct effects and their significance.
- b) Indirect effects and their significance.
- c) Possible conflicts between the proposed actions and the objectives of federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned.
- d) The environmental effects of alternatives including the proposed action.
- e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
- h) Means to mitigate adverse environmental impacts.

Items a, b, d, e, f, and h are addressed in Sections 2, 3, 4, and 5. Items a, b, and d are directly discussed in Sections 2 and 4. Item e is discussed in economic analyses (Sections 4.1.3, 4.2.3, and 4.3.3). Alternatives that encourage fewer fishing trips would result in energy conservation. Item f is discussed throughout the document as fish stocks are a natural and depletable resource. A goal of this amendment is to make this stock a sustainable resource for the nation. Mitigation measures are discussed in Section 4.4. Item h is discussed in Section 4, with particular mention in Section 4.4.

The other elements are not applicable to the actions taken in this document. Because this amendment concerns the management of a marine fish stock, it is not in conflict with the objectives of federal, regional, state, or local land use plans, policies, and controls (Item c). Urban quality, historic and cultural resources, and the design of the built environment, including

the reuse and conservation potential of various alternatives and mitigation measures (Item g) is not a factor in this amendment. The actions taken in this amendment will affect a marine stock and its fishery, and should not affect land-based, urban environments. The exception would be the *U.S.S. Hatteras*, located in federal waters off Texas, which is listed in the National Register of Historic Places. The proposed actions are not likely to increase fishing activity and so no additional impacts to the *U.S.S. Hatteras* would be expected.

With regards to the Endangered Species Act (ESA), the most recent biological opinion for the Reef Fish Fishery Management Plan, completed on September 30, 2011, concluded authorization of the Gulf reef fish fishery managed under this management plan is not likely to jeopardize the continued existence of sea turtles (loggerhead, Kemp's ridley, green, hawksbill, and leatherback) or smalltooth sawfish (See Section 3.2 for more information on ESA species). An incidental take statement was issued specifying the amount of anticipated take, along with reasonable and prudent measures and associated terms and conditions deemed necessary and appropriate to minimize the impact of these takes. Other listed species and designated critical habitat in the Gulf were determined not likely to be adversely affected. NMFS also determined that the reef fish fishery was not likely to adversely affect *Acropora* because of where the fishery operates, the types of gear used in the fishery, and that other regulations protect *Acropora* where they are most likely to occur.

With regards to the Marine Mammal Protection Act, fishing activities under the Reef Fish Fishery Management Plan should have no adverse impact on marine mammals (See Section 3.2). The proposed actions are not expected to substantially change the way the fishery is currently prosecuted (e.g., types of methods, gear used, etc.). Gear used by the reef fish fishery was still classified in the 2014 List of Fisheries as a Category III fishery (79 FR 14418, April 14, 2014) because it is prosecuted primarily with longline and hook-and-line gear. This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from any fishery is less than or equal to one percent of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock, while allowing that stock to reach or maintain its optimum sustainable population.

CHAPTER 5. REGULATORY IMPACT REVIEW

CHAPTER 6. REGULATORY FLEXIBILITY ACT ANALYSIS

CHAPTER 7. LIST OF PREPARERS

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GMFMC = Gulf of Mexico Fishery Management Council; NOAA GC = National Oceanic and Atmospheric Administration General Counsel; SEFSC = Southeast Fisheries Science Center; SERO = Southeast Regional Office of the National Marine Fisheries Service.

CHAPTER 8. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS TO WHOM A COPY OF THE DEIS WAS SENT

National Marine Fisheries Service

- Southeast Fisheries Science Center
- Southeast Regional Office
- Office for Law Enforcement

NOAA General Counsel

Environmental Protection Agency

United States Coast Guard

United States Fish and Wildlife Services

Texas Parks and Wildlife Department

Alabama Department of Conservation and Natural Resources/Marine Resources Division

Louisiana Department of Wildlife and Fisheries

Mississippi Department of Marine Resources

Florida Fish and Wildlife Conservation Commission

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APPENDIX A. OTHER APPLICABLE LAW

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) provides the authority for fishery management in federal waters of the exclusive economic zone. However, fishery management decision-making is also affected by a number of other federal statutes designed to protect the biological and human components of U.S. fisheries, as well as the ecosystems that support those fisheries. Major laws affecting federal fishery management decision-making are summarized below.

Administrative Procedures Act

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the APA, the National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

Coastal Zone Management Act

Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that affect any land or water use or natural resource of a state’s coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency determination are set forth in NMFS regulations at 15 C.F.R. part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state’s coastal zone, NMFS is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action.

Upon submission to the Secretary, NMFS will determine if this plan amendment is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, Mississippi, and Texas to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for these states.

Data Quality Act

The Data Quality Act (DQA) (Public Law 106-443) effective October 1, 2002, requires the government to set standards for the quality of scientific information and statistics used and disseminated by federal agencies. Information includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, cartographic, narrative, or audiovisual forms (includes web dissemination, but not hyperlinks to information that others disseminate; does not include clearly stated opinions).

Specifically, the DQA directs the Office of Management and Budget to issue government wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: 1) ensure information quality and develop a pre-dissemination review process; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and 3) report periodically to Office of Management and Budget on the number and nature of complaints received.

Scientific information and data are key components of fishery management plans (FMPs) and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the Act, FMPs and amendments must be based on the best information available. They should also properly reference all supporting materials and data, and be reviewed by technically competent individuals. With respect to original data generated for FMPs and amendments, it is important to ensure that the data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data will also undergo quality control prior to being used by the agency and a pre-dissemination review.

Endangered Species Act

The Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. Section 1531 et seq.) requires federal agencies use their authorities to conserve endangered and threatened species. The ESA requires NMFS, when proposing a fishery action that “may affect” critical habitat or endangered or threatened species, to consult with the appropriate administrative agency (itself for most marine species, the U.S. Fish and Wildlife Service for all remaining species) to determine the potential impacts of the proposed action. Consultations are concluded informally when proposed actions may affect but are “not likely to adversely affect” endangered or threatened species or designated critical habitat. Formal consultations, including a biological opinion, are required when proposed actions may affect and are “likely to adversely affect” endangered or threatened species or adversely modify designated critical habitat. If jeopardy or adverse modification is found, the consulting agency is required to suggest reasonable and prudent alternatives.

On September 30, 2011, the Protected Resources Division released a biological opinion which, after analyzing best available data, the current status of the species, environmental baseline (including the impacts of the recent Deepwater Horizon MC 252 oil release event in the northern Gulf of Mexico), effects of the proposed action, and cumulative effects, concluded that the continued operation of the Gulf of Mexico reef fish fishery is also not likely to jeopardize the continued existence of green, hawksbill, Kemp’s ridley, leatherback, or loggerhead sea turtles, nor the continued existence of smalltooth sawfish (NMFS 2011a). On December 7, 2012, NMFS published a proposed rule to list 66 coral species under the ESA and reclassify *Acropora* from threatened to endangered (77 FR 73220). In a memorandum dated February 13, 2013, NMFS determined the reef fish fishery was not likely to adversely affect *Acropora* because of where the fishery operates, the types of gear used in the fishery, and that other regulations protect *Acropora* where they are most likely to occur.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and on the importing of marine mammals and marine mammal products into the United States. Under the MMPA, the Secretary of Commerce (authority delegated to NMFS) is responsible for the conservation and management of cetaceans and pinnipeds (other than walruses). The Secretary of the Interior is responsible for walruses, sea and marine otters, polar bears, manatees, and dugongs.

Part of the responsibility that NMFS has under the MMPA involves monitoring populations of marine mammals to make sure that they stay at optimum levels. If a population falls below its optimum level, it is designated as “depleted,” and a conservation plan is developed to guide research and management actions to restore the population to healthy levels.

In 1994, Congress amended the MMPA, to govern the taking of marine mammals incidental to commercial fishing operations. This amendment required the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction, development and implementation of take-reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries, and studies of pinniped-fishery interactions.

Under Section 118 of the MMPA, NMFS must publish, at least annually, a List of Fisheries that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The categorization of a fishery in the List of Fisheries determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. The primary gears used in the Gulf of Mexico reef fish fishery are still classified in the proposed 2014 MMPA List of Fisheries as Category III fishery (December 6, 2013; 78 FR 73477). The conclusions of the most recent List of Fisheries for gear used by the reef fish fishery can be found in Section 3.3.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.) regulates the collection of public information by federal agencies to ensure the public is not overburdened with information requests, the federal government’s information collection procedures are efficient, and federal agencies adhere to appropriate rules governing the confidentiality of such information. The PRA requires NMFS to obtain approval from the Office of Management and Budget before requesting most types of fishery information from the public. Setting red snapper allocation would likely not have PRA consequences.

Executive Orders

E.O. 12630: Takings

The Executive Order on Government Actions and Interference with Constitutionally Protected Property Rights that became effective March 18, 1988, requires each federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property. Clearance of a regulatory action must include a takings statement and, if appropriate, a Takings Implication Assessment. The National Oceanic and Atmospheric Administration Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

E.O. 12866: Regulatory Planning and Review

Executive Order 12866: Regulatory Planning and Review, signed in 1993, requires federal agencies to assess the costs and benefits of their proposed regulations, including distributional impacts, and to select alternatives that maximize net benefits to society. To comply with E.O. 12866, NMFS prepares a Regulatory Impact Review (RIR) for all fishery regulatory actions that either implement a new fishery management plan or significantly amend an existing plan (See Chapter 5). RIRs provide a comprehensive analysis of the costs and benefits to society of proposed regulatory actions, the problems and policy objectives prompting the regulatory proposals, and the major alternatives that could be used to solve the problems. The reviews also serve as the basis for the agency's determinations as to whether proposed regulations are a "significant regulatory action" under the criteria provided in E.O. 12866 and whether proposed regulations will have a significant economic impact on a substantial number of small entities in compliance with the Regulatory Flexibility Analysis. A regulation is significant if it a) has an annual effect on the economy of \$100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments and communities; b) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency; c) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or d) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

This Executive Order mandates that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. The Executive Order is described in more detail relative to fisheries actions in Section 3.5.1.

E.O. 12962: Recreational Fisheries

This Executive Order requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods including, but not limited to, developing joint partnerships; promoting the restoration of recreational fishing areas that are limited by water quality and habitat degradation; fostering sound aquatic conservation and restoration endeavors; and evaluating the effects of federally-funded, permitted, or authorized actions on aquatic systems and recreational fisheries, and documenting those effects. Additionally, it establishes a seven-member National Recreational Fisheries Coordination Council (Council) responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The Council also is responsible for developing, in cooperation with federal agencies, States and Tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda. Finally, the Order requires NMFS and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

E.O. 13132: Federalism

The Executive Order on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The Order serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not national in scope or significance are most appropriately addressed by the level of government closest to the people. This Order is relevant to FMPs and amendments given the overlapping authorities of NMFS, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop strategies to address them in conjunction with appropriate state, tribes, and local entities (international, too).

E.O. 13158: Marine Protected Areas

This Executive Order requires federal agencies to consider whether their proposed action(s) will affect any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural or cultural resource within the protected area. There are several marine protected areas, habitat areas of particular concern, and gear-restricted areas in the eastern and northwestern Gulf of Mexico.

Essential Fish Habitat

The amended Magnuson-Stevens Act included a new habitat conservation provision known as essential fish habitat (EFH) that requires each existing and any new FMPs to describe and identify EFH for each federally managed species, minimize to the extent practicable impacts from fishing activities on EFH that are more than minimal and not temporary in nature, and identify other actions to encourage the conservation and enhancement of that EFH. To address these requirements the Council has, under separate action, approved an Environmental Impact Statement (GMFMC 2004a) to address the new EFH requirements contained within the Magnuson-Stevens Act. Section 305(b)(2) requires federal agencies to obtain a consultation for any action that may adversely affect EFH. An EFH consultation will be conducted for this action.

References

GMFMC. 2004. Final environmental impact statement for the generic essential fish habitat amendment to the following fishery management plans of the Gulf of Mexico: shrimp fishery of the Gulf of Mexico, red drum fishery of the Gulf of Mexico, reef fish fishery of the Gulf of Mexico, stone crab fishery of the Gulf of Mexico, coral and coral reef fishery of the Gulf of Mexico, spiny lobster fishery of the Gulf of Mexico and South Atlantic, coastal migratory pelagic resources of the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council. Tampa, Florida.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Final%20EFH%20EIS.pdf>

NMFS. 2011. Biological opinion on the continued authorization of Reef Fish fishing under the Gulf of Mexico Reef Fish Fishery Management Plan. September 30, 2011. Available at:

<http://sero.nmfs.noaa.gov/pr/esa/Fishery%20Biops/03584%20GOM%20Reef%20Fish%20BiOp%202011%20final.pdf>

APPENDIX B. BYCATCH PRACTICABILITY ANALYSIS

Introduction

Bycatch is defined as fish harvested in a fishery, but not sold or retained for personal use. This definition includes both economic and regulatory discards, and excludes fish released alive under a recreational catch-and-release fishery management program. Economic discards are generally undesirable from a market perspective because of their species, size, sex, and/or other characteristics. Regulatory discards are fish required by regulation to be discarded, but also include fish that may be retained but not sold.

Agency guidance provided at 50 CFR 600.350(d)(3) identifies ten factors to consider in determining whether a management measure minimizes bycatch or bycatch mortality to the extent practicable. These are:

1. Population effects for the bycatch species;
2. Ecological effects due to changes in the bycatch of that species (effects on other species in the ecosystem);
3. Changes in the bycatch of other species of fish and the resulting population and ecosystem effects;
4. Effects on marine mammals and birds;
5. Changes in fishing, processing, disposal, and marketing costs;
6. Changes in fishing practices and behavior of fishermen;
7. Changes in research, administration, and enforcement costs and management effectiveness;
8. Changes in the economic, social, or cultural value of fishing activities and non-consumptive uses of fishery resources;
9. Changes in the distribution of benefits and costs; and
10. Social effects.

The Regional Fishery Management Councils are encouraged to adhere to the precautionary approach outlined in Article 6.5 of the Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries when uncertain about these factors.

Bycatch practicability analyses of the reef fish fishery have been provided in several reef fish amendments and focused to some degree on the component of the fishery affected by the actions covered in the amendment. For red snapper, bycatch practicability analyses were completed for Amendments 22, 27, and 40 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (GMFMC 2004a, 2007, 2014a). Other bycatch practicability analyses were conducted in the following amendments (component of the fishery affected by the actions): Amendment 23 (vermillion snapper; GMFMC 2004b), Amendment 30A (greater amberjack and gray triggerfish; GMFMC 2008a), Amendment 30B (gag, red grouper, and other shallow-water grouper; GMFMC 2008b), Amendment 31 (longline sector; GMFMC 2009), Amendment 32 (gag and red grouper; GMFMC 2011a), Amendment 35 (greater amberjack; GMFMC 2012a); Amendment 37 (gray triggerfish; GMFMC 2012b), and Amendment 38 (shallow-water grouper;

GMFMC 2012c). In addition, a bycatch practicability analysis was conducted for the Generic Annual Catch Limits/Accountability Measures Amendment (GMFMC 2011b) that covered the Reef Fish, Coastal Migratory Pelagics, Red Drum, and Coral FMPs. In general, these analyses found that reducing bycatch provides biological benefits to managed species as well as benefits to the fishery through less waste, higher yields, and less forgone yield. However, in some cases, actions are approved that can increase bycatch through regulatory discards such as increased minimum sizes and closed seasons. In these cases, there is some biological benefit to the managed species that outweighs any increases in discards.

Red Snapper Bycatch

The Gulf of Mexico (Gulf) reef fish fishery directed at red snapper has been regulated to limit harvest in order for the stock to recover from an overfished condition. Regulations for the recreational sector include catch quotas, minimum size limits, bag limits, and seasonal closures. These are used to limit the harvest to levels allowed under the rebuilding plan. For the commercial sector, regulations previously included quotas, minimum size limits, seasonal closures, and trip limits. Now the sector is managed under an individual fishing quota (IFQ) program that was established in 2007. The program eliminates the need for seasonal closures and trip limits. Red snapper regulations have been generally effective in limiting fishing mortality, the size of fish targeted, the number of targeted fishing trips, and/or the time fishermen spend pursuing a species. However, these management tools have the unavoidable adverse effect of creating regulatory discards, which makes reducing bycatch challenging, particularly in the recreational sector.

An important aspect to red snapper bycatch is the penaeid shrimp fishery as previously described in Amendment 27/14 (GMFMC 2007). The shrimp fishery catches primarily 0-2 year old red snapper. To reduce red snapper bycatch, the Gulf of Mexico Fishery Management Council (Council) implemented regulations requiring the use of bycatch reduction devices (GMFMC 2002) and setting bycatch reduction targets (currently a 67% reduction from the baseline years 2001-2003; GMFMC 2007). Between the use of bycatch reduction devices and reductions in shrimp effort due to economic factors (Figure 1), the target reductions have been met.

Although red snapper bycatch in the shrimp fishery is an important source of mortality for this stock, this bycatch practicability analysis will focus on the directed reef fish fishery managed under the FMP for Reef Fish Resources of the Gulf of Mexico. Bycatch from the shrimp fishery has been and will be analyzed in the FMP for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters.

Figures 2 and 3 show the relative number of discards for the recreational and commercial sectors as estimated by SEDAR 31 (2013). For the recreational sector, open season discards estimated through the Marine Recreational Information Program (MRIP) (charter and private angler) declined around 2007 as the recreational season got shorter due lower quotas. This trend is also apparent in the headboat data for the western Gulf. However, with shorter seasons of the past few years, the number of discards during the longer closed seasons increased (Figure 2). For the commercial sector, discards in the eastern handline and longline sectors have increased since the implementation of the IFQ program relative to the western Gulf (Figure 3). This may reflect a

shift in fishing effort that has resulted in the program. Note that for the commercial sector, closed season discards after the IFQ program was implemented refers to vessels with little or no red snapper allocation (see SEDAR 31 2013).

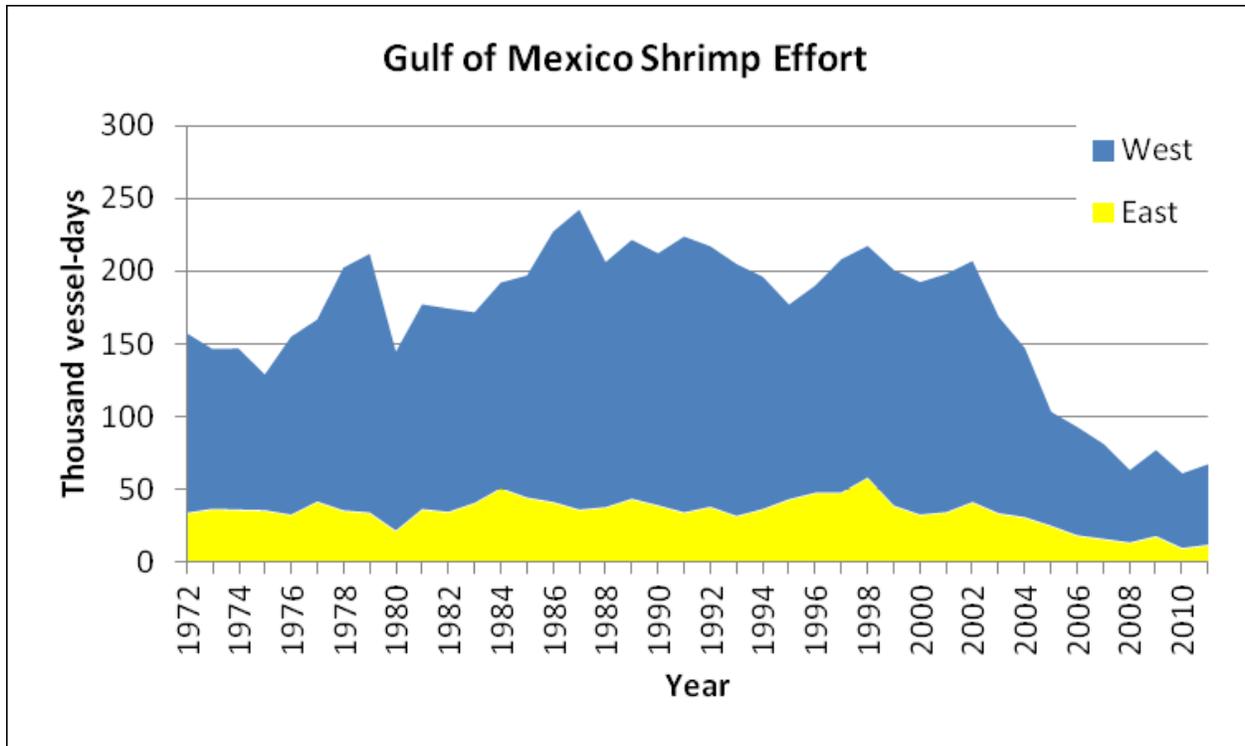


Figure 1. Gulf shrimp fishery effort (thousand vessel-days) provided by the National Marine Fisheries Service Galveston Lab. The reported effort does not include the average effort values used to fill empty cells. Source: Linton 2012.

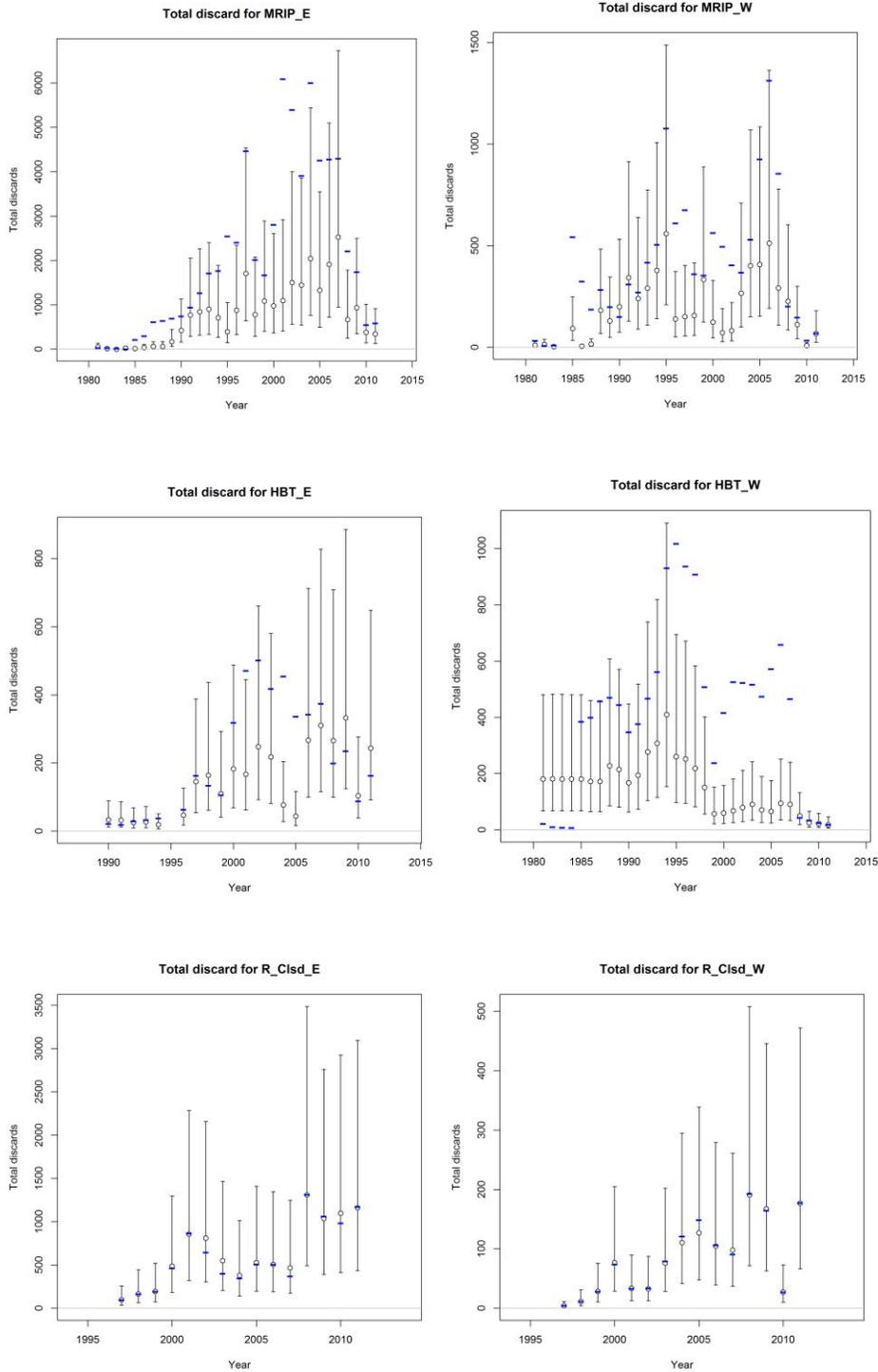


Figure 2. Observed (open circles) and predicted total discards (blue dashes) of red snapper from the private angler open season (top), headboat open season (middle), and recreational closed season in the eastern (left) and western (right) Gulf, 1997-2011. Source: SEDAR 31 2013.

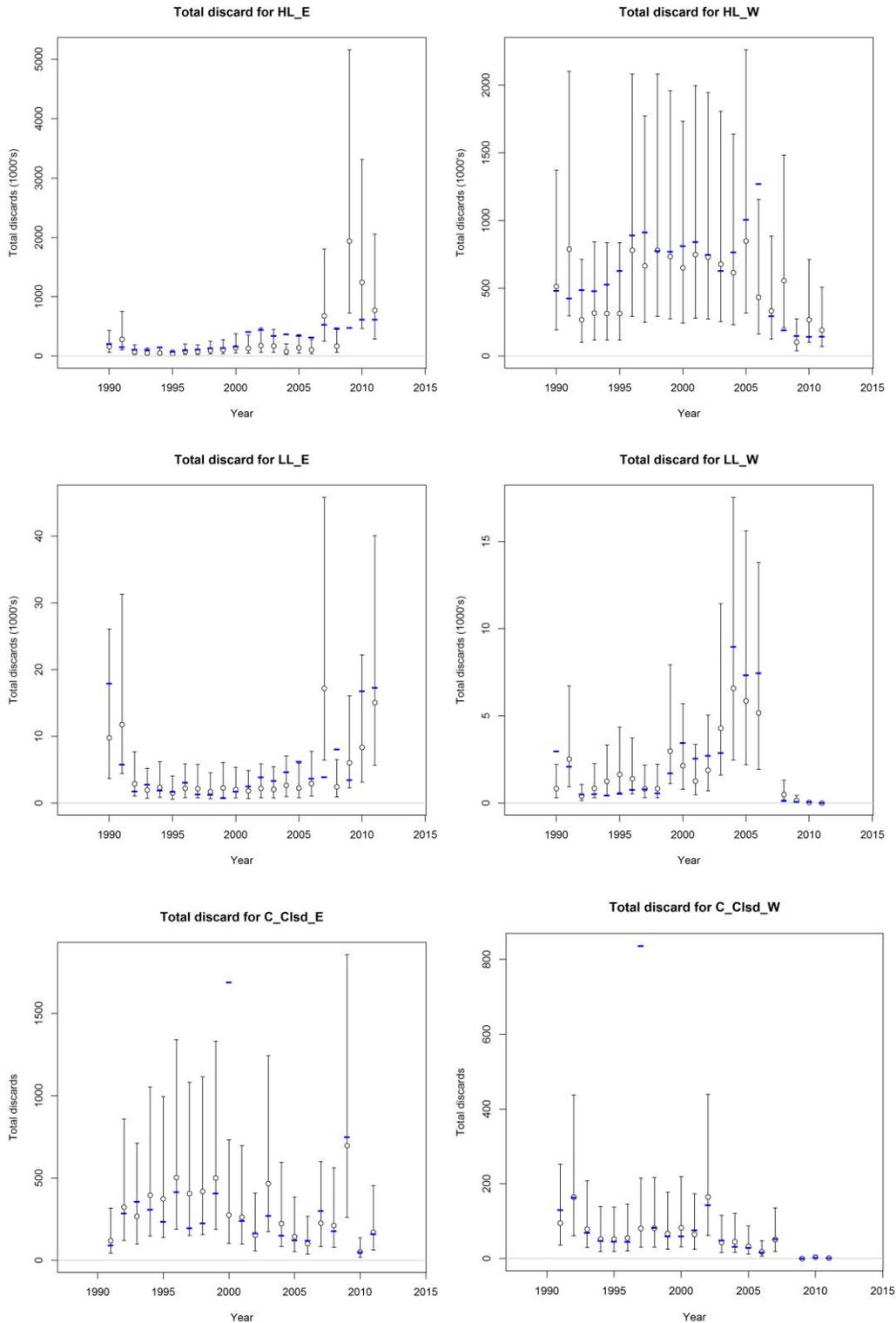


Figure 3. Observed (open circles) and predicted total discards (blue dashes) of red snapper from the commercial handline open season (top), longline open season (middle), and commercial closed season in the eastern (left) and western (right) Gulf, 1997-2011. Source: SEDAR 31 2013.

Campbell et al. (2012) identified several causes of red snapper discard mortality in their review of discard mortality in the directed reef fish fishery. These included hooking injuries, thermal stress, and barotrauma. Campbell et al. (2012) reviewed 11 studies that listed discard (release) mortality rates ranging from 0 to 79%. They reported that mortality tended to increase with capture depth, increasing water temperature, or from some compounding effect of these two factors. Burns et al. (2004) and Burns and Froeschke (2012) examined the feeding behavior of red snapper and found red snapper quickly chew and swallow their prey. As a result, there is less time to set a hook while fishing, resulting in greater probability of hooking related injuries. Burns et al. (2004) concluded hook-related trauma accounted for a greater portion of discard mortality than depth, despite catching red snapper at depths ranging from 90 to 140 feet.

Although Campbell et al. (2012) did not specifically address surface interval and predation, these factors were identified in GMFMC (2007) as contributing to discard mortality. Burns et al. (2002) found survival of red snapper increased the faster red snapper were returned to the water, thus they considered any reductions in surface interval/handling time an important way to reduce discard mortality. Several studies have documented predation on released red snapper. Dolphins and pelicans are the two most commonly observed predators and are known to pursue released fish, as well as fish before they are landed (SEDAR 7 2005). Several studies, which assessed discard mortality through surface observations, accounted for predation when estimating discard mortality (Patterson et al. 2001; Burns et al. 2004; Wilson et al. 2004).

A variety of discard mortality rates have been used in different stock assessment. The 1999 red snapper stock assessment (Schirripa and Legault 1999) assumed discard mortality rates of 33 percent for the commercial fishery and 20 percent for the recreational fishery. These discard mortality rates were derived from the literature and were determined by the Council's Reef Fish Stock Assessment Panel to be the best available estimates at the time (RFSAP 1999). During development of the 2005 red snapper stock assessment, the SEDAR 7 data workshop panel (SEDAR 7 2005) reviewed available information on depth of fishing and discard mortality by depth to produce fishery specific discard mortality rates by region (eastern and western Gulf), season (open and closed), and by sector (commercial and recreational). Applied estimates of discard mortality rates ranged 15% for recreationally caught and released red snapper in the eastern Gulf to 88% for commercially caught and released red snapper in the western Gulf caught during a season closure (Table 1).

Table 1. Mean/median depth of fishing and corresponding discard mortality rates for red snapper by fishery, region, and season.

Fishery	Region	Season	Depth of Capture	Release Mortality
Commercial	East	Open	180 ft (55 m)	71%
	East	Closed	180 ft (55 m)	71%
	West	Open	190 ft (58 m)	82%
	West	Closed	272 ft (83 m)	88%
Recreational	East	Open	65-131 ft (20-40 m)	15%
	East	Closed	65-131 ft (20-40 m)	15%
	West	Open	131 ft (40 m)	40%
	West	Closed	131 ft (40 m)	40%

Source: SEDAR 7 2005.

In the most recent benchmark stock assessment (SEDAR 31, 2013), a meta-analysis was used to estimate red snapper discard mortality using the 11 studies reviewed by Campbell et al. (2012). A venting/no venting component was added to account for the requirement to vent reef fish put in place through Amendment 27 (GMFMC 2007) as well as a gear component. For the commercial sector, average depths at which discards occurred for each gear (handline or long line), region (eastern or western Gulf), and season (open or closed) were calculated using commercial observer program data. Consistent with how commercial discards have been treated in other parts of the assessment, discards from trips with IFQ allocation were considered open season discards, while discards from trips with no IFQ allocation were considered closed season discards. For the recreational sector, average depths at which discards occurred for each region (eastern or western Gulf) and season (open or closed) were calculated using self-reported data from the iSnapper program. Estimated discard mortality rates ranged from 10 to 95% with commercial discard mortality rates greater than recreational discard mortality rates (Tables 2 and 3).

SEDAR 31 (2013) estimated the total number of fish killed (landed and discarded dead) by the commercial and recreational sectors from 1983 to 2011 (Table 4). For the recreational sector, the percentage of dead discards to total fish killed has declined since a peak in 2001. However, it was not until 2007 that the number of dead discards was consistently less than the number of landed fish. For the commercial sector, the percentage of dead discards peaked in 2000, but it was not until 2010 that the number of dead discards declined to less than 40% of the total fish killed.

Since 1996, more red snapper have been landed in the eastern Gulf than the western Gulf by the recreational sector (Table 5). A drop in the percentage of dead discards relative to the total number of fish killed occurred in both regions in 2008. The percentage of dead discards fell from 49.4% to 36.7% between 2007 and 2008 for the eastern Gulf and from 50.0% to 20.3% between 2007 and 2008 in the western Gulf. For the commercial sector, in the eastern Gulf the number of dead discards has generally been above 50% indicating that there are more discards were killed than landed (Table 5). In contrast, in the western Gulf there has been a falling off in the percentage of dead discards relative to the total number of killed fish since 2006 to well below 50%.

Table 2. Average depths and associated discard mortality rates for commercial discards of red snapper in the Gulf.

Gear	Handline				Longline			
Region	East		West		East		West	
Season	Closed	Open	Closed	Open	Closed	Open	Closed	Open
Average Depth (m)	24	45	84	53	66	62	132	104
Disc Mort - no venting	0.74	0.75	0.87	0.78	0.82	0.81	0.95	0.91
Disc Mort - venting	0.55	0.56	0.74	0.60	0.66	0.64	0.88	0.81

Source: SEDAR 31 2013.

Table 3. Average depths and associated discard mortality rates for recreational discards of red snapper in the Gulf.

Gear	Recreational			
Region	East		West	
Season	Open	Closed	Open	Closed
Average Depth (m)	33	34	36	35
Disc Mort - no venting	0.21	0.21	0.22	0.22
Disc Mort - venting	0.10	0.10	0.11	0.10

Source: SEDAR 31 2013.

Table 4. Estimates of the total number of red snapper landed, the number of dead discards, and percent dead discards for all killed fish for the recreational and commercial sectors by year in the Gulf.

Year	Recreational			Commercial		
	Landed	Dead Discards	Percent dead discards	Landed	Dead Discard	Percent dead discards
1983	3,314,185	8,599	0.3%	4,559,794	80,758	1.7%
1984	1,232,024	2,699	0.2%	2,775,042	33,579	1.2%
1985	1,427,026	255,716	15.2%	1,234,986	351,105	22.1%
1986	1,265,955	223,079	15.0%	875,494	304,026	25.8%
1987	1,022,844	271,426	21.0%	661,469	277,787	29.6%
1988	1,241,859	302,800	19.6%	950,904	366,876	27.8%
1989	1,060,456	289,201	21.4%	742,388	296,024	28.5%
1990	625,933	270,824	30.2%	703,020	549,250	43.9%
1991	1,060,610	353,327	25.0%	691,943	635,961	47.9%
1992	1,609,040	434,448	21.3%	995,013	817,581	45.1%
1993	2,202,931	581,455	20.9%	1,011,914	781,941	43.6%
1994	1,615,241	695,102	30.1%	869,075	796,390	47.8%
1995	1,384,049	1,008,873	42.2%	698,404	767,187	52.3%
1996	1,180,361	859,431	42.1%	1,011,328	1,120,205	52.6%
1997	1,547,317	1,342,121	46.4%	1,122,447	1,674,115	59.9%
1998	1,235,683	679,689	35.5%	1,167,877	949,481	44.8%
1999	1,031,284	549,708	34.8%	1,190,580	1,063,684	47.2%
2000	1,002,899	985,281	49.6%	1,088,667	2,065,579	65.5%
2001	1,075,115	1,792,155	62.5%	1,030,580	1,214,566	54.1%
2002	1,372,415	1,586,095	53.6%	1,145,169	1,171,069	50.6%
2003	1,224,547	1,204,754	49.6%	1,080,662	996,171	48.0%
2004	1,365,946	1,677,071	55.1%	1,036,860	1,027,510	49.8%
2005	1,024,641	1,433,508	58.3%	973,109	1,170,293	54.6%
2006	1,196,183	1,533,800	56.2%	1,193,134	1,343,644	53.0%
2007	1,397,237	1,370,519	49.5%	851,537	903,242	51.5%
2008	821,804	417,509	33.7%	671,979	481,599	41.7%
2009	979,945	339,988	25.8%	656,148	772,463	54.1%
2010	447,991	170,959	27.6%	833,253	472,930	36.2%
2011	670,910	220,515	24.7%	808,582	533,198	39.7%

Source: Recreational data is from MRIP; headboat and commercial data is from the logbook and SEDAR 31 2013; Jacob Tetzlaff, pers. comm. Southeast Fisheries Science Center, Miami, Florida.

Table 5. Estimates of the total number of red snapper landed the number of dead discards, and percent dead discards for all killed fish for the recreational and commercial sectors by year and region of the Gulf.

Year	Recreational						Commercial					
	East			West			East			West		
	Landed	Dead Discard	Percent dead discards	Landed	Dead Discard	Percent dead discards	Landed	Dead Discard	Percent dead discards	Landed	Dead Discard	Percent dead discards
1983	1,055,691	4,455	0.4%	2,258,494	4,144	0.2%	1,851,965	23,983	1.3%	2,707,829	56,775	2.1%
1984	192,098	332	0.2%	1,039,926	2,367	0.2%	1,077,487	5,872	0.5%	1,697,555	27,707	1.6%
1985	482,587	51,497	9.6%	944,439	204,219	17.8%	575,540	109,179	15.9%	659,446	241,926	26.8%
1986	574,495	63,839	10.0%	691,460	159,240	18.7%	237,499	31,193	11.6%	637,996	272,833	30.0%
1987	548,813	129,871	19.1%	474,031	141,555	23.0%	179,088	35,679	16.6%	482,381	242,108	33.4%
1988	524,591	137,182	20.7%	717,268	165,618	18.8%	197,784	72,004	26.7%	753,120	294,872	28.1%
1989	474,670	147,657	23.7%	585,786	141,544	19.5%	166,355	59,518	26.4%	576,033	236,506	29.1%
1990	314,036	161,286	33.9%	311,897	109,538	26.0%	208,799	169,101	44.7%	494,221	380,150	43.5%
1991	548,912	202,238	26.9%	511,698	151,089	22.8%	156,339	187,293	54.5%	535,604	448,669	45.6%
1992	886,594	272,181	23.5%	722,446	162,267	18.3%	155,044	294,315	65.5%	839,969	523,266	38.4%
1993	1,336,961	366,226	21.5%	865,970	215,229	19.9%	160,428	346,349	68.3%	851,486	435,592	33.8%
1994	819,900	379,092	31.6%	795,341	316,010	28.4%	161,842	341,927	67.9%	707,233	454,464	39.1%
1995	664,786	547,997	45.2%	719,263	460,876	39.1%	47,994	234,693	83.0%	650,411	532,493	45.0%
1996	608,817	519,005	46.0%	571,544	340,426	37.3%	66,458	384,466	85.3%	944,870	735,739	43.8%
1997	966,914	992,702	50.7%	580,403	349,419	37.6%	52,616	231,911	81.5%	1,069,832	1,442,204	57.4%
1998	814,811	485,790	37.4%	420,872	193,899	31.5%	112,125	271,377	70.8%	1,055,751	678,104	39.1%
1999	788,097	413,395	34.4%	243,187	136,313	35.9%	148,788	407,417	73.2%	1,041,792	656,267	38.6%
2000	741,378	753,560	50.4%	261,521	231,721	47.0%	169,886	1,375,667	89.0%	918,781	689,912	42.9%
2001	858,210	1,559,948	64.5%	216,905	232,208	51.7%	209,036	487,449	70.0%	821,544	727,118	47.0%
2002	1,137,262	1,374,869	54.7%	235,153	211,226	47.3%	300,706	459,631	60.5%	844,463	711,438	45.7%
2003	956,693	992,640	50.9%	267,854	212,113	44.2%	281,921	459,040	62.0%	798,741	537,130	40.2%
2004	1,128,710	1,429,531	55.9%	237,236	247,540	51.1%	251,425	392,841	61.0%	785,435	634,669	44.7%
2005	759,036	1,071,240	58.5%	265,605	362,268	57.7%	220,412	352,853	61.6%	752,697	817,440	52.1%

2006	839,855	1,076,677	56.2%	356,328	457,123	56.2%	212,766	329,879	60.8%	980,368	1,013,764	50.8%
2007	1,087,060	1,059,975	49.4%	310,177	310,544	50.0%	311,729	626,004	66.8%	539,808	277,238	33.9%
2008	642,570	371,930	36.7%	179,233	45,579	20.3%	284,937	366,341	56.2%	387,042	115,258	22.9%
2009	773,394	303,722	28.2%	206,551	36,266	14.9%	302,568	682,585	69.3%	353,579	89,878	20.3%
2010	360,404	162,119	31.0%	87,587	8,840	9.2%	413,808	384,519	48.2%	419,445	88,411	17.4%
2011	552,878	192,184	25.8%	118,032	28,331	19.4%	423,809	445,771	51.3%	384,773	87,427	18.5%

Source: Recreational data is from MRIP; headboat and commercial data is from the logbook and SEDAR 31 2013; Jacob Tetzlaff, pers. comm. Southeast Fisheries Science Center, Miami, Florida.

Other Bycatch

Species incidentally encountered by the directed red snapper fishery include sea turtles, sea birds, and reef fishes. The primary gears of the Gulf reef fish fishery (longline and handline) are classified in the List of Fisheries for 2014 (79 FR 14418, April 14, 2014) as Category III gear. This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from any fishery is less than or equal to one percent of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock, while allowing that stock to reach or maintain its optimum sustainable population.

The most recent biological opinion for the Reef Fish FMP was completed on September 30, 2011 (NMFS 2011). The opinion determined the continued authorization of the Gulf reef fish fishery managed under this FMP is not likely to adversely affect Endangered Species Act-listed marine mammals or coral, and would not likely jeopardize the continued existence of sea turtles (loggerhead, Kemp's ridley, green, hawksbill, and leatherback), or smalltooth sawfish. However, in the past, actions have been taken by the Council and NMFS to increase the survival of incidentally caught sea turtles and smalltooth sawfish by the commercial and recreational sectors of the fishery. These include the requirements for permitted vessels to carry specific gear and protocols for the safe release in incidentally caught endangered sea turtle species and smalltooth sawfish (GMFMC 2005) as well as restrictions on the longline portion of the commercial sector. Restrictions for longlines in the reef fish fishery include a season-area closure, an endorsement to use longline gear, and a restriction on the total number of hooks that can be carried on a vessel (GMFMC 2009).

Three primary orders of seabirds are represented in the Gulf, Procellariiformes (petrels, albatrosses, and shearwaters), Pelecaniformes (pelicans, gannets and boobies, cormorants, tropic birds, and frigate birds), and Charadriiformes (phalaropes, gulls, terns, noddies, and skimmers) (Clapp et al., 1982; Harrison, 1983) and several species, including: piping plover, least tern, roseate tern, bald eagle, and brown pelican (the brown pelican is endangered in Mississippi and Louisiana and delisted in Florida and Alabama) are listed by the U.S. Fish and Wildlife Service as either endangered or threatened. Human disturbance of nesting colonies and mortalities from birds being caught on fishhooks and subsequently entangled in monofilament line are primary factors affecting sea birds. Oil or chemical spills, erosion, plant succession, hurricanes, storms, heavy tick infestations, and unpredictable food availability are other threats. There is no evidence that the directed red snapper fishery is adversely affecting seabirds. However, interactions, especially with brown pelicans consuming red snapper discards and fish before they are landed, are known to occur (SEDAR 7 2005).

Other species of reef fish are also incidentally caught when targeting red snapper. In the western Gulf, vermilion snapper and some deep-water groupers are incidentally caught as bycatch when harvesting red snapper. In the eastern Gulf, various species of shallow-water grouper and vermilion snapper are the primary species caught as bycatch when targeting red snapper. Vermilion snapper are not overfished or undergoing overfishing (SEDAR 9 Update 2011) and bycatch is not expected to jeopardize the status of this stock. Deep-water groupers are caught both in the eastern and western Gulf primarily with longline gear (> 80 percent). The deep-water grouper fishery was managed with a 1.02 million pound quota. From 2004 until the

implementation of the grouper/tilefish IFQ program in 2010 (SERO 2012a), the fishery met their quota and closed no later than July 15 each year. Deep-water grouper closures during this time period may have resulted in some additional discards of grouper by longliners targeting red snapper. Since the IFQ program was implemented, deep-water grouper species are landed year-round by holders of IFQ allocation and the quota has not been exceeded. Longliners account for approximately 5% of the annual commercial red snapper landings since 2000 (SEDAR 31 2013). It is unknown how increases in closed season discards might have affected the status of deep-water grouper stocks or the change to an IFQ managed sector. An updated assessment for yellowedge grouper found the stock was not overfished or undergoing overfishing (SEDAR 22 2011).

Red grouper and gag are the two most abundant shallow-water grouper species in the Gulf and primarily occur on the west Florida shelf. Both species have been found to be not overfished or undergoing overfishing (SEDAR 33 2014 for gag and SEDAR 12 Update 2009 for red grouper). Gag had been in a rebuilding plan that took into account gag dead discards and this plan was implemented through Amendment 32 (GMFMC 2011a). Within the reef fish fishery, discards represent a large and significant portion of mortality for gag and red grouper. In the past, these species were managed under a shallow-water grouper quota which was met prior to the end of the 2004 and 2005 fishing years. For the recreational sector, shallow-water grouper including gag and red grouper are managed with size limits, bag limits, and season and area closures. The recreational gag season begins July 1 and extends until the catch target is projected to be caught. Since 2010, the commercial harvest of gag, red grouper, and other shallow-water grouper are managed under an IFQ program and the commercial sector has not exceeded its quota under the program. Prior to the IFQ program, quota closures at the end of the year have likely resulted in some additional commercial discards when the red snapper fishery is open. However, most commercial landings of red snapper occur in the western Gulf where gag and red grouper are less abundant or infrequently caught.

Practicability of current management measures in the directed red snapper fishery relative to their impact on bycatch and bycatch mortality.

The bycatch practicability analysis in Amendment 27 (GMFMC 2007) indicated directed fishery bycatch was believed to have a greater effect on red snapper stock recovery than the shrimp fishery. Although shrimp bycatch still accounts for a majority of bycatch, bycatch from the directed fishery is now known to have a greater effect on stock recovery. A quota, 16-inch total length (TL) minimum size limit, 2-fish bag limit, closed season, and gear restrictions are presently used to manage the recreational fishery. The commercial fishery is managed with an IFQ program, a quota, a 13-inch TL minimum size limit, and gear restrictions. Prior to 2007 when the red snapper IFQ program was implemented, the commercial fishery was also managed with closed seasons and trip limits. The following discusses current and historic management measures with respect to their relative impacts on bycatch.

Closed Seasons

Prior to 1997, the recreational sector was able to fish for red snapper year round. To prevent the recreational quota from being exceeded, recreational fishing for red snapper was closed on November 27, 1997, September 30, 1998, and August 29, 1999. In 2000, an April 21 through October 31 red snapper season was established. This was modified to a June 1 through October 31 season in 2008 by Amendment 27 (GMFMC 2007). Currently, the recreational directed red snapper fishery is closed in the exclusive economic zone from January 1 through May 31 each year through a 2012 framework action. However, since 2008, the sector has been closed early when the quota is projected to be caught. In addition, since 2008, the length of time red snapper fishing has been open has become increasingly shorter such that for 2011, 2012, and 2013, the season length has shrunk to 48, 46, and 42 days, respectively. With these shorter seasons, the number of released fish has decreased during the open season, but the number of releases during the closed season has increased (Figure 2; SEDAR 31 2013). Reflected in this trend is that although the estimated number of dead discards has decreased during the fishing season, the number of dead discards has increased during the longer closed periods (Figure 4). For 2014, the season length was decreased to 9 days. This was in response to a decision by the U.S. District Court for the District of Columbia (Court) in *Guindon v. Pritzker*, 2014 WL 1274076 (D.D.C. Mar. 26, 2014). NMFS, at the request of the Council, took emergency action to implement an in-season accountability measure for the recreational harvest of red snapper in the Gulf. The action set an annual catch target (ACT) equal to 80% of the 5,390 mp quota (ACT = 4,312 mp). The resultant 9-day season was based on the ACT and has only a 15% probability of exceeding the quota.

With the implementation of the IFQ program, there is no closed season for the commercial sector. However, commercial vessels with little or no red snapper allocation cannot land red snapper on most or all their trips. Thus, they effectively operate under closed season conditions. GMFMC (2013) indicated most discards were likely due to insufficient allocation, rather than the minimum size limit, especially in the longline fleet. Most of these discards were recorded as released alive.

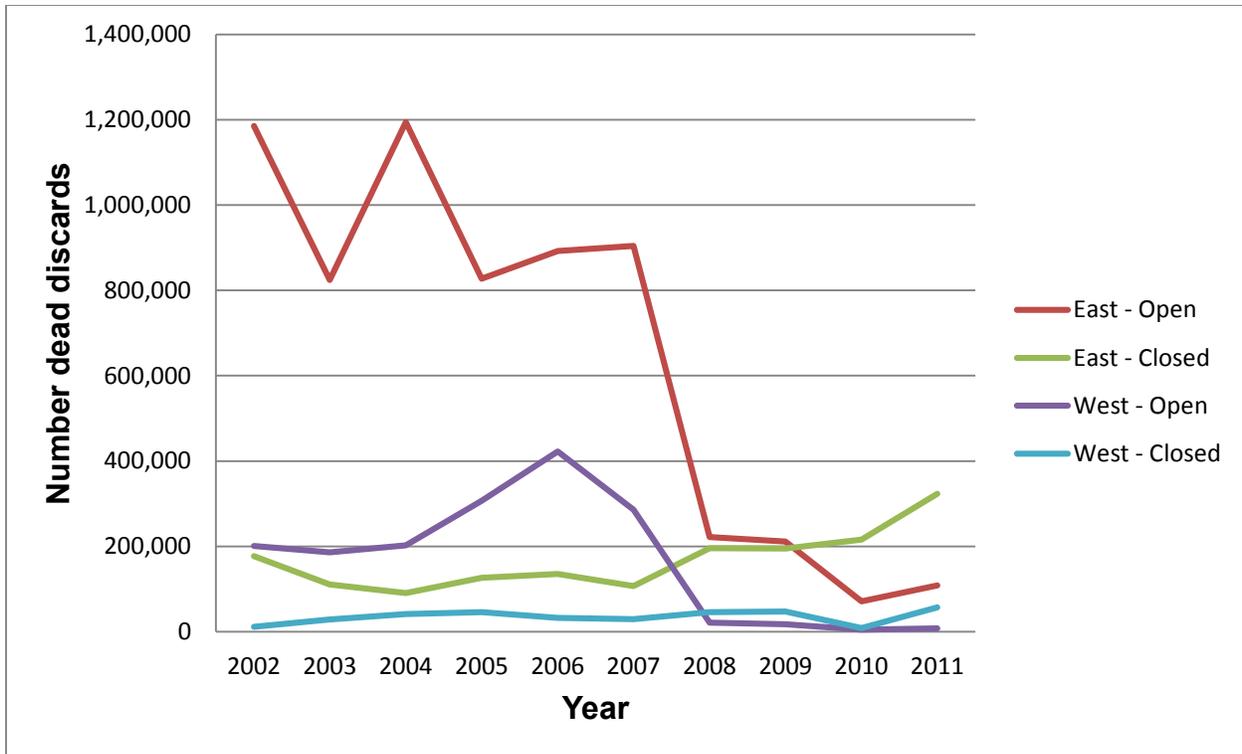


Figure 4. The number of Gulf red snapper dead discards from the recreational sector by year and by area. Source: Jakob Tetzlaff., pers. comm. Southeast Fisheries Science Center, Miami, Florida.

Bag Limits

The recreational fishery is regulated by a 2-red snapper daily bag limit per person. Red snapper discards while harvesting the daily bag limit are a result of incidental capture of undersized fish prior to reaching the bag limit and targeting of other reef fish residing in similar habitat as red snapper after bag limits have been reached. SERO (2012b) reported anglers on for-hire vessels, on average, landed 1.23 red snapper per trip and anglers on private vessels landed 1.58 red snapper per trip when the season is open. Based on average catch rates, the current two red snapper bag limit is not a limiting factor for some trips, but likely occurs on others. Therefore, the release of undersized fish while harvesting the bag limit is still an important factor contributing to discards in addition to the release of legal-sized red snapper after the bag limit is reached.

Size limits

The 16-inch recreational and 13-inch commercial TL minimum size limits are important factors when considering bycatch in the directed fishery. Size limits are intended to protect immature fish and reduce fishing mortality. The recreational minimum size limit is above the size at 50% maturity and the commercial size limit is near the size at 50% maturity. Size-at-maturity varies by region, with 75% of eastern Gulf female red snapper mature by 12-inches TL and 50% of western Gulf red snapper mature by 13-14-inches TL (Fitzhugh et al. 2004).

Several yield-per-recruit (YPR) analyses have previously been conducted to identify the size that balances the benefits of harvesting fish at larger sizes against losses due to natural mortality. Goodyear (1995) concluded YPR was maximized in the red snapper fishery between 18 and 21-inches TL, assuming 20 and 33% discard mortality in the recreational and commercial red snapper fisheries, respectively. A subsequent YPR analysis by Schirripa and Legault (1997) indicated increasing the minimum size limit above 15-inches TL would result in no gains in yield. Analyses of minimum size limits conducted for Amendment 27 (GMFMC 2007) indicated red snapper projected recovery rates are slightly faster if the commercial minimum size limit is reduced or eliminated, but increasingly slowed by smaller recreational minimum size limits (Porch 2005). Decreasing the recreational and commercial minimum size limits was projected to increase stock recovery slightly over the short term, but stock recovery would be increasingly slowed if the recreational size limit were lowered over the long term (Porch 2005). However, as discussed in Amendment 27, changes in spawning potential and the rate of stock recovery were found to be negligible for recreational size limits ranging from 13 to 15-inches TL. An YPR analysis conducted by SERO (2006), using current fishery selectivities and discard mortality rates from SEDAR 7 (2005) supported Porch's (2005) findings. SERO (2006) examined four commercial minimum size limits (12-, 13-, 14-, and 15-inches TL) and five recreational minimum size limits (6-, 13-, 14-, 15-, and 16-inches TL). Based on the range of size limits analyzed, YPR was maximized at 16-inches TL in both the eastern and western Gulf recreational fisheries, 12-inches TL in the western Gulf commercial fishery, and 15-inches TL in the eastern Gulf commercial fishery. However, there was virtually no difference in maximum YPR (< 0.3 percent) for any of the eastern Gulf commercial size limits analyzed. In a study by Wilson et al. (2004) aboard commercial vessels using bandit rigs, 61% of red snapper released were greater than 13 inches and 86% were greater than 12 inches.

For Amendment 39 (still under development; GMFMC 2014b), an YPR analysis was applied to the recreational sector (SERO 2013). This analysis indicates the Gulf-wide YPR is maximized at a recreational size limit of 15-inches TL. However, there was not much of a change in YPR between lengths of 13- and 18-inches TL. Thus, if the minimum size limit were changed from 16- to 15-inches TL, any gain in YPR would be minimal. SERO (2013) also showed that any increase in the minimum size limit would reduce the number of fish landed. This would probably result in more regulatory discards and an increase in the number of dead discards.

Given the above discussion, a larger recreational minimum size limit is considered to be more effective than a similar sized commercial minimum size limit because of lower discard mortality rates in the recreational fishery (Tables 2 and 3). High discard mortality rates in the commercial fishery provide little, if any, protection to the stock because the released fish mostly die rather than contribute to filling the quota. In contrast, the current 16-inch TL minimum recreational size limit was found to afford some protection to the stock, because a greater percentage of discarded fish will survive to spawn and later contribute to the quota as larger animals.

Area closures

Although the Council has not developed area closures specifically for red snapper, the Council has created areas to protect other species. For example, two restricted fishing areas were

developed to specifically protect spawning aggregations of gag in 2000 (GMFMC 1999). The Madison-Swanson and Steamboat Lumps marine restricted fishing areas are located in the northeastern Gulf at a depth of 40 to 60 fathoms. Both areas prohibit bottom fishing. Bottom fishing is also prohibited in the Tortugas North and South marine reserves in the southern Gulf near the Dry Tortugas. Marine reserves and time/area closures benefit fish residing within reserve boundaries by prohibiting their capture during part or all of the year. Within marine reserves, fish that are undersized potentially have an opportunity to grow to legal size and are no longer caught as bycatch. If these fish emigrate from the marine reserve (i.e., spillover effect), then they may be caught as legal fish outside the reserve, thereby reducing bycatch. However, anglers and commercial fishermen may redistribute their effort to areas surrounding the area closure. If fishing pressure in these areas is increased, then any benefits of reduced bycatch of fish in the marine reserve will likely be offset by increases in bycatch of fish residing outside the marine reserve. Within restricted fishing areas or time/area closures, fishing is allowed under restrictions that are intended to protect certain components of the populations within the area (e.g., prohibitions on bottom fishing gear), or to protect populations during a critical phase of their life history, such as during spawning.

The Council did develop a season area closure to reduce bycatch of sea turtles for the longline component of the commercial sector. The use of longlines had been prohibited from waters less than 20 fathoms east of Cape San Blas, Florida, and 50 fathoms west of Cape San Blas; however, due to higher estimates of sea turtles caught in longline gear, measures were put in place through Amendment 31 (GMFMC 2009) to reduce this bycatch. One of these measures was the prohibition of the use of bottom longline gear in the Gulf reef fish fishery, shoreward of a line approximating the 35-fathom contour east of Cape San Blas, Florida from June through August. Most sea turtle takes by longline occur during the summer months.

Allowable gear

Vertical hook-and-line gear (bandit rigs, manual handlines) is the primary gear used in the commercial fishery fishing for red snapper (> 96% of annual landings). Longlines, spears, and fish traps account for a small portion of the commercial harvest (< 5%). Longlines account for only a small fraction of red snapper dead discards as most of the landings come from handline-caught fish (Table 6). In addition, longlines are fished in deeper water, particularly in the west, and select for larger, legal-sized red snapper. Longline vessels east of Cape San Blas, Florida are also restricted to carrying 1,000 hooks onboard (only 750 rigged for fishing at any given time) as part of a suite of measures put in place through Amendment 31 (GMFMC 2009) to reduce sea turtle bycatch.

Rod-and-reel is the primary gear used in the recreational fishery. Recreational anglers also use spears to capture red snapper. Spearfishing does not affect discard mortality since all fish caught are killed. Only undersized red snapper mistakenly killed while spearfishing would contribute to discard mortality. During the red snapper recreational fishing season, discards are primarily due to the recreational size limit; however, allowable gears can affect discard mortality rates.

Fishermen in both the commercial and recreational sectors are required to use non-stainless steel circle hooks, if using natural baits, to reduce discard mortality. The size of circle hooks used in

the fishery varies by manufacturer, gear type, and species targeted (i.e., if targeting vermilion snapper, smaller circle hooks may be used). Although circle hooks may not work as well to reduce red snapper discard mortality, they are effective in reducing mortality in other species such as red grouper (Burns and Froeschke 2012).

In addition to the circle hook requirement, Amendment 27 (GMFMC 2007) also put in place requirements for both commercial and recreational fishermen in the reef fish fishery to carry onboard dehooking devices. These gears are all intended to reduce bycatch and discard mortality. A dehooking device is a tool intended to remove a hook embedded in a fish. It reduces the handling time releasing a fish from a hook and allows a fish to be released with minimum damage.

IFQ program

The commercial sector was previously regulated by 2,000-lb and 200-lb trip limits. With the establishment of the red snapper IFQ program, red snapper discards after a trip limit was reached are no longer a factor. However, reef fish observer data since the IFQ program was implemented indicate a large proportion of legal-sized red snapper continue to be discarded by both the handline and longline fleets (GMFMC 2013). Discard rates do vary by gear. In 2011, 3.5 red snapper were landed for every fish released in the vertical line fleet compared to a 0.5 red snapper landed for each fish released in the longline fleet (SERO 2012b). Discard rates greatly varied by region. In 2011, 87% of observed red snapper caught in the Florida Panhandle were landed, compared to 79% off Louisiana and Texas, and 47% off the Florida Peninsula. There was also a noticeable difference in the size of red snapper caught, with red snapper along the Florida Peninsula (mostly 19-24-inches TL) generally larger than fish caught in other areas of the Gulf (mostly 15-21-inches TL). Most discards were estimated to be released alive, regardless of gear type used. Discards were likely due to insufficient allocation, rather than the minimum size limit, especially in the longline fleet. In a study by Wilson et al. (2004) aboard commercial vessels using bandit rigs, 61% of red snapper released were greater than 13-inches TL, the minimum size limit.

Table 6. Commercial red snapper landings and dead discards in the Gulf by year and area.

Year	Eastern Gulf				Western Gulf			
	Landings		Dead discards		Landings		Dead discards	
	Handline	Longline	Handline	Longline	Handline	Longline	Handline	Longline
1983	1,646,550	205,415	1,587	1,237	2,698,740	9,089	56,690	85
1984	949,341	128,146	309	388	1,625,800	71,755	27,160	547
1985	550,063	25,477	79,906	2,239	608,624	50,822	233,753	8,173
1986	222,738	14,761	21,314	646	564,277	73,719	261,093	11,740
1987	168,788	10,300	20,091	743	412,668	69,713	229,400	12,708
1988	186,924	10,860	51,433	738	686,680	66,440	285,429	9,443
1989	156,071	10,284	32,961	1,714	531,066	44,967	230,318	6,188
1990	198,778	10,021	94,242	4,552	482,224	11,997	377,444	2,706
1991	152,971	3,368	79,800	1,647	527,667	7,937	332,927	1,905
1992	153,940	1,104	54,930	484	837,699	2,270	380,571	460
1993	157,367	3,061	57,447	843	849,065	2,421	375,085	471
1994	160,369	1,473	87,448	568	705,354	1,879	412,546	407
1995	46,528	1,466	54,453	658	648,399	2,012	491,941	501
1996	65,129	1,329	62,736	925	941,768	3,102	695,812	699
1997	51,767	849	79,005	515	1,066,360	3,472	713,290	729
1998	111,068	1,057	99,004	494	1,052,750	3,001	605,570	522
1999	147,499	1,289	102,825	340	1,032,070	9,722	602,380	1,564
2000	168,301	1,585	107,368	556	899,899	18,882	634,841	3,146
2001	207,257	1,779	278,236	894	809,218	12,326	658,252	2,334
2002	297,471	3,235	319,910	1,555	830,146	14,317	584,024	2,481
2003	279,295	2,626	235,502	1,190	782,006	16,735	492,094	2,618
2004	247,833	3,592	251,909	1,633	741,737	43,698	598,933	8,157
2005	216,596	3,816	230,654	2,081	725,819	26,878	785,721	6,686
2006	209,704	3,062	221,631	1,394	955,637	24,731	992,193	6,781
2007	308,237	3,492	949,770	14,520	521,931	17,877	231,164	443
2008	277,716	7,221	660,738	24,096	381,349	5,693	115,150	108
2009	299,480	3,088	748,261	10,548	347,913	5,666	89,641	68
2010	398,806	15,002	1,111,727	53,620	415,081	4,364	85,851	56
2011	408,346	15,463	1,274,735	60,252	382,630	2,143	86,460	18

Source: SEDAR 31 2013; Jacob Tetzlaff, pers. comm. Southeast Fisheries Science Center, Miami, Florida)

Alternatives being considered and bycatch minimization

The proposed allocations and accountability measures discussed in Amendment 28 (GMFMC 2014c) can indirectly affect bycatch in the Gulf reef fish fishery. These actions are primarily administrative. They would change the apportionment of fish between the commercial and recreational sector as well as affect how the recreational season is calculated. Depending on which alternatives are selected for each action, they could either reduce or increase bycatch in the reef fish fishery.

Practicability Analysis

Criterion 1: Population effects for the bycatch species

This action would revise the current red snapper allocation between the recreational and commercial sectors and so would not directly affect bycatch minimization. As discussed in Section 4.1.2 of Amendment 28 (GMFMC 2014c), the number of dead discards is estimated to be lower as a result of more recreational allocation because some fish caught could be retained rather than discarded under an increased quota. For the commercial sector, a decrease in the allocation would likely lead to more discards as a result of a reduced quota. Thus, any benefit to the red snapper stock from increasing the recreational allocation in Alternatives 2-9 would likely be offset by increases in dead discards as a result of a reduced commercial quota. As a result, it is difficult to assess whether this action, in terms of dead discards, would be beneficial, adverse, or have no effect on the red snapper stock.

As described earlier in this bycatch practicability analysis, the Council and NMFS have developed a variety of management measures to reduce red snapper bycatch and these measures are thought to benefit the status of the stock. These include bycatch reduction devices and effort targets in the shrimp fishery, size limit reductions and the IFQ program for the commercial sector, and gear requirements, such as dehooking devices and the use of circle hooks by the reef fish fishery. In addition, any increases in bycatch resulting from proposed management actions are accounted for when reducing directed fishing mortality. Any reductions in bycatch not achieved must be accounted for when setting the annual catch limits; the less bycatch is reduced, the more the annual catch limits must be reduced.

Criterion 2: Ecological effects due to changes in the bycatch of red snapper (effects on other species in the ecosystem)

The relationships among species in marine ecosystems are complex and poorly understood, making the nature and magnitude of ecological effects difficult to predict with any accuracy. The most recent red snapper stock assessment (SEDAR 31 2013) indicated the stock is rebuilding. Consequently, it is possible that forage species and competitor species could decrease in abundance in response to an increase in red snapper abundance. Changes in the bycatch of red snapper are not expected to directly affect other species in the ecosystem. Although birds, dolphins, and other predators may feed on red snapper discards, there is no evidence that any of these species rely on red snapper discards for food.

Criterion 3: Changes in the bycatch of other species of fish and invertebrates and the resulting population and ecosystem effects

Population and ecosystem effects resulting from changes in the bycatch of other species of fish and invertebrates are difficult to predict. As discussed in Amendment 27 (GMFMC 2007) and 40 (GMFMC 2014a), groupers, snappers, greater amberjack, gray triggerfish and other reef fishes are commonly caught in association with red snapper. Many of these species are in rebuilding plans (gag, gray triggerfish, and greater amberjack) with the stocks improving. Regulatory discards significantly contribute to fishing mortality for all of these reef fish species, with the exceptions of gray triggerfish and vermilion snapper.

No measures are proposed in this amendment to directly reduce the bycatch of other reef fish species. Bycatch minimization measures implemented through Amendment 18A (GMFMC 2005), Amendment 27 (GMFMC 2007), and Amendment 31 (GMFMC 2009) are expected to benefit reef fish stocks, sea turtles, and smalltooth sawfish. As mentioned, this action would revise the red snapper allocation between the commercial and recreational sectors. For species with quotas (greater amberjack, gray triggerfish, and recreational red snapper), this could lead to a shift in fishing effort during red snapper season closures and negatively impact reef fish stocks not currently constrained by annual quotas or IFQ programs. The magnitude of this impact would depend on the size of the resultant quotas, the length of the red snapper closure, and the amount of effort shifting that occurs. Annual catch limits and accountability measures are now in effect for species not considered undergoing overfishing or overfished, thus potential for effort shifting and changes in bycatch may be lessened for these species.

Criterion 4: Effects on marine mammals and birds

The effects of current management measures on marine mammals and birds are described above. Bycatch minimization measures evaluated in this amendment are not expected to significantly affect marine mammals and birds. There is no information to indicate marine mammals and birds rely on red snapper for food, and the measure in this amendment is not anticipated to alter the existing prosecution of the fishery, and thus interactions with marine mammals or birds.

Criterion 5: Changes in fishing, processing, disposal, and marketing costs

Reducing the commercial allocation in Alternatives 2-9 would result in fewer fish being landed and certainly affect fishing, processing, disposal, and marketing costs. However, because red snapper is a part of a multispecies fishery, other species could be targeted to fill any losses from reduced red snapper quotas. This action would not be expected to result in any changes in fishing, processing, disposal, or marketing costs of recreationally harvested red snapper because these fish may not be sold.

Criterion 6: Changes in fishing practices and behavior of fishermen

It is not possible to determine whether bycatch, including the amount of regulatory discards, will be affected following implementation of these actions. For the recreational sector, Alternatives 2-9 are expected to increase the season length, albeit only a few days, and thus reduce discards. However, reef fish fishing will occur when recreational fishing for red snapper is closed, so regulatory discards red snapper will occur. Thus, it is possible that the amount of recreational regulatory discards remains more or less the same with the proposed shift in allocation. For the commercial sector, individual fishing quota shareholders will need to determine if their red snapper allocation is sufficient to target red snapper, or to use the allocation to keep incidentally caught red snapper while targeting other species.

Criterion 7: Changes in research, administration, and enforcement costs and management effectiveness

The proposed management measures are not expected to significantly impact administrative costs. Quotas and ACTs based on stock allocation measures are currently used to regulate the commercial and recreational sectors harvesting red snapper. None of the resultant quotas from this action are expected to diminish regulatory effectiveness. All of these measures will require additional research to determine the magnitude and extent of impacts to bycatch and bycatch mortality. Administrative activities such as quota monitoring and enforcement should not be affected by the proposed management measures.

Criterion 8: Changes in the economic, social, or cultural value of fishing activities and non-consumptive uses of fishery resources

Red snapper is a highly desirable target species and the proposed shift in allocation is intended to increase the percentage of the red snapper quota allocated to the recreational sector (and decrease the commercial sector's share by an equivalent percentage). This would be expected to improve fishing opportunities for the recreational sector, thereby increasing the economic and social benefits for recreational anglers and associated coastal businesses and communities as. However, this amendment would also decrease fishing opportunities for commercial fishermen, thereby adversely impacting associated businesses and communities. No effects would be expected on the non-consumptive uses of the fishery resources.

Criterion 9: Changes in the distribution of benefits and costs

The net effects of the proposed management measures in this amendment on bycatch are unknown because the resultant management measures could increase dead discards for the commercial sector and decrease dead discards for the recreational sector. The proposed management measures would not be expected to affect the overall amount of red snapper normally harvested by anglers and commercial fishermen. However, increases in the recreational red snapper quota and decreases in the commercial quota are expected to result in economic benefits for the recreational sector, and losses to the commercial sector.

Criterion 10: Social effects

Bycatch is considered wasteful by fishermen and it reduces overall yield obtained from the fishery. Minimizing bycatch to the extent practicable will increase efficiency, reduce waste, and benefit stock recovery, thereby resulting in net social benefits. It is expected that these actions would result in benefits for the recreational sector and adverse effects for the commercial sector.

Conclusion

Analysis of the ten bycatch practicability factors indicates there would be positive biological impacts associated with further reducing bycatch in the recreational sector. However, these benefits have to be balanced against the expected increases in bycatch in the commercial sector. The main benefits of reducing red snapper bycatch are less waste and increased yield in the directed fishery. Reducing discards and discard mortality rates would result in less forgone yield.

When determining reductions associated with various management measures, discard mortality is factored into the analyses to adjust the estimated reductions for losses due to dead discards. Changes in discards associated with each of these management measures are contingent on assumptions about how fishermen's behavior and fishing practices will adjust. In these actions, establishing a new red snapper allocation and adding recreational accountability measures would indirectly affect discards and bycatch. Discards and bycatch would be affected depending on the magnitude of allocation change allowed under the alternatives and how recreational harvest is constrained by recently implemented accountability measures (GMFMC 2014b).

The Council needed to consider the practicability of implementing the bycatch minimization measures discussed above with respect to the overall objectives of the Reef Fish FMP and Magnuson-Stevens Fishery Conservation and Management Act. Therefore, given actions in this amendment combined with previous actions, management measures, to the extent practicable, minimize bycatch and to the extent bycatch cannot be avoided, minimize the mortality of that bycatch.

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APPENDIX C. SUMMARY OF HABITAT UTILIZATION BY LIFE HISTORY STAGE FOR SPECIES IN THE REEF FISH FMP.

Common name	Eggs	Larvae	Early Juveniles	Late juveniles	Adults	Spawning adults
Red Snapper	Pelagic	Pelagic	Hard bottoms, Sand/ shell bottoms, Soft bottoms	Hard bottoms, Sand/ shell bottoms, Soft bottoms	Hard bottoms, Reefs	Sand/ shell bottoms
Queen Snapper	Pelagic	Pelagic	Unknown	Unknown	Hard bottoms	
Mutton Snapper	Reefs	Reefs	Mangroves, Reefs, SAV, Emergent marshes	Mangroves, Reefs, SAV, Emergent marshes	Reefs, SAV	Shoals/ Banks, Shelf edge/slope
Blackfin Snapper	Pelagic		Hard bottoms	Hard bottoms	Hard bottoms, Shelf edge/slope	Hard bottoms, Shelf edge/slope
Cubera Snapper	Pelagic		Mangroves, Emergent marshes, SAV	Mangroves, Emergent marshes, SAV	Mangroves, Reefs	Reefs
Gray Snapper	Pelagic, Reefs	Pelagic, Reefs	Mangroves, Emergent marshes, Seagrasses	Mangroves, Emergent marshes, SAV	Emergent marshes, Hard bottoms, Reefs, Sand/ shell bottoms, Soft bottoms	
Lane Snapper	Pelagic		Mangroves, Reefs, Sand/ shell bottoms, SAV, Soft bottoms	Mangroves, Reefs, Sand/ shell bottoms, SAV, Soft bottoms	Reefs, Sand/ shell bottoms, Shoals/ Banks	Shelf edge/slope
Silk Snapper	Unknown	Unknown	Unknown	Unknown	Shelf edge	
Yellowtail Snapper	Pelagic		Mangroves, SAV, Soft bottoms	Reefs	Hard bottoms, Reefs, Shoals/ Banks	

Common name	Eggs	Larvae	Early Juveniles	Late juveniles	Adults	Spawning adults
Wenchman	Pelagic	Pelagic			Hard bottoms, Shelf edge/slope	Shelf edge/slope
Vermilion Snapper	Pelagic		Hard bottoms, Reefs	Hard bottoms, Reefs	Hard bottoms, Reefs	
Gray Triggerfish	Reefs	Drift algae, <i>Sargassum</i>	Drift algae, <i>Sargassum</i>	Drift algae, Reefs, <i>Sargassum</i>	Reefs, Sand/ shell bottoms	Reefs, Sand/ shell bottoms
Greater Amberjack	Pelagic	Pelagic	Drift algae	Drift algae	Pelagic, Reefs	Pelagic
Lesser Amberjack			Drift algae	Drift algae	Hard bottoms	Hard bottoms
Almaco Jack	Pelagic		Drift algae	Drift algae	Pelagic	Pelagic
Banded Rudderfish		Pelagic	Drift algae	Drift algae	Pelagic	Pelagic
Hogfish			SAV	SAV	Hard bottoms, Reefs	Reefs
Blueline Tilefish	Pelagic	Pelagic			Hard bottoms, Sand/ shell bottoms, Shelf edge/slope, Soft bottoms	
Tilefish (golden)	Pelagic, Shelf edge/ Slope	Pelagic	Hard bottoms, Shelf edge/slope, Soft bottoms	Hard bottoms, Shelf edge/slope, Soft bottoms	Hard bottoms, Shelf edge/slope, Soft bottoms	
Goldface Tilefish	Unknown					
Speckled Hind	Pelagic	Pelagic			Hard bottoms, Reefs	Shelf edge/slope
Yellowedge Grouper	Pelagic	Pelagic		Hard bottoms	Hard bottoms	

Common name	Eggs	Larvae	Early Juveniles	Late juveniles	Adults	Spawning adults
Atlantic Goliath Grouper	Pelagic	Pelagic	Mangroves, Reefs, SAV	Hard bottoms, Mangroves, Reefs, SAV	Hard bottoms, Shoals/ Banks, Reefs	Reefs, Hard bottoms
Red Grouper	Pelagic	Pelagic	Hard bottoms, Reefs, SAV	Hard bottoms, Reefs	Hard bottoms, Reefs	
Warsaw Grouper	Pelagic	Pelagic		Reefs	Hard bottoms, Shelf edge/slope	
Snowy Grouper	Pelagic	Pelagic	Reefs	Reefs	Hard bottoms, Reefs, Shelf edge/slope	
Black Grouper	Pelagic	Pelagic	SAV	Hard bottoms, Reefs	Hard bottoms, Mangroves, Reefs	
Yellowmouth Grouper	Pelagic	Pelagic	Mangroves	Mangroves, Reefs	Hard bottoms, Reefs	
Gag	Pelagic	Pelagic	SAV	Hard bottoms, Reefs, SAV	Hard bottoms, Reefs	
Scamp	Pelagic	Pelagic	Hard bottoms, Mangroves, Reefs	Hard bottoms, Mangroves, Reefs	Hard bottoms, Reefs	Reefs, Shelf edge/slope
Yellowfin Grouper			SAV	Hard bottoms, SAV	Hard bottoms, Reefs	Hard bottoms

Source: Adapted from Table 3.2.7 in the final draft of the EIS from the Generic EFH Amendment (GMFMC 2004a) and consolidated in this document.

APPENDIX D. SUMMARIES OF PUBLIC COMMENTS RECEIVED

This section includes four sets of public comment summaries on Reef Fish Amendment 28, Red Snapper Allocation:

- Summary of written comments received between the October 2013 and February 2014 Council meetings.
- Summary of written comments received between the February and April 2014 Council meetings.

Both sets of comments can be viewed at:

http://www.gulfcouncil.org/fishery_management_plans/scoping-thru-implementation.php

- Summary of scoping comments received by NOAA Fisheries on the Notice of Intent to prepare an Environmental Impact Statement (EIS)
- Summaries of comments received at public hearings (March 10-20, 2014).

I. Summary of written comments received between the October 2013 and February 2014 Council meetings

- Take no action/Status quo – commercial sector supplies red snapper to the majority of the population
- Shift 5% of the existing quota to the recreational sector
- Shift 10% (or more) of the existing quota to the recreational sector
- Increase recreational quota by 8%
- Allocate 100% of future quota increases to the recreational sector if the allowable red snapper quota is in excess of 9.12 million pounds.
- Allocate 75% of quota increases if the allowable red snapper quota is in excess of 9.12 million pounds.
- Allocate 60% of the quota to the recreational sector
- Allocate 65% recreational and 35% commercial
- Allocate 75% recreational and 25% commercial
- Allocate 50/50 plus 100% of any quota increases to the recreational sector
- Allocate 55% recreational and 45% commercial
- Allocate 90% recreational and 10% commercial
- Allocate 67% recreational and 33% commercial – with the charter for-hire classified as commercial
- Allocate 50/50 quota
- Please oppose Amendment 28 and focus on real solutions for recreational anglers that will extend the season over the long-term.

- A 10% increase in allocation for the recreational sector would not increase the season length by much – but it would reduce the commercial sector’s ability to supply America with red snapper.
- Any change in allocation would have a negative effect on the commercial sector’s ability to make a living.
- Amendment 28 would hurt the region’s seafood industry by giving more allocation to a poorly managed recreational sector at the expense of commercial fishermen, restaurants, seafood markets, and the millions of Americans who don’t have the means to catch their own fish.

Other suggestions

- Eliminate commercial fishing until the fishery is no longer overfished, then allow commercial fishing under the same bag/size/season/gear restrictions as recreational, and auction off any commercial fishing permits.
- 4-6 month season with 4-fish bag limit
- 3-5 fish with one fish under 16” and a May 1 – October 1 weekend and holiday season.
- Charter for-hire should get 50% of the quota and each permit should receive the same amount of allocation.
- Giving more quota to the recreational sector will not solve their overfishing problem.
- 3-day weekend only fishing season.
- Close the season every ten years for one full season.
- Would support a 5-fish bag limit and 12” minimum size limit – keep the first 5 fish.
- Keep the first 4 fish – no size limit.
- Increase recreational bag limit to 10 fish.
- Allocation of any wild fish species should be relative to the numbers of recreational and commercial fishermen.
- 12” size limit/4 per person bag limit with an open season of 30 fishing days throughout the year – anglers would have to login to a computer system to declare a fishing day.

II. Summary of written comments received between the February and April 2014 Council meetings

Comments include:

- Support for all of the Alternatives, including new Alternative 7
- Alternatives 1, 5, and 6 appear to be most popular
- Many offered support for some sort of reallocation in favor of the recreational sector, but did not specify an Alternative.

Others offered Alternatives not included in the document:

- A 50/50 split in allocation.

- 60% recreational allocation/30% commercial allocation, and a longer recreational season.
- 65% recreational allocation/35% commercial allocation.
- 65% recreational allocation/35% commercial allocation with a 4-fish bag limit and a longer recreational season.
- 75% recreational allocation/25% commercial allocation.
- 80% recreational allocation/20% commercial allocation.
- 95% recreational allocation/5% commercial allocation.

General Comments regarding the Amendment include:

- A shift in allocation in favor of the recreational sector, but not unless some sort of recreational accountability is put in place.
- Allocation of red snapper to the recreational fishery should be accompanied with accountability measures (AMs) to more effectively constrain the recreational sector to the prescribed annual catch limit (ACL).
- This amendment does not meet or address the stated purpose and need because increasing allocation on its own does not stabilize the fishery or prevent overfishing, nor is the amendment consistent with MSA (does not address AMs).
- Current allocation causes an increase in recreational fishing pressure.
- Reconsider the effects of removing the “30B permit provision”, sector separation and other management strategies, as well as changes to the management goal for red snapper in conjunction with this amendment.

Other Red Snapper Comments Received:

- There is a need for better quality data, which can only come from improved funding, partnerships, and proper auditing.
- Current recreational regulations promote mortality by requiring fish to be thrown back only to die.
- Support Sector Separation.
- Make red snapper a sport fish.
- If the recreational season cannot be at least three months implement some type of days at sea program.
- Open amberjack and gray triggerfish during the same time as red snapper so there are other species to fish for, making the offshore trip more worthwhile.
- Captains should not be able to have a commercial license and a Charter-for-Hire license at the same time.
- Consider allowing the commercial sale of spear fishing catches.
- Recreational sector puts more money into the economy.
- Recreational sector loses a lot of days to bad weather.
- Louisiana is ready and able to manage snapper in federal and state waters off of Louisiana.
- More artificial reefs will provide more habitat and help the stock grow.
- A viable solution is to set a minimum distance (50-75 miles) from any shoreline for commercial fishing operations.
- Eliminate the size limit.

- Better way to manage – keep every snapper caught regardless of size and set a limit per angler.
- Allow anglers to keep a 5 gallon bucket of “first caught” reef fish.
- Close the fishery during spawning season.
- Develop a program that would allow private recreational anglers to pick and choose the days they can fish for red snapper.
- Implementing a tag program or a recreational red snapper license would help the recreational sector stay within its quota as well as contribute to data collection.
- Give recreational anglers six months to fish for red snapper.
- Decrease size limit to 13 or 14”.
- Increase the red snapper bag limit.
- Increase the bag limit to 3-5 fish.
- Implement a 4-fish bag limit.
- Open red snapper season and leave it open.
- Adjust the season to accommodate the Friday before Memorial Day through Labor Day.
- Season should begin the first Friday in July and last through the last Saturday in July, but the five states should adopt the same seasons, with state waters abiding by a 2-fish bag limit while the federal bag limit increases to 4 fish.
- Implement a July – September season.
- Need separate seasons for different areas in the gulf by population.
- Implement a split, multi-season to accommodate more people.
- There should be no private “ownership” of red snapper (IFQ).
- Extend the season by 4 weeks.
- Delay the start of the season to July 1.
- Implement a 6 month season.
- If there cannot be a reasonable recreational season, there should be no commercial fishery.
- Unfair to reward the recreational sector that has consistently exceeded its quota.
- Allocating more fish to the recreational sector cannot increase the stability of the red snapper fishery, as stated in the purpose and need, because you are giving more fish to the sector that continues to exceed its quota.
- Allocation should be reviewed frequently.
- Amendment 28 is not a real solution. This amendment will only hurt more coastal businesses and commercial fishermen who depend on this fishery for a living.
- Recreational anglers should be able to keep a 2-day bag limit when on a trip in excess of 24 hours.
- Mid water trawlers should be using TEDs.

III. Summary of scoping comments received by NOAA Fisheries on the Notice of Intent to prepare an Environmental Impact Statement (EIS) for Reef Fish Amendment 28

The comment period was open from November 7 through December 9, 2013, and 159 comments were received. These comments may be viewed at

<http://www.regulations.gov/#!documentDetail;D=NOAA-NMFS-2013-0146-0001>.

Comments in support of increasing the recreational sector’s share of the annual catch limit often cited socioeconomic gains, reducing restrictions, and providing a better sense of fairness in setting the allocation. Comments in support of the status quo or increasing the commercial share of the annual catch limit often cited fairness because the commercial sector does not exceed their quota due to better accountability of catches, the importance of providing seafood to the non-fishing public, and protecting commercial sector investments in the fishery.

The following is a breakdown of the comments. Table 1 shows the number of comments supporting each of the alternatives in Amendment 28.

Table 1. The number of scoping comments recommending each Amendment 28 alternative.

Alternative	Number of comments recommending the alternative
1	29
2	1
3	0
4	3
5	2*
6	19

*Two commenters in support of Alternative 6 indicated they could also support Alternative 5

Other allocation alternatives were recommended by commenters and are shown Table 2.

Table 2. Other allocations recommended in scoping comments on Amendment 28.

Recreational:commercial allocation	Number of comments in support of the allocation
10:90	1
50:50	3
60:40	3
75:25	1
100:0	6

Twenty-one comments recommended an alternative similar to Alternative 5 except that if the red snapper quota is greater than 9.12 million pounds (mp), allocate 90% rather than 75% of the amount in excess of 9.12 mp to the recreational sector and 10% rather than 25% to the commercial sector.

IV. Summaries of comments received at public hearings (March 10-20, 2014).

Orange Beach, Alabama March 10, 2014

Council/Staff

Johnny Green
Assane Diagne
Charlotte Schiaffo

68 members of the public attended.

Gary Royal- Charter

Mr. Royal noted that he had been running a charterboat since 1997, and stated that the only sector being punished was the commercial sector. He did not support taking any commercial allocation away and suggested that the commercial sector be allocated on historical numbers. He supported Alternative 5. He added that the fishery needed to work under a system that allowed the recreational sector to fish year-round, maybe with tags, and that flexibility in regulations was needed so that everyone could catch more fish.

Randy Boggs- Charter

Mr. Boggs supported Alternative 1 and stated that the Council was pitting the sectors against each other and he could not support reallocation, or anything else, until the recreational sector was brought into compliance. He added that Alabama could not control compliance by other states and should not be punished because recreational fishers in other states were going over their quotas. He advocated making the recreational sector more accountable.

Troy Frady- Charter

Mr. Frady noted that he had been attending Council meetings for five years. He stated that all sectors needed to move towards a system that allowed flexibility. He said that the recreational harvest was running 54-56% each year even though their quota was 49%, and that about 140,000lbs of snapper were being fished across the Gulf daily. He believed that Amendment 28 was premature and suggested a fish tag system. He recommended tabling Amendment 28 until a better data collection plan was in place for about two years in order to get accurate data.

David Walker- Commercial

Mr. Walker supports Alternative 1 and stated that the amendment would cause instability in the commercial sector and rewarded the recreational sector for going over their allocation. He said that the IFQ program had been a success and that it should not be changed by the Council. He added that any allocation taken away from the commercial sector took fish away from the American consumer and that reallocation unfairly penalized the commercial sector, which followed the rules. He noted that the commercial sector had already taken a huge quota reduction while the recreational sector kept going over theirs. He believed that the commercial sector deserved to keep their historical quota and that the recreational sector needed to be held accountable. He indicated that SESSC votes are in question because one of the members may be

ineligible. He suggested that the SESSC needed to review all data on the Amendment, and that the Council should take no action until this was done.

Shawn Miller- Recreational

Mr. Miller felt that the amendment was good. He suggested that the fishery be shut down in June for a few years to allow the fish to spawn, and maybe even shut down for three months to all sectors, even though people would lose money in the short term. He believed such an action would allow longer seasons eventually due to more fish being spawned, thus benefitting all sectors.

Blakeley Ellis- Recreational

Mr. Blakely supported Preferred Alternative 5. He felt it was long overdue and was happy with any increase.

Ben Fairy- Charter

Mr. Fairy supported Alternative 1 (No Action). He noted that there was a commercial lawsuit against NMFS because of the recreational sector continuously going over their quota, and that the length of the season depended on the upcoming ruling. He did not support reallocation and stated that there needed to be three sectors: recreational, charter, and commercial.

Tom Ard- Charter

Mr. Ard supported Alternative 1. He stated that the amendment was a band aid, and that he supported dividing the charterboat industry from the recreational.

Bobby Kelly- Charter

Mr. Kelly supported Alternative 1 and the separation of the charterboat industry from recreational. He wanted better data collection methods and supports sector separation.

Joe Nash- Charter

Mr. Nash supported sector separation and believed the commercial and charterboat industries were penalized for the recreational fishers going over the allocation. He advocated more accountability in the recreational sector and noted that derby fishing was too hard on the charterboat industry.

Dale Woodruff- Charter

Mr. Woodruff advocated tabling Amendment 28 and expressed concern over there being no accountability in the recreational fishery. He stated that if the commercial sector had to give up some of its allocation, that it should be put in a program for everybody. He urged everyone to contact their representatives in Congress to have a plan applying only to Alabama, since other states were being non-compliant and punishing Alabama. He stated there needed to be a better reporting system.

Gary Malin- Recreational

Mr. Malin did not believe the recreational sector was going over its limit. He noted that bad weather had limited fishing days and advocated a tag system for all sectors.

Mike Rowell- Charter

Mr. Rowell expressed concern that the sectors were being pitted against one another. He supported Alternative 1. He felt that Alabama was being punished because of non-compliance by other states.

Scott Drummond- Founder of an outdoor trade organization

Mr. Drummond stated that the data the Council uses are not accurate, and that economic studies needed to be done for each amendment. He said that commercial fish landings had to be documented while recreational did not, and that estimates were used instead of hard data. He supported Alternative 1.

Jim Tinker- Recreational

Mr. Tinker agreed with other speakers that the sectors were being pitted against each other. He believed the Council was not dealing with issues or solving problems and that there were plenty of snapper in the Gulf. He stated that the season was too short, which was economically devastating and that the size limits caused too many fish to be thrown back, increasing mortality. He said the recreational industry supported the Gulf economy, and that the percentage of quota was not the problem, the counting of the fish was the problem. He did not support the amendment and believed the recreational fishery in Alabama was being destroyed. He also stated that red snapper were overwhelming other fisheries and the Council was practicing poor conservation.

Angelo Depaula- Recreational

Mr. Depaula stated that the problem was not the amount of fish being caught, but the counting method being used. He advocated a smaller limit, noting the mortality rate was over 50%. He supported an increased quota and a longer season (6 months).

**Mobile, Alabama
March 11, 2014**

Council/Staff

Kevin Anson
Assane Diagne
Charlotte Schiaffo

46 members of the public attended.

Ben Fairy- Charter

Mr. Fairy supported Alternative 1. He noted that there was a federal lawsuit by the commercial industry over the recreational overages, and that the outcome of that lawsuit could determine allocations. He urged the recreational sector to be accountable and advised against the sectors pitting themselves against each other.

George Null- Boat dealership

Mr. Null stated that his business' sales of offshore boats had decreased in the last 3-4 years causing an economic impact to his business.

Larry Huntley- Commercial

Mr. Huntley supported Alternative 1, noting that giving more fish to the recreational sector took fish away from consumers, and that increasing their allocation would reward them for going over their allocation.

David Walker- Commercial

Mr. Walker supported Alternative 1, stating that allocation was not the problem; it was the fishery management process that was the problem. He stated that the SESSC needed to review the amendment before the Council made a decision and said that the Council should reconvene the SESSC because one vote was cast by someone who may not be eligible to serve on the SESSC.

Donald Waters- Commercial

Mr. Waters said that numerous fish species were given to recreational fishers and that to give them more of the red snapper quota was unfair. He stated that the recreational fishery needed to be held accountable and supported Alternative 1.

Edwin Lamberth- Recreational

Mr. Lamberth supported Alternative 6, but would be satisfied with Alternative 5. He stated that the recreational fishery provided \$10 billion in economic impacts. He emphasized that the Council needed to reallocate fairly based on the recreational industry's economic impact and that the data the Council was currently using to reach its allocation decisions was over thirty years old.

Charles Rodriguez- Boat dealer

Mr. Rodriguez did not have a preferred alternative, but suggested that there be a 3-month season with a 3-fish limit. He did not feel any of the sectors should have fish taken away from them and that the red snapper population had rebounded enough for everyone's allotment to be increased.

Scott Drummond- Outdoor trade organization

Mr. Drummond stated that the data the Council used are bad and that no one should have any fish taken from their sector. He advocated cancelling the amendment, saying it was not needed.

Charles Beach- Charter

Mr. Beach supported Alternative 1. He stated that the stock had recovered and that the Council was not taking into account that the commercial fishery was dealing in pounds and not numbers. He pointed out that the shrimping industry had collapsed so there was very little bycatch of juveniles which increased the stock. He added that a 40-day season was too short and that the Council needed to reassess its stock assessment methods and lower the commercial size limit since it was hurting the commercial industry.

Tom Steber- Alabama Charter Association

Mr. Steber supported Alternative 1 and stated that the Council was pitting the sectors against each other.

Avery Bates- Commercial

Mr. Bates advocated more reef building to increase stocks, noting that Alabama had a successful program. He stated that the commercial fishery was being pushed out by too much regulation, and that the fish count was incorrect. He wanted fair and equitable allocation and emphasized that the best scientific data needed to be used in Council decisions. He did not support the amendment.

**Panama City, Florida
March 12, 2014**

Council/Staff

Pam Dana

Assane Diagne

Charlotte Schiaffo

93 members of the public attended.

John Anderson- Commercial

Mr. Anderson supported Alternative 1 and stated that taking fish away from the commercial sector would punish the consumer and the industry that followed the rules.

BJ Burkett- Charter

Mr. Burkett supported Alternative 1 and stated that there were too many loopholes for the recreational industry. He advocated a 150-day recreational season.

Jack Melancon- Commercial

Mr. Melancon supported Alternative 1.

Pam Anderson- Charter

Ms. Anderson supported Alternative 5, stating it was the most fair to all sectors and would create more stability in the fishery. She noted that an economic study had been done showing that taking away fish from the commercial sector was equitable and would be best for the nation. She stated that the overages reported in the recreational sector were due to bad data from NOAA. She suggested a Gulf reef permit to give researchers more accurate data.

Ron Schoenfeld- Recreational

Mr. Schoenfeld supported Alternative 4. He suggested an odd-even day season in order to double fishing days, and to have fish counted when boats come in to dock.

Bart Niquet- Commercial

Mr. Niquet supported Alternative 1 and stated that recreational anglers needed to be held accountable.

Bob Zales- Charter

Mr. Zales supported Alternative 5 and stated that sector separation would not work, and that separation would increase the commercial quota at the expense of the recreational. He added that data being used were not accurate.

Jackie Rinker- Media

Ms. Rinker supported Alternative 4 or 5, stating that money spent in the communities by recreational anglers was important to keep local communities viable.

Chuck Guilford- Charter

Mr. Guilford supported Alternative 6. He stated that allocation had put a lot of people out of business.

Kenyon Gandy- Charter

Mr. Gandy supported Alternative 1 and noted that there was too much discards in the industry because of size restrictions.

David Krebs- Dealer

Mr. Krebs supported Alternative 1. He advocated getting rid of the size limit. He stated that the current recreational management system was designed for failure.

Mike Whitfield- Charter

Mr. Whitfield supported Alternative 1. He stated that there were too many participants in the recreational fishery and that a count of them needed to be done.

Dewey Destin- Charter

Mr. Destin supported Alternative 1. He stated that the Council needed to change its management plan and get rid of kill and release. He stated that taking away fish from the commercial sector was not fair, and that while he did not object to an increase in the recreational quota, it should not be done at the expense of the commercial sector.

Curtis Culwell- Recreational

Mr. Culwell supported Alternative 5.

Russell Underwood- Commercial

Mr. Underwood supported Alternative 1. He stated that the commercial IFQ system was working well, and that the Council recreational management system was flawed. He suggested a tag system.

Candy Ansard- Recreational

Ms. Ansard did not support the amendment, saying none of the options solved the problem. She suggested building more artificial reefs and pursuing an aggressive program against lionfish.

Charlie Saleby- Charter

Mr. Saleby supported Alternatives 4, 5, and 6. He stated that the size limit needed to be smaller and that the season was too short, noting that smaller boats were put in danger by having to go far out in bad weather to fish.

Donald Whitecotton- Charter

Mr. Whitecotton supported Alternative 6, and agreed that bad weather limited fishing days.

Stewart Miller- Charter and commercial

Mr. Miller supported Alternative 1.

Billy Archer- Recreational, charter, and commercial

Mr. Archer supported Alternative 1 and suggested tabling the amendment. He also recommended a tag system for the recreational sector and sector separation.

Kerry Hurst- Commercial

Mr. Hurst supported Alternative 1. He recommended a national plan for both sectors and more accountability for the recreational sector.

Dean Preston- Recreational

Mr. Preston supported Alternative 6. He agreed that lionfish were a problem and stated that the amendment pitted the sectors against each other. He believed that the commercial sector had too large an allotment of a public resource.

Frank Gomez- Commercial

Mr. Gomez supported Alternative 1.

Ken Vandirzeyne- Recreational

Mr. Vandirzeyne supported Alternative 6.

Gary Jarvis- Charter and commercial

Mr. Jarvis supported Alternative 1 and advocated a management plan for the recreational sector. He encouraged Amendment 40 to be taken to public hearings and stated that Amendment 28 was the result of recreational lobbying.

Mike Guidry- Recreational

Mr. Guidry supported Alternative 4. He encouraged more accountability in his sector and also asked for more fishing days.

David Underwood- Commercial

Mr. Underwood supported Alternative 1.

Bruce Craul- Restaurant owner

Mr. Craul supported Alternative 1 and stated that better data were needed.

Chris Niquet- Commercial

Mr. Niquet supported Alternative 1 and urged the Council to get more accurate data. He stated that reallocation would cause instability in the fishery.

Ben Seltzer- Commercial

Mr. Seltzer supported Alternative 1.

Frank Bowling- Recreational

Mr. Bowling supported Alternative 5.

Jason Smith- Charter

Mr. Smith did not support the amendment, stating there was not enough data to make a choice.

Gulfport, Mississippi

March 12, 2014

Council/Staff

Corky Perret

Emily Muehlstein

Phyllis Miranda

45 members of the public attended.

Robert Cullimber-

Mr. Cullimber supports Alternative 4.

Tony Dees- Owner of retail fishing store

Mr. Dees supports Alternative 4 because in the last ten years he has seen an approximately 80% decrease in tackle sales and 90% decrease in SCUBA sales for spearfishing.

Donny Waters- Commercial

Mr. Waters said the ITQ program initiated 8 years ago is probably the most successful program initiated by Council; 40% less fish are killed to bring quota to the dock. He doesn't feel it's right to reallocate fish from a sector that has been accountable, and commercial fishermen should not be penalized for the Council's inability to create a good fishing plan for the recreational fishery. He feels that the recreational sector wants to be accountable. The commercial sector cannot take a fish home, and they are feeding 97% of the population that cannot go recreational fishing. He does not want to take anything away from anybody but feels that this allocation will wreak havoc in the commercial fishery. His money goes back into his business. The answer is not to take from one sector to give it to another. This amendment does not promote any conservation because of the bycatch in the recreational fishery and it will create bycatch in the commercial fishery.

FJ Eicke- Recreational

Mr. Eicke supports Alternative 5 because the commercial sector won't lose anything. The recreational sector has increased in numbers significantly since the initial allocation was set.

Recreational angling has a tremendous economic and social value. The initial allocation was set using the time period of 1979-1987 and there was no recreational data at that time so the initial allocation was flawed from the start. The recreational fishery has put up with limited seasons and limited bag limits, and he feels that now there is a chance to do something right. The Council should reallocate on a fair and equitable basis.

Jordan White- Recreational

Mr. White prefers Alternative 1 because he doesn't support taking any red snapper quota away from commercial fishermen.

David Walker- Commercial

Mr. Walker does not want to attack the recreational fishermen themselves; it's their management plan that is the problem. The seafood industry is not the problem. Less than 2% of anglers in the U.S. are recreational and most of the nation depends on the seafood supply chain to get seafood. The commercial management plan is working. A new management plan needs to be developed for the recreational fishery, and reallocation is not the answer. Recreational fishermen need to get proactive not just in developing a new management system for themselves. Robbing from Peter to pay Paul is not the answer. Commercial fishermen had to make sacrifices. Alternative 5 does not enhance the net benefits of fishing, it only increases fishing days in a minor way. You could reallocate 100% to the recreational sector and they would still continue to lose days. Economic value cannot be the sole purpose for allocation. He supports Alternative 1: no action, because the commercial sector should not be penalized for following the rules. Reallocation is not justified when it comes to conservation. Also, there should be an outreach program (like the RAP sessions) for the seafood supply chain.

JR Titnus- Recreational

Mr. Titnus said the recreational season lengths projections are dependent on estimated weights and catches. Commercial fishing harvest is not an estimation. He has only been asked about his harvest once. There needs to be reliable data to make any decisions.

Tom Becker- President of Mississippi Charter Boat Captains Association

Mr. Becker said the fishing season is too short and he has different feelings about when to fish throughout the year. He supports Alternative 5. He has seen that commercial fishermen will drive by while he's fishing, take his number, and then fish his spot and empty them out.

John Bullok- Recreational

Mr. Bullok supports Alternative 1. Before the Council decides where the fish go, there needs to be a better way to check the recreational fishermen to determine if they deserve more pounds. When he goes out to the rig under this 2-snapper per person limit, he sees dead discards all over. Recreational fishermen are hi-grading and not venting. Stability of the recreational fishing sector should not be measured in length of season or allocation, but in the quality of fish. Commercial fishermen are checked 100% of the time for both harvest and other regulatory compliance, but he as a recreational angler hasn't been checked in 5 years.

Johnny Marquez- Executive Director of CCA Mississippi

Mr. Marquez supports Alternative 5 because for many years the season has gotten shorter and shorter and something different needs to be done. The initial allocation is outdated, it didn't take into account the economic and social concerns for the fishery. There have been tremendous changes in the fishery since that initial split. Economics should play an important role in the allocation decision. As the species rebounds, Alternative 5 wouldn't take away from the commercial fishery; it only takes the excess. We're back at the high-water mark for the commercial fishery and it's fair and equitable to give more to the recreational sector.

Nathan Witonovich

Mr. Witonovich supports Alternative 5.

Phillip Horn- 3rd generation seafood dealer and former Council member

Mr. Horn has been involved in the red snapper war since it began. He was involved in the development of the IFQ program and supports Alternative 1. The commercial industry has a tough row to hoe. Texas has never closed their state waters; Florida left their fishery open one year for a rodeo; Louisiana is open on weekends and claiming 10 miles; yet, the states all receive money for enforcement. The commercial industry suffered when quotas began and snapper needed help. The industry was closed over and over, and the agencies and the charter captains used to say 'catch something else.' Alternative 5 would only increase the recreational season by 4 days. The year the 9.12 million pound quota was put in place, the recreational sector overfished their quota. Members of the commercial industry were forced out when the IFQ program was put in place and the same may need to happen in the recreational fishery to reduce effort. The biggest problem is stock assessments. We continue to increase quotas. The red snapper average size started at 2 pounds now we're catching bigger fish. We can't predict the weather with 8 different models, and the red snapper stock is managed under a single model; we need to argue about assessments not allocations.

Gary Smith- Recreational and AP member

Mr. Smith would like to correct some errors. Last year in a red snapper Advisory Panel meeting these issues came up: there needs to be a plan to let new people in. It needs to be addressed. He does not support any alternatives because none of them do anything to solve the recreational issues. The problem is the data and the people in charge. It's the NMFS's Council and the Council members just go along without doing anything. Dr. Crabtree is responsible because NMFS has openly said they want a catch and release fishery in the recreational sector. Mr. Smith wants accountability. He has asked for a boat permit and he only gets excuses as to why he can't do it. He does not believe it is possible that the recreational sector catches the number of fish that NMFS says they do. It is about shutting the Gulf down. He said we need to ban together and demand accountability.

Keith King- Owner of the largest boat dealer in Mississippi

Mr. King supports Alternative 5 because it's a compromise that doesn't impact the commercial sector in any way. Council needs to find a way to increase the accuracy of the data. The initial allocation split was determined long ago and was based on failed info. The data collection methodology is inaccurate. The economic benefits of the recreational sector are not being considered. The shortened season has impacted the sale of offshore boats and that needs to be

taken into consideration. He wants accurate data and feels decisions should not be made today based on the data we do have. The stocks are improving, and although there is a problem with the harvest count, it's obvious that effort is overstated.

David Floyd-

Mr. Floyd supports Alternative 1, do not reallocate red snapper.

Nicky Cvitanovich- Currently recreational; has done commercial and charter

Mr. Cvitanovich said this shouldn't be a commercial vs. recreational fight. The Council needs to fix the recreational management plan so that the season isn't so short. It's also a problem that you can't catch snapper and amberjack at the same time. The fishery service doesn't want you to catch fish. Most everyone has shifted to inshore speckled trout fishing now. He supports Alternative 5, but would rather the recreational management plan be fixed.

Dustin Trochesset- 3rd generation charter captain

Mr. Trochesset supports Alternative 5. He is displeased with the handling of the red snapper fishery in the MSA. The Act was created to be fair and equitable to all fishermen. How is it fair for the commercial guys to have more fish and the luxury under the IFQ program to fish when they want? The recreational guys are given condensed time and commercial fishermen can target the spots before recreational anglers are allowed to fish. There is nothing fair and equitable about that. The charter industry is negatively impacted by the short season. They were cut short last year and had to cancel trips. He doesn't believe that 200 boats are fishing every day and wonders if the weather is taken into account. He would like the Council to be fair and equitable and there is not much that is fair about the commercial fishermen getting more allocation. The other states open their seasons and that hurts Mississippi, because the stuff they're catching counts against the Gulf-wide quota.

Scott Drummond- President of an outdoor trade organization

Mr. Drummond supports Alternative 1, because we don't understand the economic impact of what we do.

**Kenner, Louisiana
March 13, 2014**

Council/Staff

Harlon Pearce
Emily Muehlstein
Phyllis Miranda

48 members of the public attended.

Pierre Villere-

Mr. Villere said the current recreational allocation was set in the 1970's based purely on catch history. Using only catch history is a bad way to determine allocation. There are fewer boats in the commercial fishery than ever, and they continue to have the most harvest. What is the

impact of shorter seasons on bait shops, marinas, and hotels? At such a high price per pound, red snapper is not protein for America. Pollock is a more accurate example; it's cheap and there's lots of it. Counting every fish is the wrong path and it's a waste of time and resources. Trying to manage 1 million recreational fishermen is unusual and can't be done. The Council should set a bag limit and a decent season of 2-fish for the summer months, especially if the stock keeps expanding like it is.

James Schere- Charter and commercial

Mr. Schere supports Alternative 1. Transferring quota to the recreational sector won't help anyone, especially if the season remains open during the hottest time of the year. No one goes fishing only for red snapper; they catch 100 trout then go out for snapper. It takes one stop and 30 minutes of fishing and makes up a fraction of what's being caught in a fishing day. Customers don't book charter trips based on red snapper. It doesn't affect his [charter] business at the busiest fishing time of the year. Adding a few days won't help him and won't hardly affect any charter folks. Also, he doesn't think it will help private recreational anglers that much, because they're not targeting just red snapper on their trips.

George Heuey- Recreational

Mr. Heuey supports Alternative 5. From his fish camp, he catches trout near shore and then he runs his bay boat out to catch his two fish. His big problem is the verification of the recreational catch. If there was a way to count the recreational catch like the commercial catch is counted, then it would solve problems. But, that will never happen because of the number of ports and boats that recreational fishermen are using. The recreational sector gets the short end of the stick, and he thinks the allocation should expand in their favor. He loves to eat red snapper and wants it to remain in restaurants, and he wants charter fishermen to continue to have their business.

Dax Nelson – Commercial

Amendment 28 is wrong and Mr. Nelson supports Alternative 1. We've built this fishery. He remembers when we didn't have any snapper at all. Adding allocation to the recreational fishery won't help the recreational sector. The recreational sector has gone over its allocation in 6 of the last 7 years. If we do this amendment, it will only add two days to fish.

Steve Loop- Recreational

Mr. Loop is in favor of reallocation since it hasn't happened for the last 20 years, and the recreational sector is in need of a greater share of the snapper in the Gulf. The recreational sector gives more income to the government with all the taxes and money they spend to fish. The recreational sector has never caught over their limit, the federal government overestimates. Commercial fishermen are sitting at home making money renting out their licenses; that's not right and it's not fair. The Council should do the right thing and reallocate to the recreational sector.

Louis Valet- Recreational

Mr. Valet supports reallocation. He has seen so many changes in the Gulf since he started fishing. He doesn't think the changes in stock abundance happen because of fishermen fishing. God intended to feed the world with fish; that's why a fish lays a million eggs. What needs to be

done to promote those million eggs to grow into a million fish? We need to focus on clean water, habitat, and food. Farmers understand how to plant and grow plants but the stupid people regulating fish in the Gulf don't. Fish need to eat, but we wipe out porgy so that the red snapper won't be able to eat and grow. These fish have to eat something and they'll eat little red snapper and trout. The bonita and triggerfish are gone because they have nothing to eat.

Thally Stone- Commercial

Mr. Stone supports Alternative 1. He is just now making a decent living as a commercial fisherman. He earned every pound of allocation he got and nothing was given to him.

Doug Hawkins-

Mr. Hawkins supports Alternative 1. The fish are coming back and the Council shouldn't change things. Giving the allocation to recreational fishermen won't solve the problems in the recreational fishery.

Russell Underwood – Commercial

Mr. Underwood supports Alternative 1. We have rebuilt the fishery both commercially and recreationally. It took seven years to get a true stock assessment before the quota was increased. The problem is not the average guy who wants to catch a red snapper in the afternoon; the problem is with the Council system itself and whether the use of all the tools in the toolbox has been considered. He is worried about the resource. Seven years ago, there were hardly any people at these meetings. There was hardly any fish either; now, we have brought the fishery back. It was overcapitalized commercially, and there used to be a lot more boats. But, the IFQ program reduced the fleet and brought the fishery back. Recently, the commercial sector got a quota increase, and now they want to take it back. 500,000 pounds of snapper will only give an extra 2-3 days for recreational fishing. Is it fair for Texas to fish year round and the rest [of the Gulf] has a 30 to 40-day season? The problem is not allocation, the problem is the Council system.

Charlie Capplinger - Recreational

Mr. Capplinger said the system doesn't work. Recreational fishermen spend a lot of money on fishing. He supports Alternative 5, because it does not take any fish from the commercial sector. If there is additional allocation, than everyone will get more fish. The allocation is based on old data from 20 years ago. The demographics in the Gulf have changed. The economic value of the recreational fishery is enormous, and the number of fishermen targeting red snapper commercially is small. The allocation should have been different a long time ago. No one targets only red snapper, and no fisherman can fish during the week. The season is not set up for a recreational fisherman at all. The Council should increase the recreational sector's allocation to achieve the greatest economic impact and social impact for the largest user group.

Daryl Prince- Commercial

Mr. Prince supports Alternative 1. When he first started, there was hardly any fish in the Gulf. All the regulations have allowed the stock to improve because commercial fishermen have stopped hammering them. There are plenty of fish. Taking them from the commercial guys will not solve a thing. Sports fishermen won't have a better fishery by taking away allocation from the commercial sector.

Christopher Gray - Commercial

He used to wonder where the fish were, and now they're starting to see lots of fish. If you take 500,000 pounds from him by selecting Alternative 5, you're throwing him in the back of the bus. He should be standing in the front, because he made the fishery better as a commercial fisherman, by making sacrifices to rebuild the stock. He supports Alternative 1.

Michelle Malony- Louisiana Wildlife Federation

Ms. Malony said that outdoor recreational public access is just as important as habitat, and she expects improvement in data collection to show a robust recovering stock. She supports Alternative 5.

Gunner Waldmann- Recreational

Mr. Waldmann supports Alternative 5 with some caveats. The data collection is antiquated and needs to be improved. Alternative 5 does not take anything away from commercial fishermen. If the quota is over 9.12 mp, then the commercial sector will still gain 25% more of the allocation. As a safety consultant, he won't work for a company that removes oil platforms. It shouldn't be okay for them to blow up platforms and kill thousands of pounds of fish without anything being allocated for that damage.

Chuck Laday- Recreational

Mr. Laday is a member of CCA and an avid inshore angler. He occasionally fishes for red snapper. He would like to fish more but due to the short season, weather, and fatherhood, he doesn't have as much opportunity as he wants. His sons would really like to fish if there is a longer season. He supports Alternative 5 and applauds the Council. It's a fair and modest change to the current allocation that is based on old data. Under Alternative 5, the commercial sector loses nothing.

Robert- Recreational

Robert believes Alternative 5 seems like the right thing to do, adding that we all agree that something needs to be done for the management of the resource for our kids and grandkids. We need to work with the Council to come up with a different way to manage. We all need to come together to solve the problem because the fish are here. We don't see the croakers and triggerfish like we used to and we need to use data that isn't 25 years old. The Council is managing for the whole Gulf, and Louisiana is different than the other states. We need to come up with a subcommittee to recommend to the Council how to manage Louisiana. CCA is a good group that cares about conservation, and everyone should ban together to come up with meaningful management and [supporting] studies.

Chris Marcusio-

Mr. Marcusio is in favor of Alternative 5. In the last year, he has worked with some recognizable and seasoned fishery managers, economists, and advocates across the country to develop a report to reflect the culture and needs of the saltwater fishing public. One recommendation that came from the report was to examine allocation. It is set based on old data. If we're not managing fish for the best socioeconomic value and for conservation, then why are we managing? All allocations need to be examined, not just red snapper.

Woody Cruse- Recreational

Mr. Cruse said commercial and recreational fishermen are being pitted against each other, and it's unfortunate that we can't manage the resource together. He is a private angler and time on the water with his family is being limited. He has an expensive boat and he targets red snapper. It is terrible that amberjack is closed when red snapper is open. He is not anti-commercial, he just wants more time to fish. He has little confidence in the recreational harvest numbers.

Steve Tomeny- Commercial

Mr. Tomeny supports the Alternative 1 -no action. At this time, taking fish away from the commercial sector to add an extra two days to the recreational season is a no win situation. The system the recreational anglers are fishing under is broken. Adding pounds won't fix it, and the allocation is always overrun. The recreational fishery is an unlimited user group and as the fishery has recovered, more and more people want to go. The numbers should be lower than they are and he advocates a tag system. Sector separation would create more accountability, and we're still pushing for alternative management ideas. The SESSC should review Amendment 28 before final action is taken.

Ed Petrey- Charter and commercial

Mr. Petrey is against reallocation and supports Alternative 1. Reallocation won't solve anything and the only way we will solve something for the recreational sector is using some type of tag system to figure out what they're catching. The population has increased a lot and we're doing a lot better charter-wise. We need to leave allocation the way it is.

James Bruce- Commercial

Mr. Bruce said that when the industry signed up and voted for the IFQ program, they got cut off. Now for the first time, people are here in the room saying they're not taking fish from the commercial guys that made sacrifices. The recreational fishermen need sector separation and a tag system. The pie is only so big, and not everyone can catch fish. That's what the commercial guys had to do; limit entry. It's time for the recreational sector to do something. Keep allocation at status quo and choose Alternative 1.

Bobby Jackson-

Mr. Jackson is in favor of Alternative 1. He feels that everything should be left as it is now. All the people should be glad they live in Louisiana where you can go out and catch trout and mangrove snapper, and the state is giving us extra days in state waters. He doesn't think that 2 or 3 more days of fishing is worth taking away from the commercial fishermen.

Brent Fay- Recreational

Mr. Fay thinks the population is healthy and that management is flawed. He supports Alternative 5. As a citizen of Louisiana, he thinks it's wrong if he can't fish but he can go to the grocery store and buy fish. He thinks he should be able to catch red snapper at any time.

Andy Leblanc- Recreational

Mr. Leblanc is more of an inshore fisherman and only has a 22 foot boat. The weather limits his red snapper fishing. He supports Alternative 5, because it's not doing any harm to the commercial guys. The restaurants and stores won't run out of fish.

Joe Macaluso-

Mr. Macaluso said the Council has driven a wedge between the commercial and recreational sectors. We have fish in Louisiana; Florida and Alabama don't. We have fish and we're fighting about who gets to catch more than the other guys. He has seen more than his share of mismanagement, but in this instance, there is a problem that won't be solved by Alternative 1 or 5. We have fish and we need to make sure that Louisiana has the right amount of red snapper they deserve (70% of the fish with 20% of the effort). This is a band-aid and we need the wound to heal.

Bill LaJune- Recreational

Mr. LaJune supports Alternative 5 with some changes. A recreational season should be on weekends, and the state does a good job of knowing how to best govern.

John Abair-

Mr. Abair supports Alternative 5 because it's a fair distribution of the resource. We all need to ban together and attack the administration that is removing rigs. We don't need to argue over the amendments as much as we need to stop rig removal.

John Cappell- Recreational

Mr. Cappell supports Alternative 5. He advocates for future generations. The fishery has improved and it's easy to wipe the snapper out. We need a bigger pot and we need habitat. We need to stop [removing] idle iron. The vertical reef structures hold fish and make fish. We also need better data collection. We don't need to fight each other; we need a bigger, better managed pot of fish.

Walter Heathcock- Commercial

Mr. Heathcock is against Amendment 28 and prefers Alternative 1. Changing the allocation won't solve anything. Red snapper is already a pricey fish, and he doesn't want to increase the price any more. All the fish commercial fishermen catch are going to the American public. This quota was set a long time ago and it has been fair for 24 years, but somehow it's a problem this year.

Andre Thomas-

Mr. Thomas supports Alternative 5. He feels it is a public resource and should not belong to the private sector. He said we need to address how fish are counted. He would like to divide the Gulf and manage fish separately.

Archie-

He is against any type of reallocation and supports Alternative 1 because it's a public resource. Not everyone that wants to eat fish has the opportunity to fish. The American public needs access to seafood. There are lots of fish that commercial fishermen can't catch, and it seems like the recreational fishermen always want more.

Dante Nelson-

Supports Alternative 1 because the commercial fishermen should still have fish. Fish are going to continue to be here until we're dead and gone.

Corpus Christi, Texas
March 17, 2014

Council/Staff

Robin Riechers
Emily Muehlstein
Karen Hoak

38 members of the public attended.

Charlie Alegria- Morgan Street Seafood owner

Mr. Alegria supports Alternative 1 because the commercial guys seem to give things up and never get them back. He thinks we should do nothing and leave businessmen alone.

Blaine Wise-

Mr. Wise supports Alternative 5 because it's a win-win situation for both sides.

Shane Cantrell- Charter

Mr. Cantrell supports Alternative 1. He opposes action because it gives a false promise to the recreational sector and won't increase their season at all. We will actually still be losing days because Florida is non-compliant. This isn't a sustainable fishery management plan. It violates National Standards 1 and 4, and is missing accountability measures to keep recreational anglers within their allocation.

Alan West- Recreational

Mr. West supports Alternative 5, as it would benefit recreational fishermen without cutting into commercial fishermen's allocation. He believes it makes good sense, because there are a substantial number of recreational fishermen in the state.

Ron Dollins- Recreational

Mr. Dollins supports Alternative 5. He supports the 400 commercial fishermen, but it's time to give fairness to thousands of recreational fishermen. Recreational fishing supports many varied industries, and they don't fish for profit; they fish for the love of it. The value of fishing is not measured by numbers at the dock. It's the time they [recreational anglers] spend on the water and building relationships, and the large number of people using the resource need the support of fisheries managers.

Don Wilkinson-

Mr. Wilkinson supports Alternative 5 because it offers the best economic benefit. The commercial harvest wouldn't be diminished, it would actually increase. He suggests the following: adopt an adaptive management plan that has demonstrated its effectiveness in other fisheries such as Atlantic striped bass. Stop all fishing during spawning and allow commercial fishing to be done after peak spawning in June-August. This would allow an increase in productivity because you're not removing the larger spawning fish from the resource, and this wouldn't cause any net loss for the commercial fisherman. Consider segmenting the Gulf

according to recruitment; he has heard and supports the idea of dividing the stock, perhaps at the Mississippi River.

CJ Garcia- Business owner, commercial red snapper fisherman

Mr. Garcia supports Alternative 1 and opposes reallocation because it won't solve the problems in the recreational fishery. Anglers consistently overharvest in the recreational fishery and if given more fish, will over harvest more. It will also cause instability in the commercial fishery. Increasing the amount of pounds won't decrease the recreational overage. He suggests working with the recreational fishermen to give them a real solution to the problems in the recreational fishery. The SESSC should review the analysis of Amendment 28 before the Council takes final action; their vote was null and void because a member of the SESSC shouldn't have been there. They should re-vote before the Council takes final action. This is honestly offensive to those who make a living on the water.

Tylor Scott- Commercial

Mr. Scott is new to the fishery and opposes reallocation because it doesn't solve the problems of the recreational fishery and will cause instability in the commercial sector. He supports Alternative 1.

Nena Hale- Owns a business catering to recreational fishermen

Ms. Hale said it's hard for her to have to take a stance on this issue, because without commercial and recreational fishermen, Port Aransas wouldn't be the town that it is. There is an abundance of fish now, and there are so many that you have to release that die while targeting other species. She is not sure where she stands on this issue but feels that there has to be a middle ground that will help both sectors. It is recreational fishers who come to her boutique; they support her business and she depends on them for her livelihood, so she wants them to have more fishing opportunities.

Ken Sims- Boat captain; has worked in both sectors

Mr. Sims opposes reallocation and supports Alternative 1 because it won't solve any problems. This needs to be solved with a different way of managing the recreational sector. We should try tags or licenses like the red fish program in Texas. Giving more fish to the recreational sector will ensure higher discard mortality, because they continue to fish and discarded fish float off dead and are then eaten by other predators, which is ridiculous. Fifteen years ago, fishermen used to struggle to catch fish. What we are doing is working. Today, the snapper are huge. Commercial fishermen are not harming the rebuilding plan because they are accountable. What we're doing in the recreational sector is wrong; charter guys need their own regulations, and everyone needs to play by the rules.

Scott Hickman- Charter and commercial

Mr. Hickman said the CFA has been begging for a new management system for the recreational fishery for 5 years, and he is disappointed that this is what we get. We're going to take fish from an accountable fishery and dump it into the unaccountable side for two more fishing days? That is silly and won't help his charter business. Until we work to get a new management system, we're never going to fix our problems. Why are we working on this instead of Amendment 39 [regional management], where Texas can manage their own fish through tags, or however they

want? The Council needs to do something different. He supports Alternative 1, no action on this amendment.

Pete Petropoulos- Recreational

Mr. Petropoulos is a capitalist and believes there is no reason to take anything from the commercial fisherman. He supports Alternative 1.

Kevin Haller- Charter and commercial

Mr. Haller sees both sides and opposes reallocation because it doesn't solve the problems in the recreational fishery. It will cause instability to the commercial fishery, and the recreational sector will continue to overharvest their allocation without accountability. He supports Alternative 1, status quo. The recreational sector needs a real solution to protect the resource. The SESSC should review the analysis, and it should be re-done before the Council takes final action.

Mike Hurst- Representing S.E.A.

Mr. Hurst does not think it's right that anglers have 20 days to fish during the worst wind of the year. He prefers Alternative 6, but since that option was not on the table to solve that problem, they would like to ask for Alternative 5.

Norman Oats- Recreational

Mr. Oats was fishing in the 1980's when the stock was ok. He then came back in 2001 when it was very hard to catch a snapper. Now, for 10 years they have only had a month of fishing. If we don't increase the quota, we're all in trouble. He supports Alternative 5 because he wants to fish more than 30 days a year. Under that alternative, if the ACL is increased we all benefit. The Council is losing credibility because the ACL is wrong. Nice size snapper are everywhere. He says to do more offshore research and see; don't just look at the closest rigs, but study some hilltops and use data that is not 20 years old. Start with a 3 month season and a 4-fish per person bag limit and if the stock decreases, then cut it. Do real research. He catches snapper in 35' of water.

Corey Garcia- Commercial

Mr. Garcia opposes reallocation and supports Alternative 1 because it will not solve problems in the recreational fishery, overharvests will continue, and [reallocation] will cause instability in the commercial sector. He suggests working with recreational fishermen to give them a real solution like tags so they can fish year round. There are plenty of fish out there and the Council needs to find a way to let them fish. The SESSC should review the amendment before the Council takes final action.

Mike Miglini-

Mr. Miglini said Amendment 28 is an insult to those trying to actually get a fishery management plan in place that will bring results. It will not solve the problems of the recreational fishery and will result in further overharvest. It's not the private recreational angler or the charter industry's fault that the Council has consistently failed to address a management system that provides both accountability and flexibility. The recreational sector needs to end derby fishing and start using tags for private anglers, just like the red drum system in Texas, so they can fish on their schedule

not when the government tells them to fish. The charter guys need their own sector allocation. Fishermen need to give up good harvest data from recreational anglers on private boats, from charter/headboats, and continue to get data from the commercial industry. This amendment and this reallocation is a false promise and the Council must develop a management plan that works. It's like putting more fuel in a boat that has autopilot moving in the wrong direction. We'll continue to see shorter and shorter seasons even with the reallocation of fish. We need to manage in a way that is efficient. Dumping fish back instead of using a tag system is an insult to conservation and the MSA. He supports status quo (Alternative 1). The SESSC should review Amendment 28 before the Council takes final action, because the initial vote to accept the methodology was null as a member was in conflict [of interest]. We have more than a ton of red snapper here, and we need a world class management system that allows us to harvest recreationally, in a sustainable manner, without wasting fish. Amendment 28 will not do that.

Gus Lopez- Commercial

Mr. Lopez supports Alternative 1, no action. They do this for a living; it's not for fun. If you're here you like to fish, but for commercial guys, it's their livelihood. It seems unfair to take from them and give it away for recreational purposes. It doesn't solve problems. Instead, he suggests letting the recreational sector fish whenever they want using a tag system. World class red snapper fishing is in our back yard, so why strip it back to making it hard to fish? Why take fish from an accountable sector and dump them into a system that isn't accountable? There are a lot of changes that will have to take place to make the recreational sector accountable like the commercial sector, which is law abiding, non-wasteful, and protective for the future generations. The SESSC needs to review Amendment 28 before the Council takes final action. What are the real reasons for changing allocation? He wondered what net benefits we were striving for.

Michael Matthews- Commercial and former headboat fisherman

Mr. Matthews is against the amendment; he supports Alternative 1, no action. He opposes reallocation because it won't solve the issues in the fishery and will cause problems on the commercial side. We need to work with recreational fishermen and find something that will work for them. Reallocation will only make things worse for the recreational fishery and for him.

Brenda Ballard- Recreational

Ms. Ballard supports Alternative 5. She doesn't want to take anything away from commercial fishermen. She doesn't have a yacht; she has a 25-foot boat and it's hard for them to get out. The inshore rigs are fished out and they have to go further. She only gets to fish five days out of the year, because she works for a living and she wants more opportunities to fish. She does not believe that Alternative 5 will hurt commercial fishermen in any way. Fishing is fun and she wants to be able to use the additional 75% to increase their opportunity for more fishing days.

Russell Sanguinet- Headboat operator

Mr. Sanguinet does not support any part of the amendment because there is an overabundance of fishing regulations. He is an active participant in the headboat cooperative (EFP) and he is 100% accountable. The problem is not the fish, it's the lack of enforcement and the bad management. The enforcement needs to account for everyone, not just the for-hire sector. This is a temporary patch on the problem, and it's not going to fix anything.

Paul Kennedy, III- Recreational

Mr. Kennedy gets out 8-10 times a year and he likes to take friends and family fishing. Red snapper is his most consistent fish. He doesn't understand the way it's managed and the limits put on them. The fish are so plentiful, he needs to avoid them and he doesn't understand management. He wants to bring a few home to eat and he can catch them in state waters. These are the strictest limits we have on any fish and they are the most abundant species. These regulations are ridiculous. Recreational fishermen are not being tracked like the headboats. It's his goal that recreational fishermen can fish year round. With a 2-fish per person bag limit, we will never overfish the red snapper. He is allowed to catch 10 speckled trout in the bays, but can rarely catch the limit. Red snapper is a mismanaged resource and the Council should give a longer season because it's not overfished. He wants to see some better data on catch. He wonders about how the management system is set up so when everyone goes out, they can catch their limit, but they are only allowed 2 fish.

Gary Hough- Recreational

Mr. Hough has seen a major comeback in the number of fish that are available in both the well-known and the more secretive spots. He supports an increased allocation for the recreational fishermen. Alternative 5 is the most palatable. He does think it should be tilted even more towards the recreational fishermen. On this side of the coast, it is dangerous to fish the first two weekends of snapper season because of the wind. The first of June is a horrible time to fish. There is no way the amount of recreational fish being caught could be harming the population.

Jerry Bravenec-

Mr. Bravenec said one of the biggest issues is accountability. The thing that concerns him most is that Texas continues to be penalized for other areas overharvesting red snapper. Red snapper don't move around too much. There has been a major rebound in the past five years, and he does not want to be penalized by the other areas overfishing. Alternative 5 is good for recreational fishermen without harming the commercial sector. TPWD needs to manage the resource and we need to be managing based on the fish we have locally.

**San Antonio, Texas
March 18, 2014**

Council/Staff

Patrick Riley
Emily Muehlstein
Karen Hoak

36 members of the public attended.

Jason Belz- Recreational

Mr. Belz wants a longer snapper season. It's rough in Texas and they like to catch billfish, but it's nice to have something to eat, something that they can catch on the way back in especially since they burn a lot of fuel. Red snapper are everywhere; they come to the surface in 300 feet of water. He does not want commercial fishermen to have 51% while the public has only 49%.

David Triplett- Recreational

Mr. Triplett questions the red snapper data and where the statistics are coming from that says recreational fishermen are catching the amount of pounds that they are. He does it as a hobby for his family, and there are very few days they can get out, especially with the high winds in June. The statistics seem very inaccurate, and he can't catch anything else. They run into them everywhere and, if you catch red snapper while trolling there is something wrong; the system is broken. He wants to see a longer season and he thinks there is a better way to count the catch in the recreational sector.

Michael Jacob-

Mr. Jacob said the rules don't reflect what anglers are seeing. He is conservation minded and follows the rules all the time. He used to have trouble catching snapper, but now you can free-line dead shrimp or troll wahoo lures in 200 feet of water and catch red snapper during amberjack season. He kills 10 snapper for every amberjack he catches. There is a nuisance with dolphin; you feed red snapper directly to them or the sharks. They are not releasing any of the fish. He catches between 25 and 75 fish during the entire season and feeds around 500 fish to predators. The commercial guys are likely more important and he doesn't want to take away from them. The amount of fish that go to the dolphins and sharks is insane. We are doing nothing about it but sitting on our hands. The numbers are inaccurate and it's getting hard to follow the rules.

Liz Hewitt-

Ms. Hewitt supports [Alternative 5](#), or possibly [Alternative 6](#). She wonders why we don't have a federal fishing license to track catch.

Ray Weldon-Recreational

Mr. Weldon supports [Alternative 6](#), although it's not really reallocation. According to the American Sportfishing Association, recreational fishermen catch 2% of fish but provide 3 times more value to the gross domestic product than commercial landings. For every 1 pound of fish caught, they add \$152 to the GDP. There are about 400 shareholders holding 51% of the red snapper fishery and they don't even put enough money back to cover the cost of monitoring the program itself. The EDF, restaurant chefs, and fishermen are using the slogan "protein for America," but they are getting wealthy providing fish for the wealthy at \$18 a pound. No one will be put out of business with any of these reallocation options. There are less commercial fishermen now than ever catching more fish than ever. They are looking towards sector separation and inter-sector trading so they can sell quota to charter captains who will then sell them back to the recreational fishermen. I guess the commercial fishermen don't really care about feeding America. Mr. Weldon sat on the Ad Hoc Private Recreational Data Collection Advisory Panel and has not seen the improvements he's looking for. The MRIP data is messed up and NMFS is still not getting the data they need from the MRIP states. Louisiana dropped out [of MRIP] and is now getting their own data, just like Texas. It's not the best, but when in 1996 you could catch 7 fish per person for 360 days and catch 4 million pounds and now, in 2012, you can catch 2 fish per person and fish for 30 days and you are catching 5 million pounds? Impossible!

Jean Streetman- Recreational

Mr. Streetman supports Alternative 5 and agreed with the comments of others.

Norman Long- Recreational

Mr. Long has been fishing for over 50 years. Alternative 5 is his choice if he has to pick one. They are using a 30-year old allocation and data, and everything is out of whack and in need of a total overhaul. Last summer, he fished 20 days and left state waters once or twice because he didn't need to. There are more red snapper out there than he can chase. You can catch all you want at 8-9 pounds. Why can't we seem to get a longer season in federal waters? We need new science, new data, and new rules. It's ludicrous to give 51% of the fishery to 400 people. They have a place in the overall picture but not a guaranteed deal like they have now. There are plenty of fish out there. He remembers days when that was not the case so we need to be careful to not overharvest. By setting good limits, we now have plenty again.

Jerry Walker-

Mr. Walker said we need to have a new look at what's going on in the Gulf. You try to catch a different species and you're inevitably catching snapper because they're everywhere, top to bottom, every wreck, every rig, solid fish. The ecosystem is out of sync; we need to increase the limit and the number of days to fish.

Gary Johnson- Texas Restaurant Association

Mr. Johnson said that at current levels, the commercial industry stands to lose ½ million pounds with the current allocation, which will affect the portion sizes on plates for people supplied with fish. There are places not near the water, customers that don't fish, all who want to eat snapper. We need to somehow look into regional management. He supports Alternative 1, no action.

Leonard Philipp-

Mr. Phillip supports Alternative 5 and agrees with the others.

Michael Miglini-

Mr. Miglini supports Alternative 1, no reallocation. He thinks it's a false promise for the recreational fishery. For years the charter boats have tried to bring real solutions to the Council. Reallocating only feeds more fish to a broken management plan. There are a ton of red snapper out there and reallocation is barely going to give more days. There needs to be a fish tag program like the red drum that allows 365 days of fishing a year, along with accountability and reliable data on the total count of fish harvested. The charter industry needs their own allocation and the private sector needs a system that doesn't force them to throw back dead fish. He suggests focusing on meaningful solutions to the problems in the recreational fishery.

Bobby Hinds- Recreational

Mr. Hinds supports Alternative 5. There are so many fish out there, it's ridiculous. They can limit out a full boat without going into federal waters. The quota should be raised and the season should be longer in federal waters.

Pam Baker – Environmental Defense Fund

Ms. Baker supports Alternative 1. Allocation has been on the table for a really long time and is choking progress on other issues such as federal fishing licenses and predators eating discards. The amendment doesn't have the opportunity to achieve its objectives, and it pits fishermen against each other. The demand for fresh fish is strong, but fishing recreationally is also a valuable use of the resource. The stated purpose of increasing net benefits cannot be achieved by increasing the number of fish in a common pool, managed by bag/size limits. No group or individual is benefiting from that. The other stated purpose is to increase stability of the fishery. Maybe reallocation will increase the recreational fishery by 2 or 3 days, but it doesn't increase the stability or predictability of the season. Stability is about increasing opportunity and predictability. Reallocation does not do that. The Council is avoiding tackling the improvements that are needed to solve the issues with the fishery.

Wes Galloway- Recreational

Mr. Galloway doesn't want to change things for the commercial fishery; it's got the IFQ and that is fine. He felt that 51% of the public resource going for commercial use is backwards. Half of the alternatives are not reallocation at all. No movement can be made towards reallocation because IFQs are already out there. For alternatives beyond the quota, he supports Alternative 5.

Scott Hickman- Charter, commercial, boat dealer

Mr. Hickman supports Alternative 1. He is offended that the Gulf Council has come to the recreational fishermen with a plan offering two extra days. With Florida non-compliance, we likely won't even see that possible increase but rather, a reduction in days. It's ludicrous. He demands that the Council do something real. He asks why CCA is pushing Amendment 28; what about Amendment 39 so Texas can get its own piece of the pie? Reallocation is a poor plan for the recreational fisherman. If that's the best we can do, we're in trouble. He demands accountability and flexibility through tags or something else that allows fishermen to select when to fish. Amendment 28 is a joke and will not help. The Council has pitted fishermen against one another. He wants status quo (Alternative 1), and to go back to the table. Fix the problem so people can fish when they want to fish. He supports fish tags, regional management, and he likes iSnapper.

David Ruthmann- Recreational

Mr. Ruthmann is not opposed to any of the allocation options but that's not the end solution to the problem. We're talking about adding a few days to a 1 or 2 fish per person limit when it's too rough for Texans to get out on the water. There must be more to it. We are oversimplifying a process that is broken. Regional management is a good idea, especially because our water is shallower here than in other parts of the Gulf.

Buddy Guindon- Commercial

Mr. Guindon grew his family business around fixing the fishery. He believes that they [recreational anglers] should have the right to fish, but also to use a program to report data and get an accurate count. The Harte Research Institute already has a program that can be used for them to report their fish. As a commercial fisherman, he doesn't represent himself; he represents anyone who goes to a restaurant or grocery store or fish market and buys a fish to eat. You're not going to hurt him by taking 50% of his fish, but you'll harm the new entrants, the people who

are struggling to get IFQ and start in the industry. When you say 400 people, think of 400 businesses. If we don't allow them to grow, they're going to fail. They need the opportunity to be successful and to grow. Let these people do their job. Commercial fishermen are not at fault for the current situation. Force the fishery managers to do their job and let them know you want to be accountable. Also, understand that Florida has 250 fishermen for every one we have. The east is taking away your fish by allowing the other areas to harvest the fish. Of the fish consumed in this country, 97% of it comes from a grocery store. Commercial fishermen catch inexpensive fish as well as red snapper (blue fish). Don't listen to what CCA pounds into your head; get real solutions. Alternative 5 won't give you anything more. A good management system will give you what you want: year round fishing.

Shane Cantrell- Charter

Mr. Cantrell said it's a mess that we're here and discussing moving 500,000 pounds from the commercial industry to give the recreational sector 2-4 extra fishing days. He questions moving fish from the commercial fishery, which is accountable, and giving them to an unaccountable system for 4 extra days. That is a management issue. We need tags or regional management. He travels the coast and there is an incredible number of fishermen on the east side that take trips 2 and 3 times a day fishing red snapper. It's not fair to Texas. He has a hard time believing that Texas can't get past the 1% of the allocation from Florida to implement a regional management plan. Disturbing.

Brian Wyatt- Recreational

Mr. Wyatt got to this meeting and it seemed chaotic because everyone is passionate. He's been fishing for a long time and his dad was a commercial fisherman. The Gulf is broken due to federal management. Texas could manage the waters much better than the federal government. He doesn't like Alternative 5 fully; he supports it most because the economic value of the recreational fishery is much greater. This is a publicly owned resource and the 51/49% split is out of line. We all pay our fair share, but recreational fishers are stuck on the dock, some with a \$200,000 boat, and they can't fish unless they pay a charter boat? That is not right. Fish tags aren't right either. For private recreational anglers, these measures are nowhere near enough. For every 1 million pounds over the TAC that the federal government says can be caught, 25% goes to commercial and 75% to the recreational fishery. Every million pounds equates to \$35 million. Everyone should be able to fish every day they want to for red snapper because there are plenty of them.

**Galveston, Texas
March 19, 2014**

Council/Staff

Patrick Riley
Carrie Simmons
Emily Muehlstein

35 members of the public attended.

Scott Hickman- Charter and commercial

Mr. Hickman said the plan to save the recreational fishery only gives two days to the recreational sector. The plan is to take fish away from a system where people fish accountably and provide fresh fish year round and transfer it to a rotten system. You're not even going to see the fish you take from the commercial fishermen. Florida has just gone non-compliant and those extra fish are going to disappear. Mr. Hickman wants a completely different system; something that works like the commercial system. He says no to Amendment 28. He supports Alternative 1. The Council needs to find a better management system and leave us a legacy of fishing.

Steven Myer- Recreational

Mr. Myer has spoken to TPWD and knows they don't have landings on the recreational side, and he doesn't understand where we're getting our data. Nine times out of 10, the weather is too bad for fishing during the recreational season. There needs to be a better way to determine what we're landing, and the quota needs to be fixed.

Kristen McConnell- Environmental Defense Fund

Ms. McConnell encourages the Council to choose Alternative 1, no action, and move reallocation off the table to make room for better work. This issue has been choking progress on other management plans that will actually fix things. There is high demand for both fresh seafood and recreational fishing opportunities and we should not have to decide between the two. This document does nothing to meet the objectives stated in the document. The economic value won't be realized by the recreational fishery if you continue to use a common pool of fish regulated by days and bag limits. Stability is frustrating, because allocation won't change the stability of the recreational red snapper fishery. We've had increases in the TAC over the years and it hasn't solved the season problem or the issue of stability. Reallocation won't fix that problem. There are a variety of ideas; regional management, tags, charter IFQ, and days at sea, that could be actual solutions. The Council needs to stop this and do something real.

Billy Wright- Recreational and charter

Mr. Wright supports Alternative 1, No action. Moving fish to the unaccountable sector doesn't seem like the right thing to do.

Tom Hilton-

We've had this allocation for years and we should have looked at it according to the NOAA policy but, now there is staunch opposition. The commercial IFQ program has privatized our fish and turned them into stock basically. The commercial guys have a stock portfolio and he is in favor of Alternative 5. Recreational fishermen don't want to cut commercial fishing out or act like they don't have a place at the table. If we choose alternative 5 about 17 million dollars of fish will be transferred to the recreational fishery. A high-liner that owns 6% of the red snapper shares (share cap) is worth about 11 million dollars and he can retire sell them to make money for his retirement. I don't agree with any plan that privatized the resources. This is not the solution and wont fix our red snapper problems but Alternative 5 is a step in the right direction. We need data. We should implement Alternative 5 and let the states take the bull by the horns with data collection.

Bruce Daneki- Recreational

He doesn't begrudge anyone earning a living by catching red snapper. It is an endangered public resource and he's against anyone having ownership. There are clearly more fish but despite this the recreational fisherman continues to be penalized. While the TAC increases and the commercial fishery gets more pounds and money and the recreational fisherman gets a shorter season as the fish get bigger. Success of stock improvement isn't shared with the recreational fishery. He supports Alternative 5. We're not greedy and everyone should benefit but the recreational sector has been struggling in the recent past. Jim Donofrio said ownership of our nations public resourced are replenished and the commercial sector was gifted their allocation and they paid nothing for their private rights. Against catch shares and a special program for headboats.

Fred Howard- Recreational

He is in favor of Alternative 5, not because it's a solution but because it's a first step that needs to be taken. Why can't the Gulf Council separate the fishery from the fishery in Texas.

Bill Hull-

Mr. Hull is in favor of Alternative 5.

David Conrad- Charter

Mr. Conrad favors Alternative 1. We need to work on a system that makes the recreational sector accountable. We don't want to move fish from the accountable sector to the non accountable one.

David Cochraine- Charter

Mr. Cochraine supports Alternative 1 because reallocation is not a solution. We should not take fish from commercial fishermen to add 2 extra days to the recreational fishery. Recreational management needs to be improved. We have a management problem and a data collection/accountability problem not an allocation problem. Accountably is the key to a better management system.

David Cuiton-

It appears that the harvest data for the recreational fishermen is off. Whatever the solution is to the problem he hops that we can mutually work it out.

Jaron Cressi- Commercial and recreational

Mr. Cressi is against reallocation and supports Alternative 1.

Buddy Guindon- Commercial

Reallocation won't hurt him, he is a big share holder and he was catching fish before the catch share program was implemented. He knows how to fish. The problem he sees with reallocation is that it will hurt small businessmen the new entrants into the fishery. Taking 8% of the commercial quota and giving it to the recreational fishery will get 700 recreational fishermen to go out and catch a fish but it will put the little guy out of business. Recreational fishermen can catch what they want and when we consider what's best for the red snapper fishery we need to get an accountably system. We don't have to wonder if the federal management is doing a good

job because you'll be part of that system. Self reported data like the iSnapper system will ensure that the government knows exactly what was harvested. Reallocation is a game so the Council can say "look what we gave you", but it does nothing to solve the problem. I promise the recreational season will continue to collapse. We've rebuild the fishery but the federal government hasn't given recreational fishermen the tools to stay within the catch limits. The state representatives don't want accountability to happen. CCA doesn't bring solution to the table the only tell you what's wrong. They did this with redfish, trout, and flounder; they promised to give back commercial harvest once the stocks were healthy, but never did. I'll never have the opportunity to catch them again. We need a management plan to fix these problems.

Bill Cochraine-

Mr. Cochraine supports Alternative 1: no action. He thinks everyone agrees that there is a problem with recreational accountability. We all know that once there is an accountably system in place then we can get some real data. Were going in the wrong direction by trying to fix a problem with reallocation; there are more fish than ever but we need to count. Choosing any of the alternatives besides Alternative 1 will set a bad precedent; and if this is done he is worried that this will continue to happen. When 2 days are added then the recreational anglers are going to keep asking for more each year.

KP Burnette- Commercial

Supports Alternative 1; no action.

Sean Warren- Charter

Supports Alternative 1; no action, and suggests Council move forward with sector separation.

Dan Green-

Against reallocation and supports Alternative 1. Why take fish out of an accountable sector and give it to a non-accountable one. We work on a new management plan for the recreational anglers.

LG Boyd-

Supports Alternative 1 and suggests the Council fix management first.

Shane Cantrell- Charter

We're not trying to take anything from anyone. Commercial fishermen are not hoarding these fish in their house, they're harvesting them for the American public. The guy from Kansas who fishes with me doesn't want to own a boat and it makes no sense, but if he wants fish he should be able to buy fish from a restaurant or fish on my boat. You're proposing to take fish from the commercial fishermen to give recreational anglers 2 more days. It's a band-aid on a sinking ship and we need to find a real solution for the recreational fishery instead.

Garrett King- Charter and commercial

Supports Alternative 1; no action.

Mark Friedberg- Seafood dealer

Mr. Friedberg supports Alternative 1. NMFS is trying to pit the commercial fishermen against recreational fishermen. We commercial folks all started fishing as recreational fishermen. As a recreational fishermen I wouldn't settle on two extra days from the Council. Recreational anglers need to demand a different plan.

Jamie Cantu- Charter

Mr. Cantu supports Alternative 1 and supports sector separation

John Spike- Recreational

Mr. Spike wants to clarify that he is checked all the time for his data.

Jason Delgado- Recreational

He is a boat owner and went of 10 times last season with lots of friends. On average they took 18-20 pound fish. He would support Alternative 5 reasoning that if the rising tide lifts all boats then increases in ACL should benefit the recreational anglers as well. He has not heard anyone say that they don't want to be accountable and there have been conversations about tags and other methods of accomplishing that. He would like the recreational fishermen to have a better system. The people we fish with all follow the rules and we support better accountability.

Larry Millican- Recreational

Supports Alternative 5 because the numbers are skewed in the recreaitonal catch data. In the 1960's you could catch all kinds of fish whenever you tried. In the 70's and 80's it got tough, but recently that's drastically improved because of the rules. He doesn't like 2 fish bag and short season and he wants more, but he also cautions that when you take your boat offshore now he doesn't see may people even with all the technology we have. In the 80's and 90's there were people and boats everywhere, and has a hard time believing that effort is increasing because there's no one out there. I've never been stopped in all my days of fishing and he would like catch be recorded better. In his opinion the recreational fishermen are not taking near what Council thinks is being harvested.

Bill Evans –

Mr. Evans supports Alterative 5.

**St. Petersburg, Florida
March 24, 2014**

Council/Staff

Martha Bademan
Assane Diagne
Carrie Simmons

30 Members of public attended.

Steve Maisel- Commercial

Mr. Maisel was in favor of no reallocation of red snapper, No Action; Alternative 1.

Bill Tucker- Commercial

Mr. Tucker was in favor of No Action; Alternative 1. He said the recreational sector has already landed 56% of the quota, not the 49% they are currently allocated. He has no personal ill feelings about the recreational sector, but feels it is no surprise that the recreational sector is meeting their quota earlier and the season length is getting shorter. He believes that there are more people in the recreational fishery, with more access to the fishery due to the recovering red snapper stock and a more affluent society. Mr. Tucker stated he wanted the anglers from the recreational sector to discuss other avenues to increase the season length, such as agreeing to go down to a 1-fish bag limit, instead of taking fish away from the commercial sector. He also stated there was a lot of misinformation going around about charter vessels being tied to the dock when red snapper season is closed, but in reality they were out fishing. He asked why you would reallocate to 1-3% of the U.S. population, when it is clearly not good practice to reward a sector that is unaccountable.

Ed Maccini- Commercial, President of S.O.F.A.

Mr. Maccini is in favor of No Action; Alternative 1. He knows the red snapper stock is recovering in the Gulf of Mexico, and knows that the recreational sector is catching the bag limit and the red snapper are larger, due to the management efforts the Council has completed to date. Because of the rebuilding efforts both sectors participated in, both sectors need to fish as many days to achieve their limit. For example, since the commercial sector was moved to an IFQ system, he fishes fewer days, fishes when he wants, and his vessels yield greater catch in a shorter number of days. He said the consumer is involved in the recreational sector and he would like see the recreational sector develop a management plan to increase the season length on their own, with a program such as days-at-sea.

Jim Zurbrick- Commercial, Steinhatchee

Mr. Zurbrick stated he was in favor of No Action, Alternative 1. He said many of the recreational fishing clubs (CCA and FRA) claimed to be conservationists, but when he attended a meeting hosted by Florida FWC to improve data collection for offshore recreational fishermen, the idea was met with much resistance. He wants the recreational sector to come to the podium with a solution. If they don't want the FWC developed offshore vessel permit, then the recreational fishery should consider a days-at-sea program, tagging program, or any other fishery management plan that would address the problems in the recreational sector's accountability. He agrees the fishery in Florida is not the same as it was years ago and he believes it will never be the same, due to the number of people participating in the private recreational fishery. Mr. Zurbrick stated if the private recreational anglers do not become accountable for their own fishery and think outside the box, they could end up with a 20-day or less red snapper fishing season.

Mike Colby- Charter, Clearwater Marine Association and Charter Association

Mr. Colby said in preparation of this meeting he reviewed the comments online and a majority of them were rambling comments that had nothing to do with Reef Fish Amendment 28. He hopes the Council considers the quantity and quality of comments submitted online. He said he would like to see a sound recreational management plan. Mr. Colby stated the data being used for Reef

Fish Amendment 28, has been considered in the past to be fatally flawed. Yet now that same data is being used to reallocate in favor of the recreational sector. So, for reallocation some recreational anglers think it is okay to use the data, in fact embrace it, since it gives them the personal solution they are seeking. Further, if this same data is fatally flawed then there are no reasons or excuses why it can't be used in the development of Reef Fish Amendment 40-Sector Separation. Until a better data collection system is developed he can't endorse any of the alternatives, except No Action; Alternative 1.

Wayne Werner- Commercial, F/V Sea Quest

Mr. Werner stated he was in favor of No Action; Alternative 1. He stated he did not understand how anyone could be in favor of taking away 500,000 meals from consumers, for 2 extra days to fish in the recreational sector. He said he had great concerns about overharvest by the recreational sector and didn't see any justification for giving them any additional fishing days. Mr. Werner stated the recreational data used in the economic efficiency analysis was fatally flawed, in fact most of the recreational data used in that analysis came from recreational anglers in the South Atlantic. He suggested that Amendment 28 was a "feel-good" amendment for the CCA. He pointed out that there had been studies done by NMFS that showed recreational anglers would rather have 1 larger fish and more days than to catch 2 fish and have a shorter season. He stated he did not agree with the Council putting Mr. Gentner on the Socio-economic SSC. Mr. Gentner was the deciding vote and he was in violation of the Council's policies to serve on an advisory committee.

Thomas Shook- Seafood company owner, Clearwater

Mr. Shook stated he was in favor of No Action; Alternative 1. He said the commercial sector has to become accountable for every pound of red snapper landed and that he didn't see why there couldn't be more accountability for the recreational sector.

John Schmidt- Commercial

Mr. Schmidt is in favor of No Action; Alternative 1. He stated that Amendment 28 was supposed to increase net benefits to the nation, not net benefits to the recreational sector. Most of the American public doesn't have access to federal waters and must access the resource through the commercial fishery. Since the Council implemented a strict rebuilding plan, there has been an incredible recovery and advances in the fishery. During these rebuilding efforts, the commercial sector had never gone over its allocation and had never asked for any of the recreational sector's allocation. Mr. Schmidt stated he felt Amendment 28 had been rushed, more so than many of the other Council actions. He stated he was not happy with the membership on the Socio-economic SSC, especially when the deciding vote was cast by a CCA representative. He is unsure why the Council ever considered putting such an individual on the panel. He felt moving forward with Reef Fish Amendment 28 – reallocation was not a solution; instead it is unfair, and not based on sound science.

Tom Wheatley- PEW Charitable Trusts

Mr. Wheatley stated although this seems like a simple amendment (and he agrees that there should be a fair and systematic review of sector allocations), he does not think the current document supports the red snapper rebuilding plan. He would like to see in-season and post-season accountability measures added to the current draft of the amendment; without these, he

does not understand how these shifts in allocation could be biologically safe. Therefore, if a new action was added to this amendment that would ensure the rebuilding plan for red snapper was not compromised, he could see this document moving forward. But until then, PEW was not in support of this action.

Frank Chivas- Restaurateur and recreational

Mr. Chivas is in favor of No Action; Alternative 1. He noted that he had been fishing since 1968 and seen the results of overfishing happen in 3 years, (by 1971) red snapper were almost gone. He credited conservation measures with bringing the stock back. He knows red snapper is the fish of choice in many restaurants. In his restaurants, over 20% of fish sold is red snapper, and now more grocery stores are selling red snapper as the stock recovers. He personally has seen more red snapper in the last 3 years than ever before. He believes the rebuilding plan is working fine and should be left as is.

Eric Mercadante- Dual-permitted federal charter and commercial

Mr. Mercadante said he lands 90% of his red snapper commercially. He said he is closely checked and monitored when he lands his catch commercially, but none of his charter trips have ever been checked. He said, recreationally everyone wants a trophy fish, especially a large red snapper. He would like to see the recreational sector get away from a short derby fishing season. He is in agreement that the recreational sector should get together and discuss licenses, tagging, and accountability for what they are catching and landing. Until the recreational sector does this he is in favor of No Action; Alternative 1.

Shawn Watson- Commercial

Mr. Watson is in favor of No Action; Alternative 1.

Jason DeLaCruz- Commercial and seafood dealer

Mr. DeLaCruz is in favor of No Action; Alternative 1. He has a fuel dock at John's Pass and he is unsure how the two additional fishing days in the current preferred alternative are going to help the recreational sector or his business. He doesn't think fish should be taken away from the commercial sector and that such rules will make it hard for them to make a living. He thinks that is the real economic impact of the preferred alternative, versus the economic analysis cited in the amendment. He said the Socio-economic SSC said it was okay to move forward with reallocation, but voted it was based on poor economic data and the Socio-economic SSC were only in consensus on minimal changes to the current allocation.

Gregg Pruitt- Commercial and dealer Fish Busters, Madeira Beach

Mr. Pruitt is in favor of No Action; Alternative 1 until the recreational sector can be constrained to their current allocation and become more accountable. He stated that it is possible that the recreational sector may need to pay for a data collection system or program like the commercial sector does which contributes 3% of their ex-vessel value of landings to the agency for program operations.

Dennis O'Hern- Recreational, FRA

Mr. O'Hern stated the recreational sector has requested better data collection for years and it is the Office of Science and Technology's fault for not improving the survey system, not the

recreational anglers. In fact, recreational anglers have requested an improved survey system since 2000 and it still hasn't been completed. He emphasized that the recreational sector was being accountable every year. He complimented the State of Florida's efforts for taking the lead on strategies to improve data collection and applauded the efforts of the Louisiana Department of Fisheries and Wildlife. He stated if there was better data collection for the recreational sector, there would be a 6 month, 3-fish bag limit as once suggested by Dr. Shipp. He suggested more and better surveys of anglers would help this happen. Mr. O'Hern said until NMFS and the Office of Science and Technology improve the data collection program for recreational anglers, and were held accountable for their actions. The FRA was not in support of moving forward with this amendment, so he supports No action; Alternative 1.

Jim Bonnell- Commercial

Mr. Bonnell supports No Action; Alternative 1. He stated he has been fishing for 30 years and doesn't understand how commercial logbooks can be questioned, when recreational anglers can just tell the samplers how many fish they caught without any validation. He doesn't see how the recreational survey could be adequate to determine landings or support any modifications to the allocation.

Ricky Baker- Commercial

Mr. Baker is in favor of No Action; Alternative 1. He has spent 30 years commercial fishing and feels the recreational data collection system is flawed. He noted that there were worries when logbooks were first required, some people felt the government would know what they were doing and where they were fishing and of course people didn't like that, but the system worked. He explained that in 1980, red snapper were almost gone and now they are everywhere.

Sean Wert- Commercial

Mr. Wert is in favor of No Action; Alternative 1. He stated he does not understand how the agency can make commercial fishermen jump through so many hoops compared to the recreational sector, yet they are going to get more fish. Mr. Wert stated he didn't understand how the agency had any idea what the recreational landings are based on the current collection system.

Cody Chivas- Commercial and restaurateur

Mr. Chivas is in favor of No Action; Alternative 1. He stated that he did not understand how the commercial sector has to be accountable for every single pound, compared to the recreational sector, yet the agency is looking at giving them more fish.

Jackson Beatty- Recreational and diver

Mr. Beatty said he wanted to be an accountable angler and was willing to go to a 1-fish bag limit if it meant a longer fishing season. He wanted to work with other recreational anglers to improve accountability and increase fishing opportunities. He supported No Action; Alternative 1.

James Coble- Recreational and tackle shop owner

Mr. Coble stated he was in favor of Alternative 5: If the red snapper quota is less than or equal to 9.12 mp, maintain the commercial and recreational red snapper allocations at 51% and 49% of the red snapper quota, respectively. If the red snapper quota is greater than 9.12 mp, allocate

75% of the amount in excess of 9.12 mp to the recreational sector and 25% to the commercial sector.). He felt it was the most viable option in the amendment. He didn't understand why it was such a bad alternative for the commercial sector. He stated that the recreational fishery has to get more bang out of every fish they catch, and needs to be more accountable. He noted that no recreational fishers had VMS on their boats and that they didn't report their catches. He urged recreational anglers to step up to the plate and help get the fishery in shape.

**Webinar
March 20, 2014**

Staff

Emily Muehlstein
Charlene Ponce

10 members of the public attended.

David Krebs- Commercial

Supports Alternative 1; no action. Flexibility and accountability need to be built into the recreational sector before any other action is taken.

Eric Brazer-

Supports Alternative 1. There are no effective accountability measures for the recreational fishing sector. Until we solve that problem the recreational sector will continue to over harvest their portion of the allocation. Do not take final action on Amendment 28 until or unless the SESSC does a final analysis of the methodology used.

Brian Jilek-

Meetings should be held on weekends so that more people have an opportunity to attend.

Ken Haddad-

All the information that has come to the Council has said that the snapper allocation needs to be revisited. The recreational sector is in agreement that Alternative 5 is a stabilizing action that will allow the Council to focus on a new management regime for red snapper.

APPENDIX E. FISHERY ALLOCATION POLICY

Gulf of Mexico Fishery Management Council Fishery Allocation Policy

This allocation policy was developed by the Gulf of Mexico Fishery Management Council to provide principles, guidelines, and suggested methods for allocation that would facilitate future allocation and reallocation of fisheries resources between or within fishery sectors.

Issues considered in this allocation policy include principles based on existing regulatory provisions, procedures to request and initiate (re)allocation, (re)allocation review frequency, tools and methods suggested for evaluating alternative (re)allocations.

1. Principles for Allocation

- a. Conservation and management measures shall not discriminate between residents of different states.
- b. Allocation shall:
 - (1) be fair and equitable to fishermen and fishing sectors;
 - (i) fairness should be considered for indirect changes in allocation
 - (ii) any harvest restrictions or recovery benefits be allocated fairly and equitably among sectors
 - (2) promote conservation
 - (i) connected to the achievement of OY
 - (ii) furtherance of a legitimate FMP objective,
 - (iii) promotes a rational, more easily managed use
 - (3) ensure that no particular individual, corporation, or other entity may acquire an excessive share.
- c. Shall consider efficient utilization of fishery resources but:
 - (1) should not just redistribute gains and burdens without an increase in efficiency
 - (2) prohibit measures that have economic allocation as its sole purpose.
- d. Shall take into account: the importance of fishery resources to fishing communities by utilizing economic and social data in order to:
 - (1) provide for the sustained participation of fishing communities
 - (2) minimize adverse economic impacts on fishing communities.

- e. Any fishery management plan, plan amendment, or regulation submitted by the Gulf Council for the red snapper fishery shall contain conservation and management measures that:
 - (1) establish separate quotas for recreational fishing (including charter fishing) and commercial fishing.
 - (2) prohibit a sector (i.e., recreational or commercial) from retaining red snapper for the remainder of the season, when it reaches its quota.
 - (3) ensure that the recreational and commercial quotas reflect allocation among sectors and do not reflect harvests in excess of allocations.

2. Guidelines for Allocation

- a. All allocations and reallocations must be consistent with the Gulf of Mexico Fishery Management Council's principles for allocation.
- b. An approved Council motion constitutes the only appropriate means for requesting the initiation of allocation or reallocation of a fishery resource. The motion should clearly specify the basis for, purpose and objectives of the request for (re)allocation.
- c. The Council should conduct a comprehensive review of allocations within the individual FMPs at intervals of no less than five years.
- d. Following an approved Council motion to initiate an allocation or reallocation, the Council will suggest methods to be used for determining the new allocation. Methods suggested must be consistent with the purpose and objectives included in the motion requesting the initiation of allocation or reallocation.
- e. Changes in allocation of a fishery resource may, to the extent practicable, account for projected future socio-economic and demographic trends that are expected to impact the fishery.
- f. Indirect changes in allocation, i.e., shifts in allocation resulting from management measures, should be avoided or minimized to the extent possible.

3. Suggested Methods for Determining (Re)Allocation

a. Market-based Allocation

- (1) Auction of quota
- (2) Quota purchases between commercial and recreational sectors
 - (i) determine prerequisites and conditions:
 - (a) quota or tags or some other mechanism required in one or both sectors
 - (b) mechanism to broker or bank the purchases and exchanges

- (c) annual, multi-year, or permanent
- (d) accountability for purchased or exchanged quota in the receiving sector

b. Catch-Based (and mortality) Allocation

- (1) historical landings data
 - (i) averages based on longest period of credible records
 - (ii) averages based on a period of recent years
 - (iii) averages based on total fisheries mortality (landings plus discard mortality) by sector
 - (iv) allocations set in a previous FMP
 - (v) accountability (a sector's ability to keep within allocation)

c. Socioeconomic-based Allocation

- (1) socio-economic analyses
 - (i) net benefits to the nation
 - (ii) economic analysis limited to direct participants
 - (iii) economic impact analysis (direct expenditures and multiplier impacts)
 - (iv) social impact analysis
 - (v) fishing communities
 - (vi) participation trends
 - (vii) "efficiency" analysis
 - (a) lowest possible cost for a particular level of catch;
 - (b) harvest OY with the minimum use of economic inputs

d. Negotiation-Based Allocation

- (1) Mechanism for sectors to agree to negotiation and select representatives
- (2) Mechanism to choose a facilitator
- (3) Negotiated agreement brought to Council for normal FMP process of adoption and implementation.

APPENDIX F. CURRENT FEDERAL REGULATIONS FOR GULF OF MEXICO RECREATIONAL RED SNAPPER MANAGEMENT

1. § 622.9 Prohibited gear and methods--general.

(e) Use of Gulf reef fish as bait prohibited. Gulf reef fish may not be used as bait in any fishery, except that, when purchased from a fish processor, the filleted carcasses and offal of Gulf reef fish may be used as bait in trap fisheries for blue crab, stone crab, deep-water crab, and spiny lobster.

2. § 622.20 Permits and endorsements

(b) Charter vessel/headboat permits. For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Gulf reef fish, in or from the EEZ, a valid charter vessel/headboat permit for Gulf reef fish must have been issued to the vessel and must be on board.

(1) Limited access system for charter vessel/headboat permits for Gulf reef fish. No applications for additional charter vessel/headboat permits for Gulf reef fish will be accepted. Existing permits may be renewed, are subject to the restrictions on transfer in paragraph (b)(1)(i) of this section, and are subject to the renewal requirements in paragraph (b)(1)(ii) of this section.

(i) Transfer of permits--(A) Permits without a historical captain endorsement. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel, except that no transfer is allowed to a vessel with a greater authorized passenger capacity than that of the vessel to which the moratorium permit was originally issued, as specified on the face of the permit being transferred. An application to transfer a permit to an inspected vessel must include a copy of that vessel's current USCG Certificate of Inspection (COI). A vessel without a valid COI will be considered an uninspected vessel with an authorized passenger capacity restricted to six or fewer passengers.

(B) Permits with a historical captain endorsement. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain, cannot be transferred to a vessel with a greater authorized passenger capacity than that of the vessel to which the moratorium permit was originally issued, as specified on the face of the permit being transferred, and is not otherwise transferable.

(C) Procedure for permit transfer. To request that the RA transfer a charter vessel/headboat permit for Gulf reef fish, the owner of the vessel who is transferring the permit and the owner of the vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA. See § 622.4(f) for additional transfer-related requirements applicable to all permits issued under this part.

(ii) Renewal. (A) Renewal of a charter vessel/headboat permit for Gulf reef fish is contingent upon the permitted vessel and/or captain, as appropriate, being included in an active

survey frame for, and, if selected to report, providing the information required in one of the approved fishing data surveys. Surveys include, but are not limited to—

(1) NMFS' Marine Recreational Fishing Vessel Directory Telephone Survey (conducted by the Gulf States Marine Fisheries Commission);

(2) NMFS' Southeast Headboat Survey (as required by § 622.26(b)(1));

(3) Texas Parks and Wildlife Marine Recreational Fishing Survey; or

(4) A data collection system that replaces one or more of the surveys in paragraph (b)(1)(ii)(A),(1),(2), or (3) of this section.

(B) A charter vessel/headboat permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(iii) Requirement to display a vessel decal. Upon renewal or transfer of a charter vessel/headboat permit for Gulf reef fish, the RA will issue the owner of the permitted vessel a vessel decal for Gulf reef fish. The vessel decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

(2) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(3) If Federal regulations for Gulf reef fish in subparts A or B of this part are more restrictive than state regulations, a person aboard a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested.

3. § 622.26 Recordkeeping and reporting.

(b) Charter vessel/headboat owners and operators--(1) Reporting requirement. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(b), or whose vessel fishes for or lands such reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(2) Reporting deadlines--(i) Charter vessels. Completed fishing records required by paragraph (b)(1) of this section for charter vessels must be submitted to the SRD weekly, postmarked not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) Headboats. Completed fishing records required by paragraph (b)(1) of this section for headboats must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

4. § 622.27 At-sea observer coverage.

(a) Required coverage. A vessel for which a Federal commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a).

(b) Notification to the SRD. When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) Observer accommodations and access. An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

5. § 622.29 Conservation measures for protected resources.

(a) Gulf reef fish commercial vessels and charter vessels/headboats--(1) Sea turtle conservation measures. (i) The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under

§§ 622.20(a)(1) and 622.20(b), respectively, must post inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury," and must post inside the wheelhouse, or in an easily viewable area if no wheelhouse, the sea turtle handling and release guidelines provided by NMFS.

(ii) Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, specified in §§ 635.21(c)(5)(i) and (ii) of this chapter, respectively.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a dipnet, tire, short-handled dehooker, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers/mouth gags. This equipment must meet the specifications described in §§ 635.21(c)(5)(i)(E) through (L) of this chapter with the following modifications: the dipnet handle can be of variable length, only one NMFS-approved short-handled dehooker is required (i.e., § 635.21(c)(5)(i)(G) or (H) of this chapter); and life rings, seat cushions, life jackets, and life vests or any other comparable, cushioned, elevated surface that allows boated sea turtles to be immobilized, may be used as alternatives to

tires for cushioned surfaces as specified in § 635.21(c)(5)(i)(F) of this chapter. Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a dipnet, tire, long-handled line clipper, a short-handled and a long-handled dehooker, a long-handled device to pull an inverted "V", long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers/mouth gags. This equipment must meet the specifications described in § 635.21(c)(5)(i)(A) through (L) of this chapter with the following modifications: only one NMFS-approved long-handled dehooker (§ 635.21(c)(5)(i)(B) or (C)) of this chapter and one NMFS-approved short-handled dehooker (§ 635.21(c)(5)(i)(G) or (H) of this chapter) are required; and life rings, seat cushions, life jackets, and life vests, or any other comparable, cushioned, elevated surface that allows boated sea turtles to be immobilized, may be used as alternatives for cushioned surfaces as specified in § 635.21(c)(5)(i)(F) of this chapter.

(2) Smalltooth sawfish conservation measures. The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under §§ 622.20(a)(1) and 622.20(b), respectively, that incidentally catches a smalltooth sawfish must--

- (i) Keep the sawfish in the water at all times;
 - (ii) If it can be done safely, untangle the line if it is wrapped around the saw;
 - (iii) Cut the line as close to the hook as possible; and
 - (iv) Not handle the animal or attempt to remove any hooks on the saw, except for with a long-handled dehooker.
- (b) [Reserved]

6. § 622.30 Required fishing gear.

For a person on board a vessel to fish for Gulf reef fish in the Gulf EEZ, the vessel must possess on board and such person must use the gear as specified in paragraphs (a) through (c) of this section.

(a) Non-stainless steel circle hooks. Non-stainless steel circle hooks are required when fishing with natural baits.

(b) Dehooking device. At least one dehooking device is required and must be used to remove hooks embedded in Gulf reef fish with minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the Gulf reef fish fishery.

(c) Venting tool. At least one venting tool is required and must be used to deflate the abdominal cavities of Gulf reef fish to release the fish with minimum damage. This tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16-gauge needle fixed to a hollow wooden dowel. A tool such as a knife or an ice-pick may not be used. The venting tool must be inserted into the fish at a 45-degree angle approximately 1 to 2 inches (2.54 to 5.08 cm) from the base of the pectoral fin. The tool must be inserted just deep enough to release the gases, so that the fish may be released with minimum damage.

7. § 622.32 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) Poisons. A poison may not be used to take Gulf reef fish in the Gulf EEZ.

(b) [Reserved]

8. § 622.33 Prohibited species.

(d) Gulf reef fish exhibiting trap rash. Possession of Gulf reef fish in or from the Gulf EEZ that exhibit trap rash is prima facie evidence of illegal trap use and is prohibited. For the purpose of this paragraph, trap rash is defined as physical damage to fish that characteristically results from contact with wire fish traps. Such damage includes, but is not limited to, broken fin spines, fin rays, or teeth; visually obvious loss of scales; and cuts or abrasions on the body of the fish, particularly on the head, snout, or mouth.

9. § 622.34 Seasonal and area closures designed to protect Gulf reef fish.

(a) Closure provisions applicable to the Madison and Swanson sites and Steamboat Lumps, and the Edges-- (1) Descriptions of Areas. (i) The Madison and Swanson sites are bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	29°17'	85°50'
B	29°17'	85°38'
C	29°06'	85°38'
D	29°06'	85°50'
A	29°17'	85°50'

(ii) Steamboat Lumps is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°14'	84°48'
B	28°14'	84°37'
C	28°03'	84°37'
D	28°03'	84°48'
A	28°14'	84°48'

(iii) The Edges is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°51'	85°16'
B	28°51'	85°04'
C	28°14'	84°42'
D	28°14'	84°54'
A	28°51'	85°16'

(2) Within the Madison and Swanson sites and Steamboat Lumps, possession of Gulf reef fish is prohibited, except for such possession aboard a vessel in transit with fishing gear stowed as specified in paragraph (a)(4) of this section.

(3) Within the Madison and Swanson sites and Steamboat Lumps during November through April, and within the Edges during January through April, all fishing is prohibited, and possession of any fish species is prohibited, except for such possession aboard a vessel in transit with fishing gear stowed as specified in paragraph (a)(4) of this section. The provisions of this paragraph, (a)(3), do not apply to highly migratory species.

(4) For the purpose of paragraph (a) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means--

(i) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(ii) A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

(iii) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.

(iv) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (i.e., hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

(5) Within the Madison and Swanson sites and Steamboat Lumps, during May through October, surface trolling is the only allowable fishing activity. For the purpose of this paragraph (a)(5), surface trolling is defined as fishing with lines trailing behind a vessel which is in constant motion at speeds in excess of four knots with a visible wake. Such trolling may not involve the use of down riggers, wire lines, planers, or similar devices.

(6) For the purpose of this paragraph (a), fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. Highly migratory species means tuna species, marlin (*Tetrapturus spp.* and *Makaira spp.*), oceanic sharks, sailfishes (*Istiophorus spp.*), and swordfish (*Xiphias gladius*).

10. § 622.35 Gear restricted areas.

(a) Reef fish stressed area. The stressed area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 2 in Appendix B of this part.

(1) A powerhead may not be used in the stressed area to take Gulf reef fish. Possession of a powerhead and a mutilated Gulf reef fish in the stressed area or after having fished in the stressed area constitutes prima facie evidence that such reef fish was taken with a powerhead in the stressed area. The provisions of this paragraph do not apply to hogfish.

(2) A roller trawl may not be used in the stressed area. Roller trawl means a trawl net equipped with a series of large, solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, that is, in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

(b) Seasonal prohibitions applicable to bottom longline fishing for Gulf reef fish. (1) From June through August each year, bottom longlining for Gulf reef fish is prohibited in the portion of the Gulf EEZ east of 85°30' W. long. that is shoreward of rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°58.70'	85°30.00'
B	28°59.25'	85°26.70'
C	28°57.00'	85°13.80'
D	28°47.40'	85°3.90'
E	28°19.50'	84°43.00'
F	28°0.80'	84°20.00'
G	26°48.80'	83°40.00'
H	25°17.00'	83°19.00'
I	24°54.00'	83°21.00'
J	24°29.50'	83°12.30'
K	24°26.50'	83°00.00'

(2) Within the prohibited area and time period specified in paragraph (b)(1) of this section, a vessel with bottom longline gear on board may not possess Gulf reef fish unless the bottom longline gear is appropriately stowed, and a vessel that is using bottom longline gear to fish for species other than Gulf reef fish may not possess Gulf reef fish. For the purposes of paragraph (b) of this section, appropriately stowed means that a longline may be left on the drum

if all gangions and hooks are disconnected and stowed below deck; hooks cannot be baited; and all buoys must be disconnected from the gear but may remain on deck.

(3) Within the Gulf EEZ east of 85°30' W. long., a vessel for which a valid eastern Gulf reef fish bottom longline endorsement has been issued that is fishing bottom longline gear or has bottom longline gear on board cannot possess more than a total of 1000 hooks including hooks on board the vessel and hooks being fished and cannot possess more than 750 hooks rigged for fishing at any given time. For the purpose of this paragraph, “hooks rigged for fishing” means hooks attached to a line or other device capable of attaching to the mainline of the longline.

(c) Reef fish longline and buoy gear restricted area. A person aboard a vessel that uses, on any trip, longline or buoy gear in the longline and buoy gear restricted area is limited on that trip to the bag limits for Gulf reef fish specified in § 622.38(b) and, for Gulf reef fish for which no bag limit is specified in § 622.38(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The longline and buoy gear restricted area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 1 in Appendix B of this part.

(d) Alabama SMZ. The Alabama SMZ consists of artificial reefs and surrounding areas. In the Alabama SMZ, fishing by a vessel that is operating as a charter vessel or headboat, a vessel that does not have a commercial permit for Gulf reef fish, as required under § 622.20(a)(1), or a vessel with such a permit fishing for Gulf reef fish is limited to hook-and-line gear with three or fewer hooks per line and spearfishing gear. A person aboard a vessel that uses on any trip gear other than hook-and-line gear with three or fewer hooks per line and spearfishing gear in the Alabama SMZ is limited on that trip to the bag limits for Gulf reef fish specified in § 622.38(b) and, for Gulf reef fish for which no bag limit is specified in § 622.38(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The Alabama SMZ is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	30°02.5'	88°07.7'
B	30°02.6'	87°59.3'
C	29°55.0'	87°55.5'
D	29°54.5'	88°07.5'
A	30°02.5'	88°07.7'

11. § 622.37 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit, as specified in this section, in or from the Gulf EEZ, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section. See § 622.10 regarding requirements for landing fish intact.

(a) Snapper—(1) Red snapper—16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.38 (b)(3) and 13 inches (33.0 cm), TL, for a fish taken by a person not subject to the bag limit.

12. § 622.38 Bag and possession limits.

(a) Additional applicability provisions for Gulf reef fish. (1) Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a) notwithstanding, bag and possession limits also apply for Gulf reef fish in or from the EEZ to a person aboard a vessel that has on board a commercial permit for Gulf reef fish--

(i) When trawl gear or entangling net gear is on board. A vessel is considered to have trawl gear on board when trawl doors and a net are on board. Removal from the vessel of all trawl doors or all nets constitutes removal of trawl gear.

(ii) When a longline or buoy gear is on board and the vessel is fishing or has fished on a trip in the reef fish longline and buoy gear restricted area specified in § 622.35(c). A vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements, in its entirety, constitutes removal of a longline.

(iii) For a species/species group when its quota has been reached and closure has been effected, provided that no commercial quantities of Gulf reef fish, i.e., Gulf reef fish in excess of applicable bag/possession limits, are on board as specified in paragraph (a)(2) of this section.

(iv) When the vessel has on board or is tending any trap other than a stone crab trap or a spiny lobster trap.

(2) A person aboard a vessel that has a Federal commercial vessel permit for Gulf reef fish and commercial quantities of Gulf reef fish, i.e., Gulf reef fish in excess of applicable bag/possession limits, may not possess Gulf reef fish caught under a bag limit.

(b) Bag limits--

(3) Red snapper--2. However, no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

13. § 622.39 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. This section, provides quotas and specific quota closure restrictions for Gulf reef fish.

(a) Gulf reef fish--

(2) Recreational quotas. The following quotas apply to persons who fish for Gulf reef fish other than under commercial vessel permits for Gulf reef fish and the applicable commercial quotas specified in paragraph (a)(1) of this section.

(i) Recreational quota for red snapper--4.145 million lb (1.880 million kg), round weight.

(c) Restrictions applicable after a recreational quota closure--

(1) After closure of the recreational quota for red snapper. The bag and possession limit for red snapper in or from the Gulf EEZ is zero.

APPENDIX G. ECONOMIC ANALYSIS OF RED SNAPPER ALLOCATION ALTERNATIVES FOR AMENDMENT 28 TO THE GULF OF MEXICO REEF FISH FMP

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Introduction

This report investigates the economic effects of the alternatives proposed in Amendment 28 to the Reef Fish Fishery Management Plan (FMP) of the Gulf of Mexico. Amendment 28 considers revising the 51% commercial/49% recreational allocation formula set in Amendment 1 to the Reef Fish FMP. Specifically, alternatives 2 through 4 consider increasing the recreational sector allocation by 3%, 5% and 10%, respectively; whereas alternatives 5 and 6 would only reallocate quota increases when the red snapper quota is greater than 9.12 million pounds (mp) whole weight (ww) (Table 2). Alternative 5 would allocate 75% of quota increases (above 9.12 mp) to the recreational sector and 25% to the commercial sector, whereas alternative 6 would allocate 100% of the quota increases (above 9.12 mp) to the recreational sector.

Conceptually, the economic value of a two-sector fishery, given a set quota level, reaches a maximum when quota is efficiently allocated among the two sectors. This occurs when the net benefit of the last unit of quota allocated to one sector equals the net benefit of the last unit of quota allocated to the other sector. If these marginal net benefits are not equal, then the economic benefits to the nation can be improved by shifting quota from the sector with the lower marginal net benefit to the sector with the higher marginal net benefit for a unit of quota.

In the 2012 red snapper allocation analysis (Agar and Carter 2012a), we found that the current allocation was not economically efficient because the marginal net benefit for an additional unit of quota differed between the commercial and recreational sectors. However, we cautioned that the extent to which economic benefits could be increased via reallocation could not be adequately determined at the time. We noted that additional research, improvements in the quality of existing data collections, and new data collections were necessary in order to estimate the economic effects of non-marginal changes to allocation. The caveats mentioned in Agar and Carter (2012a) also

apply to this analysis. The methods used in this analysis follow our earlier work with red snapper and grouper species (Agar and Carter 2012a, b; Carter et al. 2008).

The remainder of the report is structured as follows. Section 2 describes the estimation of the commercial net benefits for the proposed reallocation alternatives. Section 3 describes the calculation of the recreational net benefit for the proposed allocation changes. The last section summarizes the economic effects of the proposed reallocation alternatives and discusses the key results of the analysis.

Commercial Sector Analysis

We explored the economic effects of alternative red snapper quota reallocations using two alternative approaches. The first approach attempted to estimate a derived demand model for red snapper allocation (leased quota) from indirect, trip-level revenue (profit) functions analogous to the framework used by Squires and Kirkley (1995), Carter et al. (2008), and Gentner et al. (2010). Unfortunately, this approach proved unfruitful because the absence of data on rental prices limited our ability to estimate how quasi-fixed input usage would be change in response to quota changes (see, Appendix A for discussion); hence, we pursued a second approach to estimate the economic effects of changes in the allocation formula. The second approach used a reduced form, linear equation to examine the relationship between red snapper allocation prices and quota levels (Newell et al. 2005). In the red snapper commercial fishery, IFQ allocation is the actual poundage of red snapper that shareholder or allocation holder can possess, land, or sell during a given calendar year.

We use allocation prices because they serve as sound proxies for net economic benefits because fishermen will only purchase additional units of allocation as long the as the expected net revenue of the last unit of allocation purchased equals or exceeds the allocation price. At the margin, the

net revenue of last unit of allocation purchased should equal the allocation price. In other words, the market based allocation prices are expected to reflect the expected net revenue from holding additional units of allocation (Clark, 1982; Newell et al. 2005).

In well-behaved quota markets, we expect allocation prices to be a function of, among other things, output and factor prices, harvesting technology, fish abundance, and quota. In particular, we expect the allocation price for red snapper to be positively related to the dockside price of red snapper and negatively related to input prices such as fuel. Also, all other things being equal, as quota levels increase, allocation prices are expected to fall.

Specification and Data for the Allocation Price Regression

We used a specification for the allocation price equation that is similar to the one put forth by Newell et al. (2005). However, our specification is considerably more parsimonious given data limitations and the number of observations available. Specifically, we modelled the average monthly red snapper allocation prices as a function of red snapper dockside prices, diesel fuel price index, annual red snapper quota levels, and dummy variables for quarter and year.²²

Data on quota levels, and allocation and dockside prices were obtained from the Southeast Regional Office (SERO) IFQ Database.²³ The diesel (#2, WPU057303) price index was obtained from the U.S. Bureau of Labor Statistics along with the consumer price index (CUSR0000SA0) that was used to adjust all prices to 2012 dollars. The analysis focused on the 2007-2012 period when the IFQ program was in place. About 80 percent of the allocation transactions reported zero or very low allocation prices because many participants were concerned about privacy and also because many of the transactions are believed that to have involved non-arm length transfers

²² We tried other specification that regressed allocation prices against the number of monthly allocation transfers, monthly landings and cumulative landings but these were not statistically significant.

²³ In the commercial red snapper fishery, landings are usually expressed in pounds gutted weight (gw) and dockside, share and allocation prices in dollars per pound of gw. The whole weight to gutted weight conversion factor is 1.11.

between related accounts. Therefore, we created monthly allocation price averages using only observations with values greater or equal \$1.2 but less or equal than \$5. In addition, because many dockside prices for red snapper were reported as net of allocation price (i.e., dockside price minus allocation price) we generated monthly dockside prices using observations with prices equal or greater than \$2.6 and but less than \$10. The values generated for monthly allocation and dockside prices follow the guidelines used in the 5 year review of the red snapper IFQ program. The descriptive statistics of the variables used in the analysis are found in Table 3.

Commercial Sector Results

Table 4 shows the OLS results of 4 different models that considered the relationship between red snapper allocation prices and dockside prices, diesel price index, quarterly and yearly variables, and quota levels. In general, the results show that much of the variation in average allocation prices is explained by yearly dummies. Most of the explanatory variables such as dockside prices, diesel 2 index, are not statistically significant when yearly dummy variables are included (Models 2 and 3). Only Model 4 yields a quota parameter that is negative and statistically significant at the 5% level.

To predict the effect of changing quotas on allocation prices while controlling for dockside price, diesel fuel prices and quarterly and yearly fixed effects we use Model 4. The predicted mean allocation price over a range of quotas levels is shown in Table 5 along with the lower (95Lower) and upper (95Upper) confidence estimates of the mean. Table 6 shows the estimated forgone annual net economic benefits from reallocating quota from the commercial to the recreational sector. Alternative 2 (3% change in allocation) was the least onerous alternative to the commercial sector resulting in a net annual loss of \$0.8 million, whereas alternative 4 (10% change in allocation) and 6 (100% allocation of quota increases above 9.12 mp) were the most onerous

alternatives to the commercial sector resulting in an annual loss in net benefits of \$2.9 million and \$2.5 million, respectively.

Recreational Sector Analysis

This section describes the methods used to determine the change in economic net benefits to the recreational sector associated with the allocation alternatives proposed for red snapper in the Gulf of Mexico. The general method is simple: the net benefits of a change in allocation equal the implied change in harvest times the net benefit per pound of fish. Most of this section is spent discussing the approach used to calculate the net benefit for a pound of fish in the recreational sector. We provide further discussion of the concept of net benefit, or willingness-to-pay (WTP), in our previous report on red snapper (Agar and Carter 2012b).

Background and Assumptions

There is no quota market (e.g., ITQ) for recreationally harvested red snapper in the Gulf of Mexico. Nor are harvest estimates timely enough to allow “real-time” quota monitoring in the recreational sector. Therefore, any additional quota allocated to the recreational sector must be distributed via changes in fishing regulations (e.g., bag limits and season length). The regulations used to distribute additional quota can influence the amount of economic benefit generated, if any. In fact, preliminary research at the University of Maryland suggests that the way the recreational sector is managed has important implications for the way we should *measure* the economic benefits of reallocation. Discussion of this issue is beyond the scope of this report, but should be kept in mind as many of the margins we discuss below (trips per season, harvest per trip, etc.) are irrelevant to the analysis if there is no mechanism in place to sort anglers along the margin according to their preferences.

Consider the ways in which aggregate recreational harvest might increase given a reallocation. That is, how can an increase in harvest allocated to the recreational sector be absorbed? In general, aggregate harvest can increase if more pounds are harvested per trip or if more trips are taken. Pounds per trip can increase when more or bigger fish are harvested per trip either because of improvements in the stock, a change in the bag or size limit, changes in technology, or an increase in the time spent fishing per trip. An increase in trips occurs when new anglers start fishing, existing anglers take more trips, or existing trips are redirected from other species to harvest red snapper.

Based on discussions with Council and SERO staff, we assume that there will be no change in the number of pounds harvested per trip, primarily because the Council is unlikely to change the bag or minimum size limits. The Council is likely to extend the red snapper fishing season to allocate additional harvest to the recreational sector. Given data and model limitations we are forced to take a narrow view regarding the effect of the longer season on fishing activity. Specifically, we assume that no new anglers will start fishing and that existing anglers will not change the number of trips they take when the season is extended. If there are no new anglers or trips and the harvest per trip is unchanged, then aggregate harvest can only increase if anglers previously fishing for other species *redirect* to harvest red snapper when the season is open. These assumptions were implicit in our previous analyses, but were somewhat less controversial because we were measuring economic value at the margin or evaluating very small allocation changes. Presently, the Council is considering relatively larger changes in allocation (e.g., 10 percent) and the assumptions of no new anglers or trips are more tenuous. In any case, if new anglers or trips result from the increase in allocation to the recreational sector and the extension of the season, then the increase in economic benefits would probably be higher than measured in this report.

We make five other methodological assumptions:²⁴ 1) anglers harvest the bag limit, i.e., harvest two red snapper per trip; 2) the average weight per red snapper is 6.34 based on the average from 2011; 3) the net benefit of two red snapper harvested per trip is the same for all trips taken over the season; 4) the net benefit curve for the number of red snapper harvested per trip is estimated using data from 2003; and 5) changes in net benefits to for-hire operators are not measured. Currently, the daily bag limit of red snapper is two fish. Figure 1 demonstrates the potential sensitivity of our results to the different assumptions about the average fish weight and the number of red snapper harvested per trip. In general, the heavier the fish on average, the lower the measures of net benefit. This somewhat counterintuitive outcome is because lower weight fish means more fish can be caught for a given quota increase. Similarly, if we were to assume that only one fish is harvested per trip, instead of two fish, then the measures of net benefit would be higher, as the preference for a second fish is less than for the first.

As we describe below, our estimate of angler benefit for fish on a trip is based on data from 2003 (inflation adjusted). Currently an economic survey of anglers in the Gulf of Mexico is being fielded and is scheduled to end in spring of 2014. We will have some preliminary results by the end of the year. Until then, however, we do not know whether estimates using more recent data would be higher or lower than the estimates from the 2003 data. Consequently, we cannot speculate as to how our measures of the economic value associated with increased quota in the recreational sector would change with more recent data.

We do not attempt to measure changes in economic value (producer surplus) accruing to operators/owners in the charter and head boat industry. In fact, by assuming that trips do not

²⁴ As in the previous analyses, we also ignore dynamic feedbacks (e.g., congestion or stock effects) because this type of response is unlikely to be significant in the short-term, i.e. one year.

change, we are also assuming that the only way to have changes in producer surplus would be for for-hire profits to be relatively higher on trips that offer red snapper. The angler benefit estimates described below suggest that some anglers are indeed willing to pay a premium for trips that offer red snapper. However, for the analysis we assume that trip costs are same regardless of species offerings such that the all economic value increase (surplus) from longer seasons accrues to anglers. Our estimates of the economic value associated with increased quota in the recreational sector would be higher if we were to include the value accruing to the for-hire sector operators/producers. The potential consequences for our results of relaxing the key assumptions we have described are summarized in Table 7 .

Calculation of the Net Benefit of Two Red Snapper Harvested per Trip

Following Agar and Carter (2012a,b) we use the results from an analysis of a stated preference choice experiment conducted in 2003 (Carter and Liese 2012). In this analysis, the total benefit²⁵ for harvest of species j per trip by angler i is given by

$$(1) \quad TB_{ij}(h) = \beta_{ij} \sinh^{-1} h_j$$

where β_{ij} is a preference parameter for the harvest of h_j number of fish of species j . The preference parameters are randomly distributed and correlated across species as a multivariate normal: $\beta_{ij} \sim N(\bar{\beta}_j, \Omega)$ where a $\bar{\beta}_j$ is the mean vector and Ω is the covariance matrix for the joint distribution. Expression 1 measures the amount of money you would have to take from angler i to make him indifferent to harvesting h fish per trip versus no fish per trip. Figure 2 shows the total benefit function plotted over the number of fish harvested per trip for each species evaluated at the

²⁵ Total benefit is measured by the compensating variation that equates the indirect utility of a trip harvesting h fish of species j with the indirect utility of a trip that harvests zero fish of species j .

mean value of the preference parameter.²⁶ This figure suggests that the average angler would be willing to pay around \$200 to keep two red snapper on a trip versus a trip where no red snapper could be kept. Note, however, that we are assuming that red snapper harvest increases with an extended season because anglers redirect from harvesting another species. Therefore, we need to subtract the total anglers get from the harvest of their next preferred species to get a net benefit for the opportunity to harvest two red snapper on a trip. We used the following Monte Carlo simulation to estimate this net benefit and associated confidence bounds:

1. Draw 10,000 vectors of 14 parameters from the multivariate normal, including 4 species preference parameters, $(\bar{\beta}_1, \bar{\beta}_2, \bar{\beta}_3, \bar{\beta}_4)$, and the 10 components, $(\rho_{11}, \rho_{21}, \rho_{22}, \rho_{31}, \rho_{32}, \rho_{33}, \rho_{41}, \rho_{42}, \rho_{43}, \rho_{44})$, of the lower triangular Cholesky factorization matrix corresponding to the estimate of Ω . The mean preference parameters and Cholesky terms along with the corresponding covariance matrix are shown in the Appendix.
2. For each of the 10,000 vectors of preference parameters and lower triangular Cholesky factorization matrix elements drawn in step 1:
 - a. Draw 10,000 “anglers” or coefficient vectors, $(\bar{\beta}_{i1}, \bar{\beta}_{i2}, \bar{\beta}_{i3}, \bar{\beta}_{i4})$, from the multivariate normal using the mean preference parameters and the Cholesky factorization matrix terms as follows:

$$\begin{pmatrix} \beta_{i1} \\ \beta_{i2} \\ \beta_{i3} \\ \beta_{i4} \end{pmatrix} = \begin{pmatrix} \bar{\beta}_1 \\ \bar{\beta}_2 \\ \bar{\beta}_3 \\ \bar{\beta}_4 \end{pmatrix} + \begin{bmatrix} \rho_{11} & & & \\ \rho_{21} & \rho_{22} & & \\ \rho_{31} & \rho_{32} & \rho_{33} & \\ \rho_{41} & \rho_{42} & \rho_{43} & \rho_{44} \end{bmatrix} \begin{bmatrix} \zeta_{i1} \\ \zeta_{i2} \\ \zeta_{i3} \\ \zeta_{i4} \end{bmatrix}$$

²⁶ The graph is plotted from zero to five fish, but the original experiment did not include alternative trips in which no fish were harvested. Hence the value of one fish is an out-of-sample extrapolation. Zero marginal value for zero fish is a quite plausible assumption.

where the ζ terms are drawn from the standard normal distribution.

- b. Calculate total benefit for two fish per trip for each species for each of the 10,000 “anglers” drawn in 2a using equation 1.
 - c. Based on the results in 2b, keep the “red snapper anglers” where the total benefit for red snapper is greater than the total benefit for other species.
 - d. For each “red snapper angler”, calculate the net benefit as the total benefit for red snapper minus the total benefit for the species with the next highest total benefit.
 - e. Return the mean (and median) net benefit over the vector calculated in 2d.
3. Calculate the mean and confidence bounds based on the 10,000 estimates of the mean and median net benefit generated by evaluating step 2 on each of the vectors drawn in step 1.

This measure of net benefit is converted to net benefit per pound by dividing by the pounds per fish and the number of fish harvested on the trip, assumed to be two fish based on the current bag limit.

The results of the simulation are shown in Table 8. On average around 20% of the 10,000 anglers “preferred” red snapper over the other three species, i.e., these anglers had a total benefit for red snapper that was higher than the total benefit for any other species. The mean and confidence bounds are shown for the simulated mean and median net benefit estimates in 2003 and 2012 dollars. We also show the results converted to the net benefit per pound. The estimates range from \$8 to \$12 per pound in 2012 dollars. Note that these confidence bounds only account for parameter uncertainty and the heterogeneity angler preferences. There are other potential sources (e.g., structural or model) of uncertainty that are not captured.

Recreational Sector Results

Table 9 shows the economic value of changes in the red snapper allocation to the recreational sector. The allocation is shown in the first column and the change in the allocation from the Alternative 1 (status quo) is shown in the second column. The numbers in the second column are multiplied by the *mean* net benefit per pound in 2012 dollars (\$11.21) from Table 8 to get the change in economic value relative to the status quo that is presented in the last column. This simple method ensures that the change in economic value moves in the same direction and is proportional to the change in allocation to the recreational sector.

Results and Conclusions

Amendment 28 to the GOM Reef Fish FMP is revisiting the existing allocation formula between the commercial and recreational sectors. Specifically, the Amendment is considering alternatives that would increase the recreational sector allocation between 3% and 10% or assigning 25% or 100% of the quota increases to the recreational sector when snapper quota is greater than 9.12 mp ww.

This analysis shows that on economic efficiency grounds, benefits to the nation could be increased by redistributing some of the quota from the commercial to the recreational sector. In general, the larger the share of quota redistributed to the recreational sector, the greater the economic benefits to the nation. The analysis suggests that the 10% redistribution alternative generates the most benefits to the nation, at about \$6.16 million annually whereas the 3% redistribution alternative generates the least benefits to the nation of about \$1.92 million annually. Table 9 summarizes the key results of the analysis. We caution, however, that the results of this analysis are conditional on a number of simplifying assumptions and, strictly speaking, apply at the margin and to the quota level at the time the data were collected. The methods and assumptions become tenuous at “large” reallocations. As emphasized in our previous allocation work (Agar

and Carter 2012a, b), more and better data and analysis are necessary to accurately measure the potential economic implications of relatively large reallocations of fishery stocks as well as adequately capture other economic surpluses in the wholesale and retail markets. However, some of these surpluses are not expected to be large due to the presence of substitutes.

Finally, it should be pointed out, that National Standard 5 of the Magnuson Stevens Reauthorization Act of 2006 states “Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.” In other words, economic efficiency considerations alone should not be the only guiding criteria for making re-allocation decisions.

Table 2. Gulf of Mexico Red Snapper Allocation Alternatives

Alternative	Commercial Sector		Recreational Sector	
	Quota (Million Pounds Whole Weight)	%	Quota (Million Pounds Whole Weight)	%
1 (Status Quo)	5.610	51.0	5.390	49.0
2	5.280	48.0	5.720	52.0
3	5.060	46.0	5.940	54.0
4	4.510	41.0	6.490	59.0
5	5.121	46.6	5.879	53.4
6	4.651	42.3	6.349	57.7

Table 3. Descriptive Statistics of the Variables Used in the Analysis (n=72)

Variable	Mean	Median	Std. dev.	Min	Max
Red snapper monthly allocation price (\$/lb)	2.84	2.98	0.34	1.99	3.31
Red snapper monthly dockside price (\$/lb)	4.37	4.42	0.13	4.05	4.54
Diesel #2 price index	0.85	0.83	0.21	0.44	1.36
Red Snapper commercial quota (Million Pounds Gutted Weight)	2.81	2.99	0.52	2.30	3.71

Sources: NOAA IFQ Database and BLS. All prices are adjusted to 2012 dollars using the CPI.

Table 4. Allocation Price Regression Results (n=72)

Independent Variables	Model 1	Model 2	Model 3	Model 4
Intercept	-6.70523*** (0.61902)	-6.81492*** (0.60554)	0.77921 (1.31535)	1.51673 (1.43179)
Monthly dockside price	2.13208*** (0.14335)	2.15326*** (0.14021)	0.45214 (0.29226)	0.34118 (0.30846)
Diesel #2 price index	-0.12826 (0.09848)	-0.16243** (0.09714)	-0.15544 (0.13327)	-0.23727* (0.13504)
Commercial Quota	0.11914*** (0.04145)	0.13078*** (0.04237)	-0.09668 (0.06520)	-0.20046** (0.08734)
Quarter 2		0.05893 (0.05162)		0.05401 (0.04198)
Quarter 3		0.05534 (0.05287)		0.13020** (0.04961)
Quarter 4		-0.06062 (0.05252)		0.06270 (0.05119)
Year 2008			0.20261** (0.08427)	0.20201*** (0.08185)
Year 2009			0.52325*** (0.09461)	0.50200*** (0.09345)
Year 2010			0.68000*** (0.10973)	0.72767*** (0.11596)
Year 2011			0.74341*** (0.12851)	0.85477*** (0.14463)
Year 2012			0.76603*** (0.14856)	0.91003*** (0.17169)
R Squared	0.7976	0.8176	0.8851	0.8978
Adjusted R Squared	0.7886	0.8008	0.8705	0.8791
F Value	89.31	48.56	60.66	47.92
Prob.> F	<.0001	<.0001	<.0001	<.0001

Table 5. Predicted Mean Allocation Price at Different Quota Levels

Quota (Million Pounds Gutted Weight)	Predicted Price (\$/lb)		
	Mean	95Lower	95Upper
4.06	2.95	2.69	3.21
4.19	2.93	2.66	3.19
4.56	2.85	2.56	3.15
4.61	2.84	2.55	3.14
4.76	2.81	2.50	3.12
5.06	2.75	2.41	3.10

Table 6. Annual Economic Cost (Losses) to the Commercial Sector of the Various Reallocation Alternatives.

Alternative	Quota (Million Pounds Gutted Weight)	Quota share (%)	Poundage lost relative to Alt. 1	Economic cost (losses) (\$ million/year)
1 (Status quo)	5.06	51	-	-
2	4.76	48	0.30	0.8 (0.7-0.9)
3	4.56	46	0.50	1.4 (1.2-1.6)
4	4.06	41	1.00	2.9 (2.6-3.2)
5	4.61	46.6	0.45	1.3 (1.1-1.4)
6	4.19	42.3	0.87	2.5 (2.2-2.7)

Table 7. Effect of Relaxing Key Assumptions in Recreational Sector Analysis

Assumption	Relaxing Assumption Makes Results
No new anglers or trips	Higher
All trips harvest two red snapper	Higher
Data from 2003	?
Only measured value to angler (i.e., for-hire operators not included)	Higher

Table 8. Net Benefit for Two Red Snapper Keep Calculated from the Simulation

	Simulated Mean	Simulated Median
--Net Benefit (2003 dollars)--		
Mean	\$114.06	\$92.75
95Lower	\$104.71	\$84.09
95Upper	\$123.73	\$101.74
--Net Benefit (2012 dollars)--		
Mean	\$142.11	\$115.56
95Lower	\$130.46	\$104.76
95Upper	\$154.16	\$126.76
--Net Benefit per pound (2012 dollars)--		
Mean	\$11.21	\$9.11
95Lower	\$10.29	\$8.26
95Upper	\$12.16	\$10.00

Notes: The 2003 dollars are inflated to 2012 dollars using the January CPI from series CUSR0000SA0. The net benefit per pound is based on two fish at 6.34 pounds each.

Table 9. Economic Value of Changes in the Red Snapper to the Recreational Sector

Alternative	Recreational Allocation (Million Pounds Whole Weight)	Change in Recreational Allocation from Alt1	Change in Economic Value to Anglers Relative to Alt1 (Millions\$)
1 (Status Quo)	5.39		
2	5.72	0.33	\$2.72
3	5.94	0.55	\$4.53
4	6.49	1.1	\$9.06
5	5.88	0.49	\$4.03
6	6.35	0.96	\$7.90

Table 10. Change in Benefits (Millions of Dollars) to the Commercial and Recreational Sectors and the Net Benefits of the Alternative Allocations Relative to the Status Quo (Alternative 1)

Alternative	Commercial	Recreational	Net
2	-\$0.80	\$2.72	\$1.92
3	-\$1.40	\$4.53	\$3.13
4	-\$2.90	\$9.06	\$6.16
5	-\$1.30	\$4.03	\$2.73
6	-\$2.50	\$7.90	\$5.40

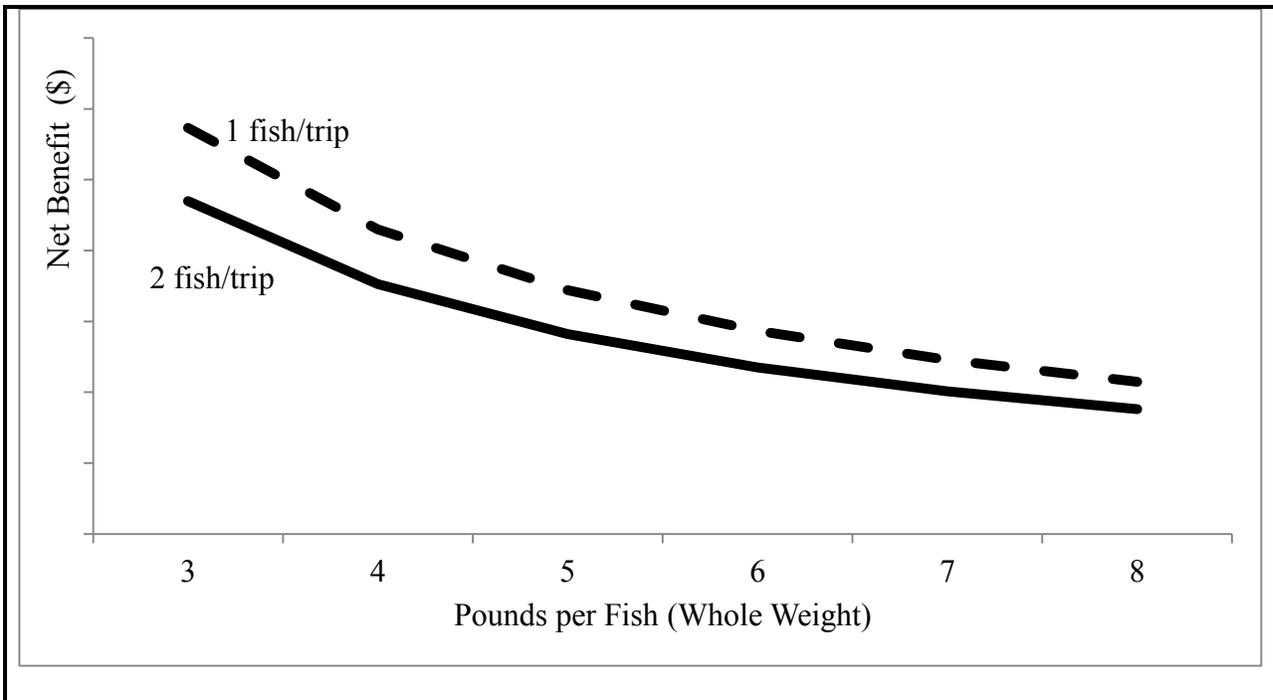


Figure 1. Sensitivity of Recreational Net Benefit Calculations to Pounds per Fish and the Number of Fish Harvested per Trip.

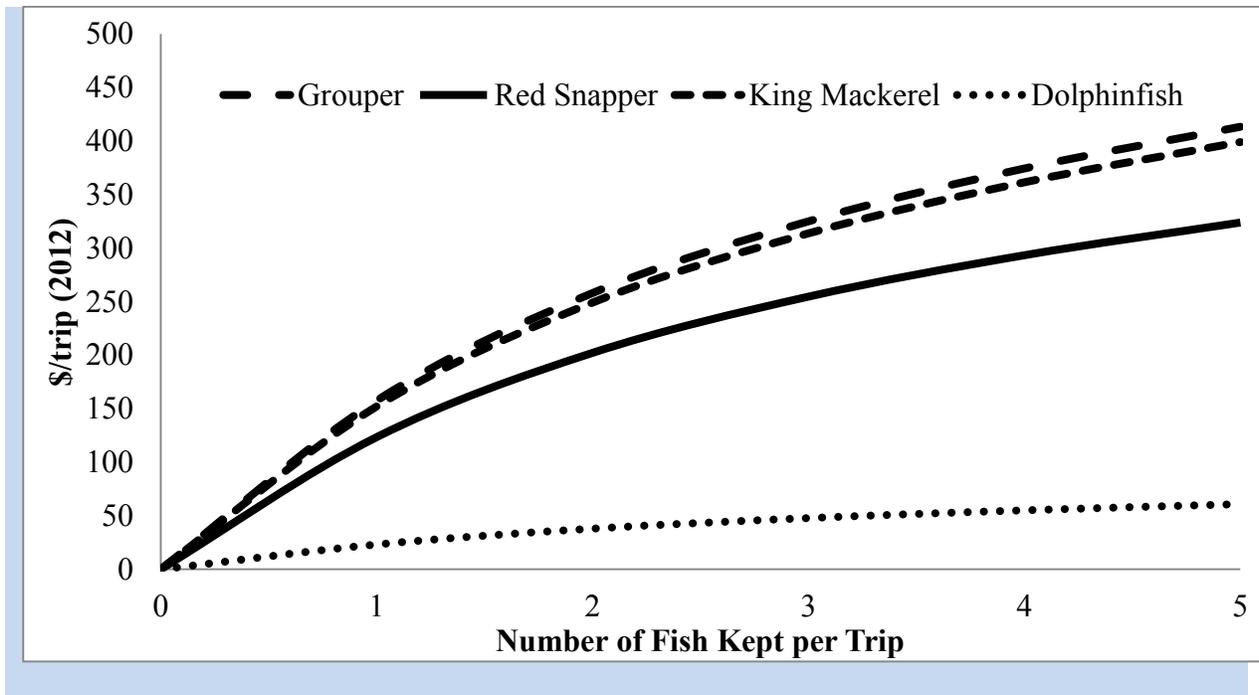


Figure 2. Average Angler Total Benefit by Number of Fish Kept per Trip for each Species

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Appendix A: Discussion of the Derived Demand Approach to Benefits Estimation in the Commercial Sector

This approach models how fishermen choose their profit maximizing species mix at the trip level given quasi-fixed inputs (e.g., capital and labor available), weather, resource constraints, relative product prices, etc. These models can examine how fishermen would change their harvest mix and revenue stream if either quota(s) were imposed or quota levels were changed. This can be done by imputing a *virtual or net dockside price* (i.e., *dockside price minus allocation price*) for each of the quota-constrained species.²⁷ After determining the impact of virtual prices on the harvest level and mix of the fleet, the economic impact of quota changes can be calculated by integrating under the allocation price curve.

For the red snapper allocation analysis, we estimated the output (harvest) supply functions derived from two different Leontief revenue specifications. The first specification included two species (i.e., red snapper and other species) and the second one included three species (i.e., red snapper, other mid-water snappers-mainly vermilion snapper, and other species). These models regressed each species (or species' group) harvest per trip against relative dockside prices (virtual price for red snapper since it was quota constrained), quasi-fixed input (i.e., crewdays*vessel length), and dummy variables for quarter, year, and region (i.e., Panhandle Florida plus Alabama and Mississippi, Non-Panhandle Florida, Texas, Louisiana).

In general, we found that own-price elasticity of supply of red snapper was positive but fairly inelastic suggesting that fishermen have limited ability to re-adjust their production of red snapper in response to changes in its own-virtual price. To examine the economic effect of changing quota levels, we assumed that fishermen would take same number of trips as in 2012 and would readjust

²⁷ Virtual prices are equivalent to those 'net' dockside prices (i.e., dockside price minus allocation price) that would induce a fishing vessel operating without quota constraints to operate in the same manner as when faced with quotas (Squires and Kirkley, 1991).

their catch mix in response to changes in red snapper's virtual price. Unfortunately, these models predicted that the fleet could not exhaust the 36.4% increase in red snapper quota, from 3.71 mp gutted weight (gw) in 2012 to 5.06 mp gw in 2013, by re-organizing their product mix at the 2012 effort levels indicating that the relatively large quota increase could only be absorbed with additional trips. Because we do not have the information on rental prices for quasi-fixed inputs (i.e., of crew days times vessel length) currently we cannot determine how effort would change in response to changes in the quota/virtual price (Squires and Kirkley, 1991).

Appendix B: Materials for the Monte Carlo Simulation in the Recreational Sector Analysis

Table B.1. Mean Parameters

Species	Type	Symbol	Mean Estimate	Covariance Matrix Label
dolphin	Beta	β_3	2.1	d
dolphin, grouper	Cholesky	ρ_{13}	0.549	dg
dolphin, red snapper	Cholesky	ρ_{23}	0.423	dr
grouper	Beta	β_1	1.43	g
king mackerel	Beta	β_4	1.38	k
king mackerel, dolphin	Cholesky	ρ_{34}	0.985	kd
king mackerel, grouper	Cholesky	ρ_{14}	0.813	kg
king mackerel, red snapper	Cholesky	ρ_{24}	0.0242	kr
red snapper	Beta	β_2	1.12	r
red snapper, grouper	Cholesky	ρ_{12}	0.859	rg
dolphin, dolphin	Cholesky	ρ_{33}	10.7	dd
grouper, grouper	Cholesky	ρ_{11}	1.51	gg
king mackerel, king mackerel	Cholesky	ρ_{44}	1.69	kk
red snapper, red snapper	Cholesky	ρ_{22}	1.03	rr

Table B.2. Covariance Matrix

	d	dg	dr	g	k	kd	kg	kr	r	rg	dd	gg	kk	rr
d	0.0873	0.00136	0.00101	0.00349	0.00422	0.00201	0.00111	2.96E-05	0.0028	0.00115	-0.00072	0.00217	0.00243	0.00158
dg	0.00136	0.00159	0.000848	0.000605	0.00048	0.00111	0.000153	3.24E-05	0.000396	0.000316	0.00495	0.000587	0.000635	0.000371
dr	0.00101	0.000848	0.00127	0.000445	0.000372	0.000806	0.000184	-5.6E-05	0.000309	0.000256	0.00438	0.000434	0.0005	0.000343
g	0.00349	0.000605	0.000445	0.00365	0.00171	0.000997	0.00079	6.19E-05	0.00131	0.000792	0.00982	0.00159	0.00168	0.00102
k	0.00422	0.00048	0.000372	0.00171	0.00416	0.000905	0.000852	3.23E-05	0.0012	0.000784	0.00925	0.00134	0.00166	0.000872
kd	0.00201	0.00111	0.000806	0.000997	0.000905	0.00269	0.000479	5.12E-05	0.000694	0.000566	0.00843	0.000982	0.00114	0.000656
kg	0.00111	0.000153	0.000184	0.00079	0.000852	0.000479	0.0022	-0.00019	0.000613	0.000656	0.00636	0.000971	0.000918	0.000552
kr	2.96E-05	3.24E-05	-5.6E-05	6.19E-05	3.23E-05	5.12E-05	-0.00019	0.000841	1.44E-05	-5.6E-05	-0.00015	6.38E-05	0.000101	6.16E-05
r	0.0028	0.000396	0.000309	0.00131	0.0012	0.000694	0.000613	1.44E-05	0.00291	0.000575	0.00713	0.00106	0.00118	0.00071
rg	0.00115	0.000316	0.000256	0.000792	0.000784	0.000566	0.000656	-5.6E-05	0.000575	0.00146	0.00632	0.00103	0.000991	0.000559
dd	-0.00072	0.00495	0.00438	0.00982	0.00925	0.00843	0.00636	-0.00015	0.00713	0.00632	0.132	0.0103	0.012	0.00657
gg	0.00217	0.000587	0.000434	0.00159	0.00134	0.000982	0.000971	6.38E-05	0.00106	0.00103	0.0103	0.00239	0.00172	0.00101
kk	0.00243	0.000635	0.0005	0.00168	0.00166	0.00114	0.000918	0.000101	0.00118	0.000991	0.012	0.00172	0.00312	0.00111
rr	0.00158	0.000371	0.000343	0.00102	0.000872	0.000656	0.000552	6.16E-05	0.00071	0.000559	0.00657	0.00101	0.00111	0.00144

Mathematica Notebook for the Net Benefit of 2 Red Snapper Harvested on a Trip (referred to as “Net WTP” in the Notebook)

Total willingness-to-pay (WTP) function

```
twtp=b ArcSinh[h];
```

Parameters from the 2003 SPCE model (grouper, red snapper, dolphinfish, and king mackerel)

Mean (scaled) random parameter vector and corresponding covariance matrix

```
betas={1.430,1.120,2.100,1.380} ;  
cov={{3.450,1.510,5.901,0.205},  
      {1.510,1.970,4.543,0.557},  
      {5.901,4.543,115.000,10.579},  
      {0.205,0.557,10.579,4.840} };
```

Select the number corresponding to the species for the rest of the analysis (red snapper is species 2)

```
sn=2.;
```

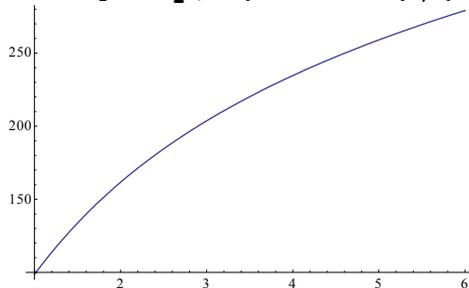
Plot of total willingness-to-pay parameterized with the mean species parameter from the 2003 SPCE model

Select the mean parameter of the species of interest and rescale

```
beta=betas[[sn]] 100.;
```

Plot of the total from one to six fish

```
Plot[twtp/.{b→beta},{h,1,6}]
```



Total WTP per trip at one and two fish

```
twtp/.{b→beta, h→1}  
twtp/.{b→beta, h→2}
```

```
98.7138
161.687
```

Set seed for random draws

```
SeedRandom[1234];
```

Function to select rows from a matrix based on criteria applied to one column.

```
select[table:{colNames_List,rows__List},where[condition_] :=
With[{self=Apply[Function,Hold[condition]/.Dispatch[Thread
[colNames→Thread[Slot[Range[Length[colNames]]]]]]],Select[
{rows},self@@#&]];
```

Parameter estimates and related covariance matrix from the RPL model, including the heterogeneity (covariance) terms.

```
betas0={2.1,0.549,0.423,1.43,1.38,0.985,0.813,0.0242,1.12,0.859,10.7,1.51,1.69,1.03};
cov0=Import["C:\\Users\\dcarter\\Desktop\\working\\projects\\seConjoint2003\\output\\BIOGEME\\runToGetVCOV\\vcov.csv"];
```

Create a multivariate normal distribution with the mean parameter estimates and related covariance matrix from the RPL model.

```
betasn0=MultinormalDistribution[betas0,cov0];
```

Draw 10,000 vectors of the parameter estimates from the RPL model, including the heterogeneity (covariance) terms.

```
betasn0100=RandomVariate[betasn0,10000.] ;
```

Functions to correctly order the parameter vector and Cholesky matrix and to reconstruct the covariance matrix of the random parameters.

```
cbetas[b_] := {b[[4]],b[[9]],b[[1]],b[[5]]}
ccol[c_] :=
(
cc={
{c[[12]],0,0,0},
{c[[10]],c[[14]],0,0},
{c[[2]],c[[3]],c[[11]],0},
{c[[7]],c[[8]],c[[6]],c[[13]]}
}
)
ccov[c_] :=
(
ccol[c].ConjugateTranspose[ccol[c]]
)
```

```

)
MatrixForm[ccol[betas0]]
MatrixForm[ccov[betas0]]
MatrixForm[cov]
({_
 {1.51, 0, 0, 0},
 {0.859, 1.03, 0, 0},
 {0.549, 0.423, 10.7, 0},
 {0.813, 0.0242, 0.985, 1.69}
}_)
({_
 {2.2801, 1.29709, 0.82899, 1.22763},
 {1.29709, 1.79878, 0.907281, 0.723293},
 {0.82899, 0.907281, 114.97, 10.9961},
 {1.22763, 0.723293, 10.9961, 4.48788}
}_)
({_
 {3.45, 1.51, 5.901, 0.205},
 {1.51, 1.97, 4.543, 0.557},
 {5.901, 4.543, 115., 10.579},
 {0.205, 0.557, 10.579, 4.84}
}_)

```

Function to calculate the net WTP for *fish* red snapper on a trip when red snapper is available given d draws from a multivariate normal distribution of random parameters given a vector *betasa* including the four preference parameters and the 10 elements of the lower triangular Cholesky matrix corresponding with the preference parameter covariance matrix.

```

netWTP[fish_,d_,betasa_]:=
(
betasns100=Table[cbetas[betasa]+Transpose[ccol[betasa]].RandomVariate[NormalDistribution[],4],{i,1,d}] 100;
wtp2=Table[twtp/.{b->betasns100[[All,i]],
h->fish},{i,1,4}];
wtp2[[3,All]]=wtp2[[3,All]]/10;
wtp2t=Transpose[wtp2];
tt=Table[Max[wtp2t[[i,All]]]==wtp2t[[i,2]],{i,d}];
wtp2tf=MapThread[Prepend,{wtp2t,tt}];
wtp2tff=Prepend[wtp2tf,{"rsmax","wtp2g","wtp2r","wtp2d","wtp2k"}];
wtp2tff0=select[wtp2tff,where["rsmax"==True]];
tt2=Table[wtp2tff0[[i,3]]-
Max[wtp2tff0[[i,{2,4,5}]]],{i,Length[wtp2tff0]};
drs=Length[tt2];

```

```
{N[drs/d], If[drs==0, 0, Mean[tt2]], If[drs==0, 0, Median[tt2]]}
)
```

Test evaluation for 2 fish using 10,000 draw and the means of the four preference parameters and the 10 elements of the lower triangular Cholesky matrix

```
netWTP[2, 10000., Mean[betasn0]]
{0.2328, 114.867, 93.2638}
```

Launch the kernels used for parallel evaluation and distribute the netWTP function to each kernel.

```
LaunchKernels[]
DistributeDefinitions[netWTP]

{KernelObject[1, local], KernelObject[2, local], KernelObject[3,
local], KernelObject[4, local], KernelObject[5, local], KernelO
bject[6, local]}
```

Use the 10,000 vectors of the parameter estimates from the RPL model to run the net red snapper WTP function 10,000 times.

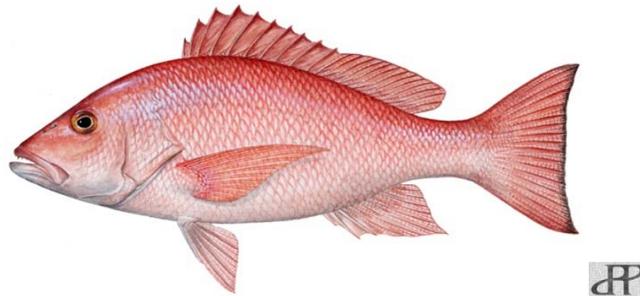
```
netWTPmc=ParallelTable[netWTP[2, 10000., RandomVariate[Multin
ormalDistribution[betas0, cov0]]], {i, 1., 10000.}];
```

Summary statistics from the run of the net red snapper WTP function 10,000 times

```
Mean[netWTPmc]
Median[netWTPmc]
Quantile[netWTPmc, 1-.975]
Quantile[netWTPmc, .975]
(Quantile[netWTPmc, .975]-Mean[netWTPmc])/Mean[netWTPmc]
(Quantile[netWTPmc, .025]-Mean[netWTPmc])/Mean[netWTPmc]
{0.22749, 114.063, 92.7491}
{0.2274, 114.066, 92.6894}
{0.2032, 104.709, 84.086}
{0.2525, 123.732, 101.737}
{0.109939, 0.084772, 0.0969103}
{-0.106774, -0.0822161, -0.0934628}
```

**APPENDIX H. SENSITIVITY RUNS TO EVALUATE
THE EFFECT OF RECALIBRATED RECREATIONAL
REMOVALS AND RECREATIONAL SELECTIVITY**

Red Snapper Commercial Quota Retention for 2016



**Framework Action to the Fishery Management Plan for
the Reef Fish Resources of the Gulf of Mexico including
Environmental Assessment, Regulatory Impact Review, and
Regulatory Flexibility Act Analysis**

June 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No.NA15NMF4410011

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COVER SHEET

Withhold a Portion of the Commercial Red Snapper Quota for 2016

Framework Action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico including Environmental Assessment (EA), Regulatory Impact Review (RIR), and Regulatory Flexibility Act Analysis (RFAA)

Type of Action

Administrative Legislative

Draft Final

Responsible Agencies and Contact Persons

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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	allowable biological catch
ACL	annual catch limit
ALS	accumulated landings system
AM	accountability measure
Council	Gulf of Mexico Fishery Management Council
EA	Environmental Assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
E.O.	Executive Order
F_{level}	instantaneous fishing mortality corresponding to a given level
FMP	fishery management plan
FTE	Full-time Equivalent
GMFMC	Gulf of Mexico Fishery Management Council
Gulf	Gulf of Mexico
gw	gutted weight
IFQ	individual fishing quota
LAPP	limited access privilege program
lq	local quotient
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
mp	million pounds
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSY	maximum sustainable yield
NAICS	North American Industry Classification System
NMFS	NOAA's National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	overfishing limit
P*	acceptable probability of overfishing
RFA	Regulatory Flexibility Act
RFAA	Regulatory Flexibility Act analysis
RIR	regulatory impact review
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SSC	Scientific Statistical Committee
SPR	spawning potential ratio
SRHS	Southeast Region Headboat Survey
TAC	total allowable catch
ww	whole weight

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CHAPTER 1. INTRODUCTION

1.1 Background

The Gulf of Mexico Fishery Management Council (Council) is considering modifying the commercial and recreational sector allocations for red snapper in Amendment 28 (GMFMC 2015). The Council is expected to take final action on Amendment 28 in the fall of 2015 and in anticipation of that decision the Council has decided to set aside a portion of the red snapper commercial quota for the 2016 fishing year based on the shift in allocation that is selected in Amendment 28. The purpose of this framework action is to retain a portion of the red snapper commercial Individual Fishing Quota (IFQ) for the 2016 fishing year. If Amendment 28 is not approved at the August Council Meeting this action will not be necessary.

Amendment 28 and its Environmental Impact Statement analyzed the impacts of a reasonable range of alternatives that would change the current commercial and recreational red snapper allocation of 51:49 percent, respectively. The purpose of Amendment 28 is to reallocate the red snapper harvest consistent with the 2015 red snapper assessment update to ensure the allowable catch and recovery benefits are fairly and equitably allocated between the commercial and recreational sectors to achieve optimum yield. The current Preferred Alternative 8 would result in a 51.5 percent recreational and 48.5 percent commercial allocation.

1.2 Purpose and Need

The purpose of this action is to retain a percentage (xx %) of the commercial quota for the 2016 fishing year in anticipation of the implementation of Amendment 28. The underlying need for this action is based on the Preferred Alternative selected in Amendment 28. The need expressed in Amendment 28 is to facilitate timely implementation of sector allocations based on the best scientific information available and which use the most appropriate allocation method to determine sector allocations, while achieving optimum yield, particularly with respect to food production and recreational opportunities, and rebuilding the red snapper stock.

This action is driven by the Magnuson-Stevens Act, which requires NMFS and the regional fishery management councils to prevent overfishing while achieving, on a continuing basis, the optimum yield from federally managed fish stocks, to take into account the importance of fishery resources to fishing communities and provide for sustained participation of such communities, and to rebuild stocks that have been determined to be overfished.

1.3 History of Management

A complete history of management for the FMP is available on the Council's website: http://www.gulfcouncil.org/fishery_management_plans/reef_fish_management.php and a history of red snapper management through 2006 is presented in Hood et al. (2007). The final rule for the Reef Fish FMP (with its associated environmental impact statement [EIS]) (GMFMC 1981)

was effective November 8, 1984, and defined the Reef Fish fishery management unit to include red snapper and other important reef fish.

On April 22, 2015, NMFS published the final rule [80 FR 22422] to implement Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico submitted by the Council. The rule established two components within the recreational sector that fishes for red snapper. The two components are the federal for-hire operators and the private angling component. The rule also established sub-quotas and annual catch targets using Amendment 40's allocation of 42.3 percent to the federal for-hire component and 57.7 percent to the private angling component. This allocation is based upon a historical time series of landings (1986-2013) combined with a most recent time series (2006-2013). The component seasons will start June 1 and end when the individual component's ACT is projected to be caught. A twenty percent buffer will be applied to the recreational quota to obtain the ACT, which is then allocated between the two components. In addition, a sunset provision was selected by the Council that will end after three years unless the Council takes additional action. The final rule became effective on May 22, 2015.

Currently, the commercial sector fishing for red snapper is regulated by a 13-inch total length (TL) minimum size limit and managed under an individual fishing quota program. Recreational fishing for red snapper is managed with a 16-inch TL minimum size limit, 2-fish bag limit, and a season beginning on June 1 and ending when the recreational quota is projected to be caught. Other reef fish fishery management measures that affect red snapper fishing include permit requirements for the commercial and for-hire sectors as well as season-area closures.

CHAPTER 2. MANAGEMENT ALTERNATIVES

Action 1 – Retain a Portion of the Commercial Red Snapper Quota for 2016

Alternative 1: No Action - Distribute a 100% of the 2016 red snapper commercial quota to red snapper Individual Fishing Quota (IFQ) account shareholders on January 1, 2016.

Alternative 2: Before the distribution of the 2016 red snapper commercial quota to red snapper IFQ account shareholders, **withhold up to 34.7 % of the red snapper commercial quota**. The exact amount to be retained for later distribution will be determined by the percentage of the red snapper commercial quota that would be reallocated to the recreational sector under Reef Fish Amendment 28.

Discussion:

The Council is currently evaluating the allocation of the red snapper quota between the recreational and commercial sectors and is considering reallocation alternatives in Amendment 28 to the Reef Fish Fishery Management Plan (Reef Fish Amendment 28 – Red Snapper Allocation). For 2016, recreational and commercial quotas that would result from the reallocation alternatives in Amendment 28 are provided in Table 2.1.

Table 2.1: 2016 commercial and recreational red snapper quotas for the reallocation alternatives under consideration in Reef Fish Amendment 28. Quotas are expressed in million pounds whole weight (mp ww)

Alternatives in Amendment 28	2016 Red Snapper Quota		
	Total	Commercial	Recreational
Alternative 1 No Action	13.960	7.120	6.840
Alternative 2	13.960	6.701	7.259
Alternative 3	13.960	6.422	7.538
Alternative 4	13.960	5.724	8.236
Alternative 5	13.960	5.861	8.099
Alternative 6	13.960	4.651	9.309
Alternative 7	13.960	6.090	7.870
Preferred Alternative 8	13.960	6.768	7.192
Alternative 9	13.960	5.933	8.027

Source: Reef Fish Amendment 28

The Council has indicated that it will take final action and possibly submit Reef Fish Amendment 28 to the Secretary of Commerce for approval and implementation during its August 2015 meeting in New Orleans, LA. Based on its expected timelines for review and implementation, Reef Fish Amendment 28, if approved by the Secretary, is expected to be implemented after January 1, 2016. The commercial red snapper fishery is managed under an individual fishing program (IFQ) which distributes annual IFQ allocations to shareholders on January 1 of each year. Therefore, quota reallocations that would decrease the commercial red snapper quota (and increase the recreational quota by the same amount) would either have to be implemented before the first of the year or be delayed by a year. By withholding a portion of the commercial quota during the distribution of annual allocations to IFQ shareholders, this framework action would allow adjustments (reductions) to the 2016 commercial quota after the first of the year, in accordance with the expected timeline for the implementation of Amendment 28.

Alternative 1 – no action would not retain portions of the 2016 commercial red snapper quota. Therefore, **Alternative 1** would not allow decreases in the red snapper commercial quota after the January 1, 2016 distribution of annual IFQ allocations to shareholders. Under **Alternative 1**, the Council would not be able to decrease the commercial red snapper allocation in 2016 and would delay reallocation until 2017.

Alternative 2 would allow the Council to implement a decrease in the commercial red snapper quota after January 1, 2016 by only distributing the exact portion of the 2016 annual IFQ allocations selected as preferred in Amendment 28, to shareholders. **Alternative 2** proposes to retain a portion of the 2016 commercial red snapper quota to accommodate any decrease in the 2016 commercial quota that would result from the implementation of Amendment 28. Commercial red snapper quotas for 2016 expected to result from reallocation alternatives considered in Amendment 28 and differences between the quotas and the status quo commercial quota, i.e., without reallocation, are provided in Table 2.2.

Although the Council's current preferred alternative in Amendment 28 (Preferred Alternative 8) would decrease the 2016 commercial red snapper quota by 0.352 mp or 4.9% of the 2016 commercial quota under status quo (no reallocation), Alternative 6 in Amendment 28 could potentially decrease the 2016 red snapper commercial quota by as much as 2.469 mp (or 34.7% of the status quo commercial quota). To maintain the Council's ability to select any one of the reallocation alternatives considered in Amendment 28, **Alternative 2** in this framework action proposes to retain up to the maximum amount of red snapper that could potentially be reallocated from the commercial to the recreational sector. The exact amount of red snapper to be withheld from distribution to IFQ shareholders will be known as soon as the Council takes final action on Amendment 28. The amount withheld would be added to the 2016 recreational red snapper quota once the Secretary approves Amendment 28 for implementation. The amount of red snapper withheld would be returned to IFQ shareholders if the Council chooses not to pursue, or the Secretary disapproves Amendment 28.

Table 2.2: 2016 Commercial red snapper quotas and differences between the status quo and the commercial quotas for reallocation alternatives under consideration in Reef Fish Amendment 28. Quotas are expressed in million pounds whole weight (mp ww); Differences are expressed in mp ww and in percent of the status quo (no action) quota.

Alternative in Amendment 28	Commercial Quota in 2016	Difference	
		Pounds	Percent
Alternative 1 No Action	7.120	----	----
Alternative 2	6.701	0.419	5.9%
Alternative 3	6.422	0.698	9.8%
Alternative 4	5.724	1.396	19.6%
Alternative 5	5.861	1.259	17.7%
Alternative 6	4.651	2.469	34.7%
Alternative 7	6.090	1.030	14.5%
Preferred Alternative 8	6.768	0.352	4.9%
Alternative 9	5.933	1.187	16.7%

Source: Data from Amendment 28

Regional Management of Recreational Red Snapper



Revised Actions and Alternatives for Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

June 2015



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Gulf of Mexico Reef Fish Amendment 39

Draft Environmental Impact Statement (DEIS) Cover Sheet

Regional Management of Recreational Red Snapper Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

Abstract:

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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
ALS	Accumulated Landings System
AM	accountability measure
BP	British Petroleum
CE	conservation equivalency
CEP	Conservation Equivalency Plan
Council	Gulf of Mexico Fishery Management Council
EEZ	exclusive economic zone
EFH	Essential Fish Habitat
EFP	exempted fishing permit
EIS	Environmental Impact Statement
EJ	Environmental Justice
ESA	Endangered Species Act
FMP	Fishery Management Plan
Gulf	Gulf of Mexico
HBS	Southeast Headboat Survey
IFQ	individual fishing quota
LDWF	Louisiana Department of Wildlife and Fisheries
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
mp	million pounds
MRFSS	Marine Recreational Fisheries Survey and Statistics
MRIP	Marine Recreational Information Program
MSST	minimum stock size threshold
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OFL	overfishing limit
PDF	probability density function
SAV	submerged aquatic vegetation
SEAMAP	Southeast Area Monitoring and Assessment Program
Secretary	Secretary of Commerce
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office of NMFS
SSB	spawning stock biomass
SSC	Scientific and Statistical Committee
SPR	spawning potential ratio
TAC	total allowable catch
TL	total length
TPWD	Texas Parks and Wildlife Department
VEC	valued environmental components
ww	whole weight
YPR	yield per recruit

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EXECUTIVE SUMMARY

[To be completed.]

FISHERY IMPACT STATEMENT

[To be completed. Not a part of the DEIS.]

CHAPTER 1. INTRODUCTION

1.1 Background

Currently, the recreational harvest of red snapper in the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) is constrained by a 2-fish bag limit, 16-inch total length (TL) minimum size limit, and a fishing season that begins on June 1 and closes when the annual catch target (ACT) is projected to be caught. Additional federal regulations pertaining to recreational red snapper,¹ such as permit requirements and gear restrictions, are provided in Appendix G. Since 1996, the recreational fishing season for red snapper has become progressively shorter (Table 1.1.1). Shorter seasons have continued despite an annual increase in the quota since 2010, as the quota continues to be caught in a shorter amount of time. In 2013, the federal season was initially estimated to be 28 days. The results of the benchmark assessment (SEDAR 31 2013) were released shortly before the start of the season and allowed for an increase in the recreational and commercial quotas. With these increases, the National Marine Fisheries Service (NMFS) opened a supplementary recreational season for October 1 through 14. In 2014, red snapper harvest in federal waters was open for nine days.

Regional Management

- Would allow regions (i.e., Gulf States) to specify optimal management measures for anglers' recreational harvest of red snapper.
- The **Delegation** provision in Magnuson-Stevens Act can be used to provide authority to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the fishery management plan and rebuilding timeline. Requires $\frac{3}{4}$ vote of Council members to pass.
- **Conservation equivalency** refers to allowing individual regions to propose and establish varied regional management measures such that the aggregate harvest and impacts on the stock from all regions is equivalent to the conservation protections on the resource provided by Gulf-wide management measures.

Fishermen from different areas of the Gulf have requested more flexibility in recreational red snapper management so that regulations provide greater socioeconomic benefits to their particular area. Therefore, the Gulf of Mexico Fishery Management Council (Council) is considering regional management as a way to provide greater flexibility in the management of recreational red snapper. Here, regional management refers to allowing regulations to be different for identified regions of the Gulf, in contrast to uniform recreational regulations applied to the entire EEZ. This document considers two alternatives for implementing regional

¹ Recreational red snapper refers to red snapper harvested by the recreational sector.

management (Action 1): 1) delegation of limited authority to regions to specify management measures and 2) development of conservation equivalency plans, in which each region specifies the management measures (season structure, bag limit, and size limit) to be used to constrain harvest to its regional portion of the recreational annual catch limit (ACL). Under either alternative, regionally specific management measures may be more appropriate to the fishing preferences of local fishermen. For example, regional regulations could accommodate different tourist seasons or rough weather conditions, thereby optimizing fishing opportunities around the Gulf.

Table 1.1.1. Recreational red snapper federal season lengths, quotas, and landings.

Year	Federal season dates	Number of Days	Recreational Quota	Recreational Landings
1996	January 1 – December 31	365	4.47 mp	5.339 mp
1997	January 1 – November 27	330	4.47 mp	6.804 mp
1998	January 1 – September 30	272	4.47 mp	4.854 mp
1999	January 1 – August 29	240	4.47 mp	4.972 mp
2000	April 21 – October 31	194	4.47 mp	4.750 mp
2001	April 21 – October 31	194	4.47 mp	5.252 mp
2002	April 21 – October 31	194	4.47 mp	6.535 mp
2003	April 21 – October 31	194	4.47 mp	6.105 mp
2004	April 21 – October 31	194	4.47 mp	6.460 mp
2005	April 21 – October 31	194	4.47 mp	4.676 mp
2006	April 21 – October 31	194	4.47 mp	4.131 mp
2007	April 21 – October 31	194	3.185 mp	5.809 mp
2008	June 1 – August 4	65	2.45 mp	4.056 mp
2009	June 1 – August 14	75	2.45 mp	5.597 mp
2010	June 1 – July 23; Oct 1 – Nov. 21 (Fri, Sat., & Sun.)	77	3.403 mp	2.651 mp
2011	June 1 – July 18	48	3.866 mp	6.734 mp
2012	June 1 – July 16	46	3.959 mp	7.524 mp
2013	June 1 – June 28	42	5.390 mp	9.659 mp
2014	June 1 – June 9	9	5.390 mp	3.867 mp

Note: Quotas and landings are in millions of pounds (mp) whole weight. In 2014, the season length was estimated based on an ACT of 4.312 mp, reduced from the 5.390 mp quota. Source: Southeast Fisheries Science Center (SEFSC) annual catch limit dataset, including calibrated landings from the Marine Recreational Information Program (MRIP), Texas Parks and Wildlife Department (TPWD), and the Southeast Headboat Survey (HBS) (May 2015).

Regional management would allow for certain management measures (such as bag limits and season dates) to vary around the Gulf, enabling the establishment of recreational red snapper management measures most suited to a given region. Regional management may not result in additional fishing days. However, providing flexibility to the regions to establish management measures most appropriate locally is expected to result in social and economic benefits by providing optimal fishing opportunities for a region’s share of the recreational ACL (quota). Nevertheless, proposed regional measures must achieve the same conservation goals as the federal management measures in existence at a given time (i.e., constrain the catches of

participating fishermen to the region's allocation of the total recreational ACL). Red snapper would remain a federally managed species. The Council and NMFS would continue to oversee management of the stock. This includes continuing to comply with the mandate to ensure the red snapper annual recreational ACL is not exceeded and that conservation objectives are achieved. The Scientific and Statistical Committee would continue to determine the acceptable biological catch (ABC), while the Council and NMFS would determine the total recreational red snapper ACL which would be allocated among the regions, and potentially components. All federal regulations for the harvest of red snapper would remain effective. The existing bag limit, minimum size limit, and season start date would be designated the default federal regulations, and would be applied to a region not participating in regional management or to a region for which regional management is not active. NMFS would retain authority for the remaining management components, provided in Appendix G, including implementing ACL adjustments, regulating permits, and managing the commercial red snapper individual fishing quota (IFQ) program.

There are benefits and challenges to adopting regional management. The benefits include providing regional level flexibility in the design of management measures. The consideration of regional differences in regulations may allow for optimization of social and economic benefits. For example, the distance from shore that anglers must travel to fish and the optimal times of year for fishing due to weather conditions or tourist seasons may vary, favoring different fishing seasons around the Gulf. The challenges of a regional management approach include a more complex regulatory program, because the recreational ACL, and potentially component ACLs, would need to be divided and managed separately for each region. Regional management also requires cooperation among federal and state marine resource managers. Effort shifting between regions may reduce the effectiveness of regionalized management. Also, the geographic distribution of the stock may change as the stock rebuilds, resulting in a pattern of landings that may not reflect the original allocation that is distributed. Monitoring catches on a regional level may be more costly than on a Gulf-wide level and require increased sample sizes for data collection. There may also be enforcement concerns, especially at regional boundaries, should fishing seasons and bag limits vary between regions.

History of Council Discussion on Regional Management

The Council has explored the concept of regional management for red snapper for several years. Regional management was discussed by the Ad Hoc Recreational Red Snapper Advisory Panel at its October 2008 meeting, and the Red Snapper Advisory Panel at its December 2009 meeting. Staff presented papers exploring red snapper regional management to the Council at the January 2009, August 2010, and October 2010 meetings (http://www.gulfcouncil.org/resources/briefing_book_archive.php).

In June 2012, the Louisiana Department of Wildlife and Fisheries presented a proposal to the Council for a recreational red snapper regional management pilot program. The Council requested that Louisiana provide further details of their proposed regional management plan for red snapper, and instructed staff to begin developing a plan amendment for regional management of recreational red snapper. At the August 2012 meeting, the Council requested development of a scoping document for regional management of recreational red snapper, which was then

discussed at the October 2012 meeting. Scoping meetings were held in January 2013 (Appendix C). The Council reviewed an options paper at its April 2013 meeting, and the first public hearing draft at its June 2013 meeting.

At the February 2013 meeting, the Council passed a motion granting NMFS the authority to reduce the recreational red snapper season in the EEZ off a Gulf state that implements less restrictive regulations for their state-water seasons. This reduction of the federal season was to compensate for the additional harvest that would occur in state waters as a result of the incompatible regulations. In response to the Council's motion, NMFS implemented a temporary emergency rule for the 2013 season (SERO 2013a) and announced the resulting state-specific seasons. On May 31, 2013, the U.S. District Court in Brownsville, Texas, voided the emergency rule. As a result, a Gulf-wide federal recreational red snapper season was established in the EEZ off of all five Gulf States. For 2013, the federal season length was 28 days, followed by a supplemental fall red snapper season for 14 days. In 2014, the season length in federal waters was 9 days long.

NMFS determines the length of the season based on the amount of the recreational ACL (and component ACLs for 2015-2017), the average weight of fish landed, the amount of fish estimated to be caught in extended state water seasons, and the estimated catch rates over time. Per the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NMFS closes all federal waters for the recreational harvest of red snapper when the recreational ACT (or component ACTs for the years 2015-2017) is projected to be met to ensure the entire recreational harvest, including the harvest in state waters, does not exceed the recreational ACL.

1.2 Purpose and Need

The purpose of this action is to provide flexibility in the management of the recreational sector's harvest of red snapper by restructuring the federal fishery management strategy to allow for the regional variation of management measures, and developing accountability measures for recreational overages to better account for biological, social, and economic differences among the regions of the Gulf.

The need is to adhere to the national standards (NSs) of the Magnuson-Stevens Act and to reconsider fishery management within the context of the regions of the Gulf: to prevent overfishing while achieving, on a continuing basis, the optimum yield from the harvest of red snapper by the recreational sector (NS 1); take into account and allow for variations among, and contingencies in the fisheries, fishery resources, and catches (NS 6); and provide for the sustained participation of the fishing communities of the Gulf and to the extent practicable, minimize adverse economic impacts on such communities (NS 8).

1.3 History of Management

This history of management covers events pertinent to recreational red snapper and the Council's consideration of regional management for the recreational harvest of red snapper. A complete history of management for the FMP is available on the Council's website:

http://www.gulfcouncil.org/fishery_management_plans/reef_fish_management.php

Prior to 1997, the recreational red snapper season was open year-round. Catch levels were controlled through minimum size limits and bag limits. The Sustainable Fisheries Act of 1996 required the establishment of quotas for recreational and commercial red snapper that, when reached, result in a prohibition on the retention of fish caught by each sector, respectively, for the remainder of the fishing year. From 1997 through 1999, NMFS implemented the recreational quota requirement through an in-season monitoring process that projected closing dates a few weeks in advance. For the years 1997 through 1999, the recreational red snapper season was closed earlier each year (Table 1.1.1). In 1999, an emergency rule temporarily raised the recreational red snapper minimum size limit from 15 to 18 inches TL towards the end of the season from June 4 through August 29 in an attempt to slow down the retained harvest rate. Without this emergency rule, the season would have closed on August 5. However, the rule resulted in a large increase in dead discards and the size limit was allowed to revert back to 15 inches TL the following year. Additional details regarding the seasons and regulation changes for red snapper are presented in Hood et al. (2007).

A February 2000 regulatory amendment (GMFMC 2000) replaced the system of in-season monitoring and closure projections with a fixed season based on a pre-season projection of when the recreational quota would be reached. The season for 2000 and beyond was initially set at April 15 through October 31, with a 16-inch TL minimum size limit, 4-fish bag limit, and zero bag limit of red snapper by the captain and crew of for-hire vessels. Shortly before the regulatory amendment was submitted to NMFS, the Council, at the request of representatives of the for-hire industry, withdrew the zero bag limit proposal for captain and crew. NMFS recalculated the season length under the revised proposal, and as a result, implemented the regulatory amendment with a recreational fishing season of April 21 through October 31. This recreational fishing season remained in effect through 2007.

In 2008, Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007) revised the rebuilding plan for red snapper. For the recreational sector, the rule implemented a June 1 through September 30 fishing season in conjunction with a 2.45 million pound (mp) recreational quota, 16-inch TL minimum size limit, 2-fish bag limit, and zero bag limit for captain and crew of for-hire vessels. The implementing regulations for this amendment created the June 1 through September 30 season by establishing fixed closed seasons of January 1 through May 31, and October 1 through December 31.

The amendment also addressed differences in shrimp and red snapper fishing effort between the western and eastern Gulf, and the impacts of fishing on the red snapper rebuilding plan. The Council considered options for modifying recreational red snapper fishing effort, including different season opening dates and weekend only or consecutive seasons, for the following regions: Texas and the rest of the Gulf; east and west of the Mississippi River; and maintaining consistent Gulf-wide regulations. The Council ultimately opted to maintain consistent Gulf-wide

regulations, with a recreational season from June 1 through September 15. Early versions of the amendment proposed establishing regulations for commercial red snapper fishing for the eastern and western Gulf. The action was considered but rejected because establishing different regulations would compromise the objectives of the IFQ program and reduce the flexibility and efficiency of IFQ program participants.

The Southeast Data Assessment and Review (SEDAR) 7 red snapper assessment provided an option to set two regional total allowable catches with the Mississippi River as the dividing line (SEDAR 7 2005; SEDAR 7 Update 2009). These assessments assume there are two sub-units of the red snapper stock within this region, separated commercially by the Mississippi River (shrimp statistical grids 12 and 13) and recreationally at the Mississippi/Louisiana state line. The most information collected and developed thus far is based on the assessment process and follows this particular split, which is included as an alternative for regional management.

The Sustainable Fisheries Act required the NMFS Regional Administrator to close the recreational red snapper season when the quota is projected to be met. When Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007) was submitted to NMFS, the Council requested that the five Gulf States adopt compatible regulations in state waters. Florida adopted a compatible 2-fish bag limit, but maintained its state red snapper fishing season of April 15 through October 31, 78 days longer than the federal fishing season. Texas also maintained its 4-fish bag limit and year-round fishing season in its state waters. Prior to the start of the 2008 season, NMFS recalculated its projections for the recreational red snapper season in light of the state regulations, and projected that there would be a 75% probability that the recreational quota would not be exceeded if the season closed on August 5. As a result, NMFS set the 2008 season to be June 1 through August 4. In 2009, NMFS again recalculated its projections for the season length prior to the start of the recreational season and announced that the recreational season would be June 1 to August 15.

A February 2010 regulatory amendment (GMFMC 2010) increased the total allowable catch from 5.0 mp to 6.945 mp, which increased the recreational quota from 2.45 mp to 3.403 mp. However, NMFS estimated that in 2009, the recreational sector overharvested its quota by approximately 75%. In recalculating the number of days needed to fill the recreational quota, even with the quota increase, NMFS projected that the 2010 season would need to be shortened to June 1 through July 24, and published notice of those dates prior to the start of the recreational fishing season.

In April 2010, the Deepwater Horizon MC252 deep-sea drilling rig exploded and sank off the coast of Louisiana. Because of the resulting oil spill, approximately one-third of the Gulf was closed to fishing for much of the summer months. The direct loss of fishing opportunities due to the closure, plus the reduction in tourism throughout the coastal Gulf, resulted in a much lower catch than had been projected. After the recreational season closed on July 24, NMFS estimated that 2.3 mp of the 3.4 mp recreational quota remained unharvested (NMFS 2010). However, due to the fixed October 1 through December 31 closed season, NMFS could not reopen the recreational season without an emergency rule to suspend the closure. Consequently, the Council requested an emergency rule to provide the NMFS Regional Administrator with the authority to reopen the recreational red snapper season. After considering various reopening

scenarios, the Council requested that the season be reopened for eight consecutive weekends (Friday, Saturday and Sunday) from October 1 through November 21 (24 fishing days).

A January 2011 regulatory amendment (GMFMC 2011a) increased the red snapper total allowable catch to 7.185 mp, with a 3.521 mp recreational quota and a 3.664 mp commercial quota. The final rule also established a 48-day recreational red snapper season, running June 1 through July 19. On August 12, 2011, NMFS published an emergency rule that, in part, increased the recreational red snapper quota by 345,000 lbs for the 2011 fishing year and provided the agency with the authority to reopen the recreational red snapper season later in the year, if the recreational quota had not been filled by the July 19 closing date. However, based on available recreational landings data through June, NMFS calculated that 80% of the recreational quota had been caught. With the addition of July landings data plus Texas Parks and Wildlife Department survey data, NMFS estimated that 4.4 to 4.8 mp were caught, well above the 3.865 mp quota. Thus, no unused quota was available to reopen the recreational fishing season.

A March 2012 regulatory amendment (GMFMC 2012d) increased the commercial and recreational quotas and removed the fixed recreational season closure date of October 1. The recreational season opened June 1 through July 11. However, the north-central Gulf experienced extended severe weather during the first 26 days of the 2012 recreational red snapper fishing season, including Tropical Storm Debby. Because of the severe weather, NMFS extended the season by six days and closed on July 17.

A March 2013 framework action (GMFMC 2013a) increased the commercial and recreational red snapper quotas from a combined 8.08 mp to 8.46 mp. This was the result of new rebuilding projections based on the 2009 update assessment (SEDAR 7 Update 2009) that were revised to account for actual landings during 2009-2012. The resulting sector allocations were 4.315 mp (commercial) and 4.145 mp (recreational). NMFS published the final rule increasing the quota based on state-specific recreational red snapper seasons, which NMFS had previously announced it would do in a March 2013 emergency rule. On May 31, 2013, the U.S. District Court in Brownsville, Texas voided the emergency rule, and the Gulf-wide federal recreational red snapper season was established from June 1 through June 28. In July, the Council reviewed a new benchmark assessment (SEDAR 31 2013) which showed that the red snapper stock was rebuilding faster than projected, partly due to strong recruitment in some recent years. Combined with a new method for calculating the ABC, the Council's Scientific and Statistical Committee increased the ABC for 2013 to 13.5 mp, but warned that the catch levels would have to be reduced in future years if recruitment returned to average levels. After incorporating a buffer to reduce the possibility of having to later reduce the quota, the Council further increased the 2013 commercial and recreational quotas to a combined 11.0 mp (5.61 mp and 5.39 mp, respectively) (GMFMC 2013b). This increase occurred too late to extend the June recreational season, so the Council requested that NMFS reopen the recreational season. NMFS announced a supplemental season of October 1 through 14, 2013. In 2014, the recreational fishing season in federal waters was nine days long.

Amendment 40 (GMFMC 2014) formally adopted the use of ACLs for red snapper, established private angling and federal for-hire component ACLs for the years 2015-2017, and established separate in-season closure provisions for each component.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 –Regional Management

Alternative 1: No Action – Retain current federal regulations for management of recreational red snapper in the Gulf of Mexico (Gulf) exclusive economic zone (EEZ).

Alternative 2: Establish a regional management program that **delegates** some management authority to a state or group of states (regions). Each region must establish the red snapper season structure, bag limit, and size limits for the harvest of an assigned portion of the recreational red snapper annual catch limit (ACL, or quota). If a region elects to not participate or is determined to have a red snapper harvest plan that is inconsistent with the requirements of delegation, the recreational harvest of red snapper in the EEZ off such region would be subject to the federal default regulations for red snapper.

Preferred Alternative 3: Establish a regional management program in which a state or group of adjacent states (regions) submit proposals to **NMFS** describing the **conservation equivalency measures** the region will adopt for the management of its portion of the red snapper ACL. The proposals must specify the red snapper season, bag limit, and size limits. To be a conservation equivalency plan, the proposal must be reasonably expected to limit the red snapper harvest to the region’s assigned portion of the recreational red snapper ACL. If a region does not participate or its proposal is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the EEZ off such region would be subject to the federal default regulations for red snapper.

Alternative 4: Establish a regional management program in which a state or group of adjacent states (regions) submit proposals to a **technical review committee** describing the **conservation equivalency measures** the region will adopt for the management of its portion of the red snapper ACL. The proposals must specify the red snapper season, bag limit, and size limits. To be a conservation equivalency plan, the proposal must be reasonably expected to limit the red snapper harvest to the region’s assigned portion of the recreational red snapper ACL. The technical review committee reviews and may make recommendations on the proposal, which is either returned to the region for revision or forwarded to NMFS for final review. If a region does not participate or its proposal is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the EEZ off such region would be subject to the federal default regulations for red snapper.

Alternative 5: Establish a provision to sunset regional management after:

- Option a:** 10 calendar years of the program.
- Option b:** 5 calendar years of the program.
- Option c:** 3 calendar years of the program.
- Option d:** 2 calendar years of the program.

Discussion:

Federal default regulations refer to the Gulf-wide regulations governing the recreational harvest of red snapper in the Code of Federal Regulations (50 CFR Part 622). To implement regional management by delegation or conservation equivalency (CE) measures, the current federal regulations in the Code of Federal Regulations (50 CFR Part 622) would need to be suspended while consistent delegation or CE measures are in effect. Federal default regulations for the recreational harvest of red snapper would be applied to the exclusive economic zone (EEZ) off that region in the event a region's delegation or CE measures are suspended or deemed inconsistent, or if a region does not participate in regional management. If the federal default regulations are implemented for a region, the National Marine Fisheries Service (NMFS) would publish a notice with the Office of the Federal Register announcing such an action. Currently, the federal regulations concerning bag limit, size limit, and season length include a 2-fish bag limit, minimum size limit of 16 inches total length (TL), and season opening June 1 and closing when the recreational annual catch target (ACT) is projected to be met.² The current federal regulations will serve as the default regulations for inactive regional management. These regulations have been established and revised over time through framework and regulatory amendments, which considered many ranges of reasonable alternatives and those analyses support utilizing the current federal regulations as the federal default measures.

Alternative 1 (no action) would retain current management measures for the recreational harvest of red snapper in the Gulf of Mexico (Gulf) EEZ. Currently, these measures include a 2-fish per angler per day bag limit, a 16-inch TL minimum size limit, and a June 1 fishing season start date. **Alternative 2, Preferred Alternative 3, and Alternative 4** propose different approaches to regional management for recreational red snapper. Under all alternatives, red snapper would remain under federal management jurisdiction, subject to Gulf-wide closure when the annual recreational annual catch limit (ACL) is met. Essentially, while a state or states would be given some management authority to determine the regulations to be applied in their region, it is not the complete authority advocated for by some supporters of regional management. Only the season start and end dates, season structure, bag limit, and potentially, the size limit would be eligible for modification at the regional level. Any management measures implemented for a region must adhere to the goals of the rebuilding plan and be consistent with federal and other applicable laws.

Under **Alternative 2**, regional management is defined as the delegation of limited management authority to a state or adjacent states, which would then establish appropriate management measures to constrain recreational harvest to the assigned portion of the recreational red snapper quota. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the fishery management plan (FMP; Appendix D). The delegation of management authority to the states (**Alternative 2**) requires a three-quarters majority vote of the voting members of the Gulf of Mexico Fishery Management Council (Council) members.

² Recreational red snapper management measures are codified as follows in the *Federal Register*: season opening 50 CFR 622.34(b); size limit 50 CFR 622.37(a); and bag limit 50 CFR 622.38(b)(3). The regulations are also provided in Appendix G.

If **Alternative 2** is selected, it is possible that not all states will participate. Non-participating states or regions would be required to adhere to the federal default regulations, which would be applied to the adjacent EEZ for the recreational harvest of red snapper. Because participating states would still receive their allocation (Action 6), a non-participating state's season length would be determined based on the remaining balance of the recreational ACL after subtracting the regional ACLs for participating states. Thus, a single non-participating state's season length would be projected based on the amount of the recreational ACL it would have received if participating.

Preferred Alternative 3 and **Alternative 4** would adopt a process by which regions submit proposals describing the conservation equivalency of their intended management measures for the recreational harvest of red snapper. While **Preferred Alternative 3** and **Alternative 4** would grant less management authority directly to the states or regions than **Alternative 2**, all three alternatives provide comparable flexibility to the regions to modify the season structure, bag limit, and (potentially) size limit for the harvest of their portion of the red snapper recreational ACL.

Preferred Alternative 3 and **Alternative 4** differ based on the review process for the CE proposals. Under **Preferred Alternative 3**, regions would submit proposals directly to NMFS for review while under **Alternative 4**, regions would submit CE proposals to a technical review committee. The proposed process under **Alternative 4** is most similar to the Mid-Atlantic Council's management of summer flounder. The technical review committee would need to be created and populated, such as by members of the Council's Scientific and Statistical Committee. The technical review committee would provide the initial review of CE proposals and may make recommendations on the proposal, which is either returned to the region for revision or forwarded to NMFS for final review. Because of the additional time needed for the technical review committee to meet and review proposals, **Alternative 4** would entail a longer process for consistency determination than under **Preferred Alternative 3**. On the other hand, the process under **Alternative 4** provides for greater participation and input by state-level managers and stakeholders, increasing the involvement of local-level entities in the regional management process.

Alternative 5 provides sunset options for ending regional management after a specified number of years (**Options a-d**) and may be selected with any of **Alternatives 2-4**. At the time of the sunset, all associated actions in this amendment would end at that time. **Alternative 5** and an option need not be selected as preferred. If **Alternative 5** is not selected, no sunset date will be established. Should **Alternative 5** be selected as preferred and the Council decides subsequently to continue regional management, the Council would need to extend regional management through the appropriate document and process.

If selected, regional management would end after 10 calendar years (**Options a**), 5 years (**Options b**), 3 years (**Option c**), or 2 years (**Options d**). For all options, regional management would expire at the end of the tenth, fifth, third, or second calendar year of the program, regardless of the implementation date of this amendment. For example, if this amendment were to be implemented in May 2016 with **Option c** selected as preferred, regional management

would end December 31, 2018. All regulations associated with all actions in this plan amendment would expire at the sunset date, including any accountability measures (AMs).

Requirements of Delegation Provision (Alternative 2)

If delegation of recreational red snapper management is adopted (**Alternative 2**), then the management measures delegated to the individual states or groups of states must be consistent with the Reef Fish FMP, including the rebuilding plan and the Magnuson-Stevens Act. Consistency with the FMP requires, among other things, rebuilding declining reef fish stocks, monitoring the reef fish fishery, conserving reef fish habitats and increasing fish habitats, and minimizing conflicts between user groups.

The Magnuson-Stevens Act (16 U.S.C. §1856(a)(3)) outlines the procedure in the case of a state's regulations not being consistent with the FMP (Appendix D). If NMFS determines that a state's regulations are not consistent with the FMP, NMFS shall promptly notify the state and the Council of the determination and provide an opportunity for the region to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the region does not correct the inconsistencies identified by NMFS, then the delegation to the region shall not apply until NMFS and the Council find that the region has corrected the inconsistencies.

In application, the response times between NMFS' determination of inconsistency and the implementation of corrective action by the state would be case specific. The timelines for correction of inconsistencies would be decided by NMFS on a case by case basis, as it determines whether inconsistencies exist. The timeline for the region's response would be dependent on the nature of the inconsistency. Due to the short season lengths and high catch rates for the recreational harvest of red snapper, the implementation of corrective actions may need to occur very quickly. Under such circumstances, the region would need to establish a process to implement corrective actions very quickly.

As a hypothetical example, if the region implemented the delegated management measures shortly before the season opened, any notification of inconsistency and the implementation of corrective action would need to occur quickly. To accomplish this, the region would need to have the authority to close the season and adjust the bag limit perhaps without having an opportunity to discuss the issue at a formal commission meeting. Alternatively, if the region implemented regulations several months before the opening of the red snapper recreational season, then a longer response time would be possible. This scenario may also allow for the discussion of the issue at a formal commission meeting. These scenarios exemplify the need for case-by-case timelines for the region's response to a notification of inconsistency.

A region may decide to opt out of delegation and request the federal default measures be applied to the adjacent EEZ (Figure 2.1.1) for the recreational harvest of red snapper. To opt out of delegation, the region should send a letter to NMFS requesting the federal default regulations be applied to their region for the fishing year. A season length would be calculated by NMFS based on the region's ACL as apportioned in Action 6. Inherently, if only one region opts-out, then it

would still essentially be constrained by the terms of delegation as per the regional area and quota apportionment.

Under delegation, the EEZ could potentially remain open year-round, and anglers' access to harvesting red snapper from the EEZ would be constrained by the management measures established for their region. Each region would prohibit further landings after its portion of the quota has been caught. Under certain conditions, the EEZ off a given region could be closed. To be consistent with national standard 4 of the Magnuson-Stevens Act, these closures should apply to all recreational vessels.

Requirements of Conservation Equivalency (Preferred Alternative 3 and Alternative 4)

Under **Preferred Alternative 3**, each state would have the opportunity to submit a Conservation Equivalency Plan (CEP) to establish regionalized management measures for the recreational harvest of red snapper on a yearly basis. These plans would be reviewed by NMFS to insure the proposed management measures are a conservation equivalent to the federal regulations. Table 2.1.1 provides an example timeline for the submittal and approval of the CEPs. This process would be altered for the first year of the program if this action is implemented mid-year. In addition, revisions of this process may be implemented by NMFS as necessary. In this instance, NMFS would contact the states and notify them of any changes.

The timeline for the CEP review is specifically designed to allow the State or region an opportunity to use preliminary data from their monitoring plans and Wave 4 of MRIP prior to submitting their plan. In addition, the timeline allows the State or region an opportunity to submit a revised CEP for approval. If the proposed management measures extend beyond the range analyzed in this amendment, then NMFS may recommend preparing an environmental assessment (EA). If a state would need to prepare an EA, NMFS anticipates providing guidance to the state; however, the state would need to take the lead on the document development and understand that it may take longer to process the CEP and require additional rulemaking. Preparing an EA would require additional time for processing and implementation.

Under **Alternative 4**, the CEP would be submitted to the technical review committee and a separate timeline may be established by the committee. The finalized plans with the technical review committee recommendation for approval would need to be submitted to NMFS by November 1st to allow time for to publish a notice in the federal register by January 1st identifying States with approved CEPs. States without approved CEPs would be subject to the federal default regulations.

Table 2.1.1. Example timeline for the review of CEPs by NMFS.

Timeline	Description
July 1 st	The State or region provides a brief written description of its preliminary CEP for the following year (e.g., the regulations they hope to implement the following year if supported by the current year landings and effort data) to NMFS. At this time, NMFS may flag any high-level concerns or alternative process requirements (e.g., additional National Environmental Policy Act (NEPA) documentation required if the proposed regulations are outside the scope of analysis in Amendment 39).
September 1 st	The State or region submits the CEP to NMFS for review.
October 1 st	NMFS responds to the State or region with the preliminary determination whether the plan is a conservation equivalent to the federal default regulations. At this time, NMFS may approve the plan or request a revised CEP.
October 15 th	The State or region provides a revised CEP to NMFS for approval, if necessary.
November 1 st	NMFS provides final approval for CEPs. If the CEP was not approved or did not submit a CEP, then the State or region would be subject to the federal default regulations.
January 1 st (or sooner)	NMFS publishes a notice in the federal register identifying States with approved CEPs. States without approved CEPs would be subject to the federal default regulations.

Each CEP should include the following contents:

- Point of Contact for the CEP
- Point of Contact with the authority to close the fishery
- Proposed CEP including season structure, bag limit, and size limit.
- Specify if the CEP is intended to be applicable for one or two years. Prior to approving the second year of the plan, it would be evaluated based on data from the first year. The plan may require revisions based on the NMFS review.
- Analysis demonstrating the ability of the CEP to constrain recreational harvest of red snapper to the allocated quota with a description of the methodology.
- Summarize the previous year's performance (e.g., Was the harvest constrained at or below the regional quota?).
- Explain how the CEP will be enforced
- If applicable, provide a description of the in-season monitoring program and plan to close the fishery if the quota is reached.
- If necessary, the NEPA documentation supporting the proposed CEP. This would only apply for a CEP management strategies beyond the range analyzed in Amendment 39.
- Any other supporting documentation for the CEP, such as scientific research.

Application of Federal Default Regulations

Under **Alternative 2**, **Preferred Alternative 3**, or **Alternative 4**, the selected suite of management measures to be established for a region could consist of numerous combinations and ranges. Although there is flexibility in the assemblage of management measures to be adopted for a region, each region must establish its season dates and structure, bag limit, and minimum size limit. If a region does not establish a season, bag limit, and minimum size limit, then NMFS will deem the region's regulations inconsistent. If the inconsistency is not resolved and NMFS suspends the region's regional management, the federal default regulations will go into effect for the region's portion of the EEZ (Figure 2.1.1), until the region receives approval by NMFS that the inconsistency has been remedied.

At any time, a region or regions could opt out and not participate in regional management. Although regional management would be inactive and such a region would fish under the federal default regulations, related actions in this amendment would remain effective. If one or more regions opt out of regional management, the regulations implementing the preferred alternatives selected under Actions 6 (apportioning the recreational ACL) and 7 (post-season AMs) would remain effective and applicable toward those regions until modified through a plan amendment.

If a region chooses to opt out of regional management, then federal default regulations would be necessary. A region may decide not to participate and request the federal default measures be applied to the adjacent EEZ for the recreational harvest of red snapper. This would constitute the region opting out. To opt out, the region would send a letter requesting the federal default regulations be applied to their region for the fishing year. NMFS would publish a notice in the *Federal Register* to implement the federal default regulations in the region's adjacent EEZ (Figure 2.1.1). The season length would be calculated by NMFS based on the regional ACLs as apportioned in Action 6. Inherently, if only one region opts out, then they would still essentially be constrained by the terms of regional management as per the regional area and recreational ACL apportionment. If more than one region opted out of delegation, the regional ACLs could be combined, and then NMFS would calculate the season for those portions of the EEZ no longer managed by the regions. It would be expected that these regions would adopt regulations consistent with the federal default regulations that would apply to all recreational vessels in the EEZ off such region. In turn, if a region does not set the bag limit, minimum size limit, or season length, then it is assumed that the region is opting out of regional management and the federal default management measures would apply. As per the Magnuson-Stevens Act, it would still be necessary for NMFS to prohibit the recreational harvest of red snapper if the Gulf-wide recreational ACL is reached or estimated to have been met.

Boundary Description for Figure 2.1.1.

The boundaries in Figure 2.1.1 were agreed upon by the representatives from each state marine resource agency at the February 2013 Council meeting. All lines begin at the boundary between state waters and the EEZ. Line A-B, defining the EEZ off Texas, is already codified as a line from 29°32.1' N latitude, 93°47.7' W longitude to 26°11.4' N latitude, 92°53.0' W longitude, which is an extension of the boundary between Louisiana and Texas (50 CFR 622.2). Likewise, line G-H, defining the EEZ off Florida, is codified as a line at 87°31.1' W longitude extending

directly south from the Alabama/Florida boundary (50 CFR 622.2). The other two lines have not been codified, but were negotiated between the adjacent states prior to the February 2013 meeting. Line E-F is a line at 88°23.1' W longitude extending directly south from the boundary between Alabama and Mississippi.

Line C-D is a line at 89°10.0' W longitude extending directly south from the South Pass Light in the Mississippi River delta in Louisiana. Unlike the other lines, this line is not based on the boundary between Louisiana and Mississippi because doing so would be impracticable. Louisiana has jurisdiction over the Chandeleur Islands, which extend into waters south of Mississippi. A line based on the state waters boundary just north of the islands could result in inequitable impacts on Mississippi anglers as it would identify federal waters that are off both Mississippi and Louisiana as being exclusively off Louisiana. A line based on the state land boundary would be even further west and would reduce the size of the EEZ off Louisiana. Therefore, this line was considered a fair compromise by representatives of both states.



Figure 2.1.1. Map of state waters and the EEZ with established and proposed boundaries between states. These boundaries were agreed upon at the February 2013 Council meeting.

2.2 Action 2 – Regional Management and Sector Separation

Alternative 1: No Action – Retain current federal management of recreational red snapper in the Gulf EEZ. For the years 2015-2017, establish separate ACLs for the federal for-hire and private angling components as specified in Amendment 40.

Alternative 2: Extend the separate management of the federal for-hire and private angling components of the recreational sector and have this amendment apply to the private angling component, only. The private angling component would be managed by each region under regional ACLs that are based on the allocation selected in Action 6 and the federal for-hire component would continue to be managed Gulf-wide under its component ACL that is based on the allocation selected in Amendment 40.

Alternative 3: Extend the separate management of the federal for-hire and private angling components of the recreational sector and have this amendment apply to both components in any region intending to manage both private angling and federal for-hire components for its region. A region would specify its intent to manage both components in its CEP or state regulations under delegation. In a region that manages both components, separate private angling and for-hire component ACLs would be established under each regional ACL, based on the component allocation selected in Amendment 40 and the regional allocation selected in Action 4. In all other regions, the private angling component would be managed by each region under the regional ACLs based on the allocation selected in Action 6, and the federal for-hire component would continue to be managed Gulf-wide under a component ACL based on the allocation selected in Amendment 40.

Alternative 4: End the separate management of the federal for-hire and private angling components upon implementation of this amendment, and have this amendment apply to the entire recreational sector. The private angling and federal for-hire components would be managed by each region under regional ACLs based on the allocation selected in Action 6.

Discussion:

In October 2014, the Council took final action on Amendment 40 (GMFMC 2014) to apportion the recreational ACL between the federal for-hire and private angling components of the recreational sector for a period of three years. This Action 2 is only applicable in the event this amendment is implemented while the component ACLs are still in effect. **Alternative 1** (no action) would continue management of the for-hire and private angling components until the end of 2017, as specified in Amendment 40 (GMFMC 2014). It is possible that this alternative would allow for the component ACLs to remain in place when regional management is implemented, only to be vacated at the specified time. This may complicate the development of regional management measures. Table 2.2.1 provides a comparison of how the regions would manage the federal for-hire component and private angling component under **Alternatives 1-4**.

Alternative 2 would remove the sunset provision specified in Amendment 40 upon implementation of this amendment and continue separate management of the for-hire and private

angling components. Under this alternative, regional management would apply to the private angling component, only. Management of the federal for-hire component would be established through Amendments 41 and 42, which the Council requested to be developed at its January 2014 meeting.

Table 2.2.1. Comparison of regional management under Alternatives 1-4 for the private angling and federal for-hire components, assuming implementation of Amendment 40 (sector separation).

Under...	Regional Management...	Sector Separation...
Alternative 1	Establishes separate quotas (2015-2017) for the private angling and for-hire components.	Ends at time of sunset (end of 2017).
Alternative 2	Applies to the private angling component, only.	Is extended and the sunset is removed. The for-hire component's management will be evaluated in Amendments 41 and 42.
Alternative 3	Applies to private angling and for-hire components in the regions selected as preferred, managed under separate component ACLs. In regions not selected as preferred, regional management applies to private angling component only.	Is extended and the sunset is removed. In regions intending to separately manage the components, a for-hire and private angling ACL would be created for that region. In remaining regions, the for-hire component would be managed under Gulf-wide management, established in Amendments 41 and 42.
Alternative 4	Applies to the entire recreational sector, managed under a single recreational ACL.	Ends when regional management is implemented.

Like **Alternative 2**, **Alternative 3** would remove the sunset provision specified in Amendment 40 upon implementation of this amendment and continue the for-hire and private angling components would continue to be managed separately. **Alternative 3** differs from **Alternative 2**, by allowing each region to decide whether or not to manage the for-hire component in that region. If a region intends to manage both components, the region would specify the management measures to be applied to each component in its CEP or state regulations established for delegated management authority. For a region choosing to manage both components, the region's ACL would be apportioned into component ACLs for that region, applying the allocation formula in Amendment 40, to that state's landings of red snapper by each component. This could result in the recreational ACL being divided into as many as ten ACLs (and corresponding ACTs) to represent each state or region, and each component. For a region intending to manage the private angling component, only, the regional ACL would not be further divided and the for-hire component would continue to be managed by a shared set of measures established for the for-hire component.

Alternative 4 would end the use of separate component ACLs concurrent with implementation of this amendment, even if the three-year period of sector separation has not expired. Adopting

Alternative 4 would apply regional management and the actions herein to the entire recreational sector.

Assuming that five regions representing each Gulf State will be established under this amendment, the recreational ACL would be divided into a different number of component ACLs, regional ACLs, or regional component ACLs depending on the alternative selected (Figure 2.2.1). Currently (**Alternative 1**), the recreational ACL is divided into two component ACLs for the years 2015-2017 and will revert to a single recreational ACL in 2018. Six ACLs would be established under **Alternative 2**, including five regional ACLs and one component ACL. By allowing each region to determine whether or not to manage both the for-hire and private angling components, up to 10 ACLs may need to be established for **Alternative 3**, including regional component ACLs for those regions intending to manage both components. If some regions managed both components while others did not, the for-hire component ACL would be reduced by the amount of quota for the respective regional for-hire component ACLs. Under **Alternative 4**, component ACLs would no longer be used. Instead, five regional ACLs would be established, representing each region or state.

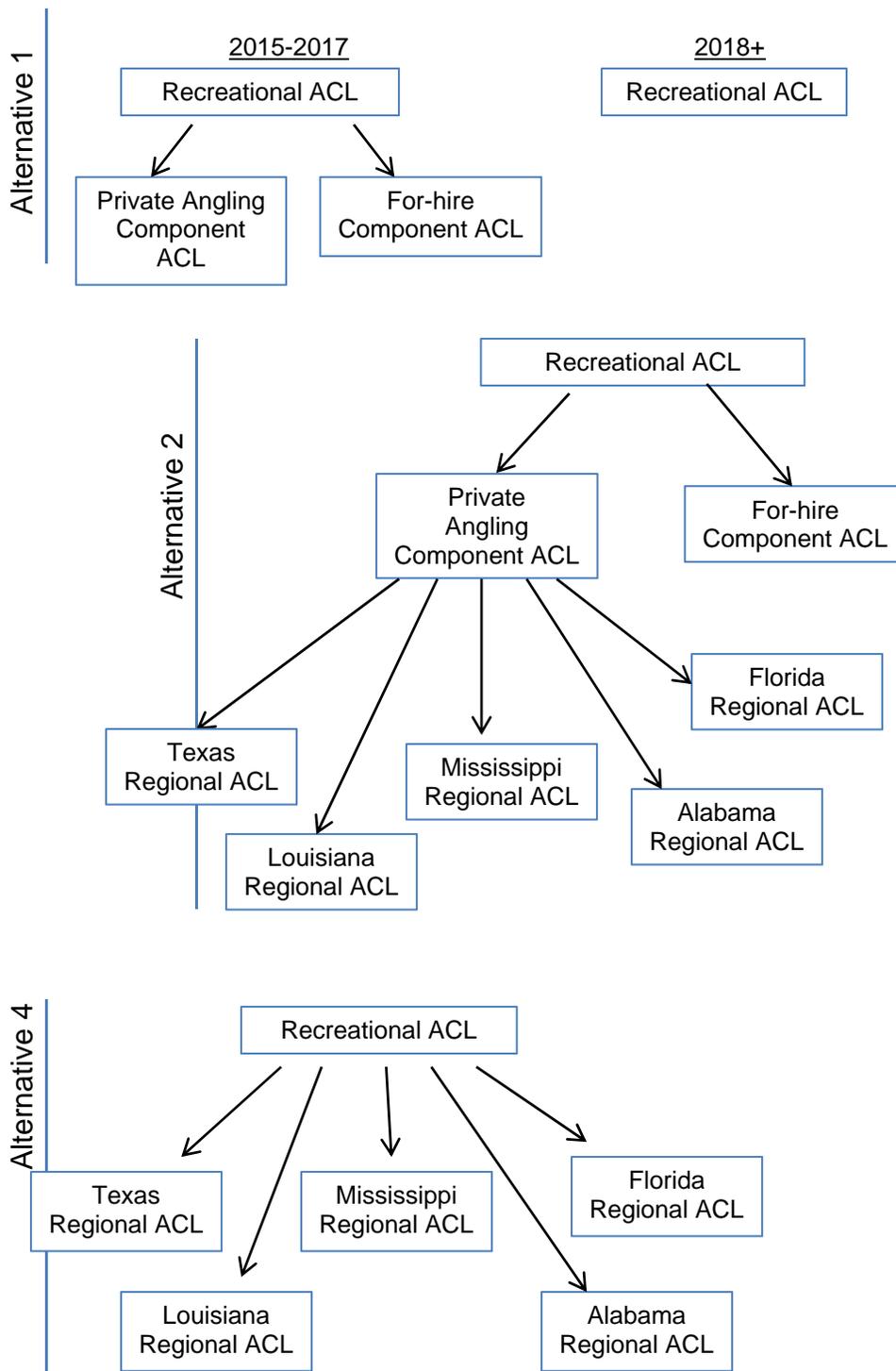


Figure 2.2.1. Diagram showing the ACLs which would be established under Alternatives 1, 2, and 4. Up to ten ACLs may be established under Alternative 3, not shown above.

2.3 Action 3 – Establish Regions for Management

Alternative 1: No Action – Retain the current management of recreational red snapper in the Gulf EEZ as one region.

Alternative 2: Establish an east (Florida, Alabama, Mississippi) and west (Louisiana, Texas) region and allow for different management measures for each region.

Alternative 3: Establish an east (Florida, Alabama) and west (Mississippi, Louisiana, Texas) region and allow for different management measures for each region.

Alternative 4: Establish five regions representing each Gulf State.

Preferred Alternative 5: Establish five regions representing each Gulf State, which may voluntarily form multistate regions with adjacent states.

Discussion:

Under **Alternative 1** (no action), management measures would remain the same for the recreational harvest of red snapper in the entire Gulf EEZ. Currently those regulations specify a June 1 fishing season start date, a 16-inch TL minimum size limit, and a 2-fish per angler per day bag limit. Additionally, captain and crew are prohibited from retaining a bag limit while under charter. The remaining alternatives propose to divide the Gulf into regions, using the boundaries specified in Figure 2.3.1.

Alternatives 2 and 3 would establish two regions: eastern and western Gulf. In both alternatives, Florida and Alabama make up the eastern region, and Louisiana and Texas make up the western region. The alternatives differ in that Mississippi is part of the eastern region under **Alternative 2**, and is part of the western region in **Alternative 3**. Because **Alternatives 2 and 3** include more than one state in a region, the states sharing a region would need to agree on the set of shared management measures and to close the region's red snapper season when the ACT is reached or projected to be reached.

Alternative 2 would divide the Gulf into regions that most closely approximate the eastern and western sub-units used in the red snapper stock assessment, thereby affording the possibility to adopt regional management measures based on the differences in biological abundance. The Red Snapper Benchmark Assessment (SEDAR 31 2013) estimated that the western Gulf sub-unit would carry a disproportionate burden of stock recovery. This is true for two reasons, first because it is currently estimated to have higher stock biomass and second because the average fishing mortality rate at age is estimated to be lower in the western Gulf compared to the eastern Gulf (SEDAR 31 2013). Therefore, the eastern and western sub-units of the red snapper stock are projected to rebuild at different rates based on current estimates of population abundance. However, the ultimate result of increasing fishing pressure on the eastern sub-unit compared to the western sub-unit is that the eastern component is projected to continue to be prosecuted on mostly small, young fish which is projected to result in a truncated population age distribution.

A red snapper larval transport study in the northern Gulf examined the potential for repopulating the eastern Gulf stock through larval transport from the more populous western stock (Johnson et al. 2009). Red snapper larval abundance was determined to be twice as great over the Louisiana-Texas shelf as over the Mississippi-Alabama shelf and four times as great over the Mississippi-Alabama shelf as over the west Florida shelf (Hanisko et al. 2007). Hanisko et al. (2007) compared the larval abundance from fall plankton studies in the eastern Gulf and determined the area off Mississippi/Alabama was disproportionately smaller than off west Florida, but accounted for half the abundance of red snapper larvae in the eastern Gulf.

A problem with using the sub-units of the stock assessment is that the dividing line used in the assessment does not fall precisely along a state boundary. Thus, there would be a difference in using the proportion of the red snapper suggested by the stock assessment that could be taken from each sub-unit (Action 4, Alternative 5), and the proportion of aggregated states' landings coinciding with the selection of **Alternative 2**, which most closely approximates the boundary used in the stock assessment. This difference would be even greater if **Alternative 3** is selected as preferred, as the western region's boundary would also include Mississippi. Although the regional boundary under **Alternative 3** is further to the east than **Alternative 2** (and thus deviates further from the sub-units of the stock assessment), including Mississippi in the same region as Louisiana rectifies the issue that the eastern portion of Louisiana's state water boundary essentially obstructs Mississippi's access to the EEZ from its state waters (Figure 2.3.1). **Alternative 4** would establish each Gulf state as its own region. This alternative would provide the most flexibility to individual states to determine their choice of management measures. Should a region fail to implement regional regulations consistent with the FMP, that region would harvest red snapper under the federal default management measures.

Generally, establishing more regions (such as under **Alternative 4** or **Preferred Alternative 5**) will mean a more subdivided quota and entail more complicated management. For example, under current management, state and federal waters Gulf-wide are open during the red snapper season. By allowing regions to set their own fishing seasons, some regions of the Gulf could be open while others are closed. Bag limits and size limits may also vary among regions. Therefore, enforcement will be conducted dockside, primarily. At sea enforcement could be most complicated near the boundaries between regions with different management measures, as it could be difficult for enforcement agents to determine which region's jurisdiction applies to a recreational vessel. In these cases, it is assumed that enforcement agents would consider the most liberal of the regions' management measures in place at the time, to serve as guidelines for determining regulatory compliance. For example, if no region has a bag limit greater than four red snapper per person per day, then a vessel possessing red snapper in excess of this bag limit, regardless of where in the EEZ it is fishing, could be in violation if stopped by enforcement agents.

Preferred Alternative 5 is most similar to **Alternative 4**, but would allow one or more regions to choose to form multistate regions with adjacent states. While this additional measure of flexibility could allow regions to pool their portions of the recreational quota, it would also require cooperation among states included in the region.

There are also issues with using the Marine Recreational Information Program (MRIP) catch estimates for states where species are infrequently sampled. This may occur if a given species is rarely captured or if there are relatively few sample locations in a state. These situations increase proportional variability, resulting in additional scientific or management uncertainty that could affect the use of these data. These problems can be mitigated by increasing: 1) the intensity of sampling, 2) spatial extent of the sample frame (e.g., Gulf-wide variability is less than estimates for individual states), or 3) lengthening the time-period used to develop catch estimates (i.e., wave-length). In practice, each of these measures has impediments. For example, funding may be inadequate to support additional monitoring and temporal or spatial resolution may not match management needs. This should be considered when developing management frameworks. In addition, Texas Parks and Wildlife Department (TPWD) uses its own survey for estimating catches, using a different methodology than MRIP. Also, Louisiana Department of Wildlife and Fisheries announced on September 5, 2013 that the state will no longer participate in MRIP. If regional management is established at the state level, this could create a question of whether the catch estimates for Texas and Louisiana are comparable to those of the other states.

If one or more states are combined into a region (**Alternatives 2, 3, and Preferred Alternative 5**), then the outermost state boundaries would be used to define the geographic region (Figure 2.1.1). In addition, the Council could choose to establish new jurisdictional lines to define regions.

2.4 Action 4 – Modify the Federal Minimum Size Limit

Alternative 1: No Action – Retain current federal regulations for the minimum size limit for recreational red snapper in the Gulf EEZ. The minimum size limit is 16 inches TL.

Alternative 2: Reduce the federal minimum size limit to 14 inches TL.

Preferred Alternative 3: Reduce the federal minimum size limit to 15 inches TL.

Alternative 4: Increase the federal minimum size limit to 17 inches TL.

Alternative 5: Increase the federal minimum size limit to 18 inches TL.

Discussion:

Varying the minimum size limit among regions may pose additional issues in terms of the stock assessment. Currently, the minimum size limit for red snapper is 16 inches TL (**Alternative 1**) in the Gulf for recreational anglers and for all Gulf States except Texas. In the state waters off Texas the current recreational red snapper minimum size limit is 15 inches TL. During early deliberations on regional management, the Council expressed their intent to establish limitations on the minimum size limits which may be adopted by the regions at their April and June 2013 Council meetings due to biological concerns such as high-grading and discard mortality. Red snapper is still under a rebuilding plan and stock assessments must take into account minimum size limits for each sector and gear type.

Discard mortality plays a large factor in considering minimum and maximum size limits in the Gulf. The current commercial minimum size limit is 13 inches TL. One of the original reasons the Council decided to allow the commercial sector to harvest red snapper at 13 inches TL was due to the number of dead discards (GMFMC 2007). The commercial sector is estimated to have greater discard mortality rates than the recreational sector due to gear types and depth fished (GMFMC 2007; SEDAR 7 2005; SEDAR 31 2013). Based on the yield-per-recruit (YPR) analysis conducted by the Southeast Fisheries Science Center (SEFSC) in 2013, yield is maximized at 15 inches TL. Due to the status of the red snapper stock and selectivity patterns, minimum size limits from 14 to 18 inches TL are considered effective and are included in the alternatives. It should be noted that spawning potential ratio (SPR) increases for red snapper as the minimum size limit increases

(<http://gulfcouncil.org/docs/Presentations/Gulf%20Red%20Snapper%20Size%20Limit%20Analysis%20-%20Presentation.pdf>).

The Council requested an interim rule during the June through August 1999 recreational red snapper fishing season, that increased the minimum size limit from 15 to 18 inches TL (64 FR 30455-Interim Rule Red Snapper). The Council requested this increase in minimum size limit to slow harvest and increase the recreational fishing season length by 24 days. The interim rule was initially supported by fishermen; however, the Council received numerous complaints from fishermen after the season about releasing dead red snapper. Consequently, since that time the Council has not considered raising the red snapper minimum size limit above 18 inches TL.

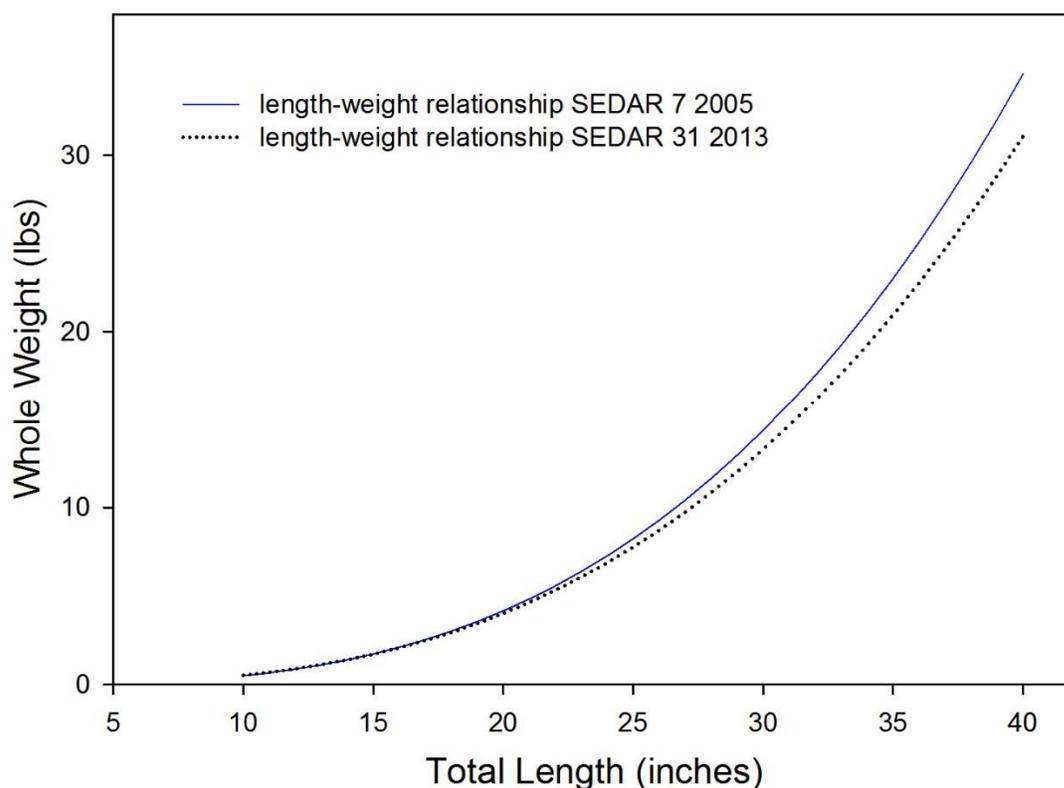


Figure 2.4.1. Red snapper length-weight relationship. Source: Conversion factors from SEDAR 7 2005, Appendix 1, Table 12 and SEDAR 31 2013, page 89 of the assessment report.

Based on length-weight relationship of red snapper used during SEDAR 7 (2005) and SEDAR 31 (2013), a 16-inch TL red snapper is estimated to weigh 2 lbs ww and a 28-inch TL red snapper is estimated to weigh 11 lbs ww (Figure 2.4.1). The average size of recreational red snapper landed in 2012 was 8 lbs ww and approximately 24 inches TL (SERO 2012b). Larger older females produce more eggs and spawn more frequently throughout the season than younger, smaller red snapper (Collins et al. 2001; Porch et al. 2013-SEDAR 31-AW03).

Discard mortality of red snapper could increase from the regional modification of seasons, bag limits, and size limits. Recreational discard mortality of red snapper was estimated by eastern and western region in SEDAR 7 (2005) and in SEDAR 31 (2013). The report found regardless of study methodology or eastern versus western Gulf, a consistent trend among discard mortality data was suggested by a positive correlation between depth and release mortality. The release mortality for recreational caught red snapper was averaged by eastern and western Gulf and estimated at 21% (Table 6.5 in SEDAR 7 2005). The most recent stock assessment estimated discard mortality for the recreational sector at 10% for the eastern and western Gulf (SEDAR 31 2013). However, the data workshop report noted that release mortality was related less to region and more on a combination of factors including, but not limited to, depth, thermal stress, venting versus non-venting, and handling time.

2.5 Action 5 – Closures in the Gulf EEZ

Alternative 1: No action – Regions may not establish closed areas in the EEZ adjacent to their region.

Preferred Alternative 2: A region may establish closed areas within the EEZ adjacent to their region in which the recreational harvest of red snapper is prohibited.

Option 2a: Areas of the Gulf EEZ may be closed year round.

Option 2b: Areas of the Gulf EEZ may be closed for up to six months of the year.

Option 2c: No more than 50% of the area of the EEZ adjacent to a region may be closed during the year.

Alternative 3: Establish a Gulf-wide boundary within the EEZ shoreward of which the recreational harvest of red snapper is permitted.

Option 3a: The recreational harvest of red snapper is permitted within **9 nautical miles** (3 marine leagues) from shore, only.

Option 3b: The recreational harvest of red snapper is permitted within **20 nautical miles** from shore, only.

Option 3c: The recreational harvest of red snapper is permitted within the **20-fathom curve** (approximating 120 feet/36.6 meters depth), only.

Option 3d: The recreational harvest of red snapper is permitted within the **30-fathom curve** (approximating 180 feet/54.9 meters depth), only.

Discussion:

Under **Preferred Alternative 2** and **Alternatives 3**, the fixed recreational closed season for red snapper in the Gulf EEZ would be removed, except remain as part of the federal default regulations. (See the discussion under Action 1.) Removal of the fixed closed season would be for the purpose of allowing individual regions to establish their season structure under either delegation or a conservation equivalency determination, and to consider alternative closures in the Gulf EEZ.

In general under regional management, the Gulf EEZ would remain open year round to the recreational harvest of red snapper. To constrain effort, regions (states) would announce the dates for the recreational harvest of red snapper, and enforcement would be carried out dockside. When a state closes the recreational harvest of red snapper, this would not prevent recreational vessels from other regions (states) fishing in the EEZ off the state with the closed season.

Preferred Alternative 2 would allow a region to restrict recreational vessels from harvesting red snapper from a designated part of the EEZ adjacent to their region (Figure 2.1.1), during a specified time of the year. Authority already rests with the states to establish closures within their state waters and to prohibit landings in their state waters. The intent of this alternative is to provide the regions with flexibility to spatially control where their apportioned part of the quota

is harvested within their region. For example, Florida may want to establish different fishing seasons for the Panhandle and west Florida due to variations in weather conditions or tourism seasons. This alternative would not allow regions to establish marine protected areas within their portion of the EEZ nor restrict commercial vessels from harvesting red snapper from these areas.

The authority to close areas of a region’s EEZ (**Preferred Alternative 2**) could unintentionally allow, or prohibit, some harvest of red snapper to occur. These issues could be most problematic near state boundaries. For example, a region could use this alternative to prohibit recreational vessels from retaining red snapper from its portion of the EEZ (Figure 2.1.1) while allowing its state waters to remain open. This use of the closed area alternative could be expected to extend the fishing season by constraining the harvest coming from part of the region’s jurisdiction. To provide a hypothetical example, say Alabama were to close its portion of the EEZ but allow state waters to remain open, while Florida and Mississippi have both their state waters and federal portion of the EEZ open (Figure 2.5.1). Under this scenario, vessels from Alabama would not be prohibited from harvesting red snapper from the EEZ off Florida and Mississippi, and landing in Alabama, provided they do not transit through Alabama’s portion of the EEZ. Although Alabama intended to extend its fishing season by constraining where harvest may occur (only in its state waters), the additional harvest from the EEZ off neighboring Mississippi or Florida could result in Alabama’s regional ACL being caught faster. Conversely, vessels from Mississippi and Florida, where the red snapper season is open in both state and federal waters, would be prohibited from retaining red snapper from Alabama’s portion of the EEZ, even though those fish would only count against the regional ACL of the state where landed, i.e., Mississippi or Florida. Thus, this hypothetical use of the closed area alternative unintentionally allowed for greater landings by Alabama anglers and unintentionally restricted fishing opportunities for Mississippi and Florida’s anglers.

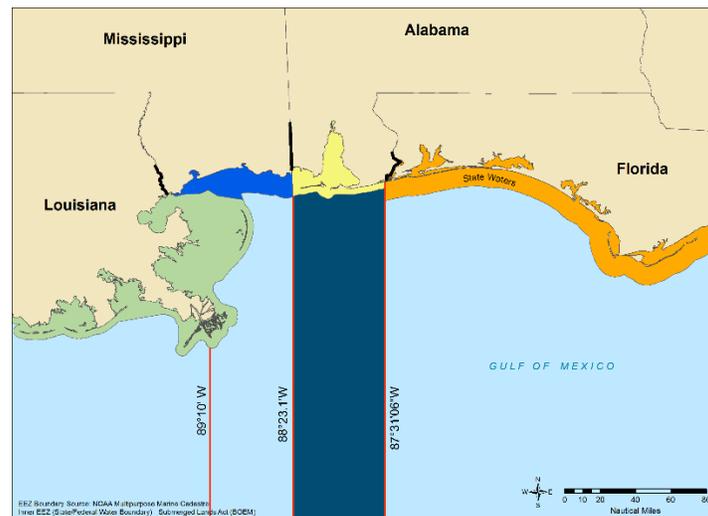


Figure 2.5.1. Visualization of the hypothetical example described for Preferred Alternative 2. The dark shaded area represents Alabama’s portion of the EEZ (see Figure 2.1.1).

Under **Alternative 3**, the recreational harvest of red snapper would only be permitted shoreward of the boundary specified in the selected option. Regardless of the recreational fishing season

established by a region, the recreational harvest of red snapper would be prohibited seaward of the boundary for any selected option, year round. **Options 3a and 3b** propose a fixed distance from shore (10 or 20 nautical miles, respectively), while **Options 3c and 3d** propose a fixed depth (20 or 30 fathoms, respectively) beyond which the recreational harvest of red snapper would be prohibited.

2.6 Action 6 – Apportioning the Recreational ACL (Quota) among Regions

Alternative 1: No Action – Retain current federal regulations for management of recreational red snapper in the Gulf EEZ. Do not divide the recreational sector ACL or component ACLs among regions.

Alternative 2: Apportion the recreational sector ACL (or component ACLs) among the regions selected in Action 3 based on the average of historical landings for the years **1986-2013**.

Alternative 3: Apportion the recreational sector ACL (or component ACLs) among the regions selected in Action 3 based on the average of historical landings for the years **1996-2013**.

Alternative 4: Apportion the recreational sector ACL (or component ACLs) among the regions selected in Action 3 based on the average of historical landings for the years **2006-2013**.

Preferred Alternative 5: Apportion the recreational sector ACL (or component ACLs) among the regions selected in Action 3 based on **50%** of average historical landings for the years **1986-2013** and **50%** of average historical landings for the years **2006-2013**.

Preferred Alternative 6: In calculating regional apportionments, exclude from the selected time series:

Preferred Option a: 2006 landings

Preferred Option b: 2010 landings

Alternative 7: Apportion the recreational sector ACL into eastern and western regional ACLs (or component ACLs) divided approximately at the Mississippi River, based on regional biogeographical differences in the stock used in the stock assessments.

Alternative 8: Apportion the recreational sector ACL (or component ACLs) among the regions selected in Action 3 such that each region's allocation provides an equivalent number of fishing days.

Discussion:

The adoption of regional management for the recreational sector ACL will require the ACL to be apportioned, or allocated, among the selected regions. This would create regional ACLs. Allocation is an inherently controversial issue because a limited resource is divided among competing user groups, each of which benefits from receiving the largest portion possible. Allocation decisions would need to follow the Principles and Guidelines for Allocation adopted by the Council (Appendix E).

Alternative 1 (no action) would maintain a single red snapper ACL (and component ACLs, if applicable) for the recreational sector. Currently, there is no expressed state allocation; the proportion of the total recreational landings made up by each state varies from year to year, as seen in Table 2.6.1.

Table 2.6.1. Percentage of annual recreational red snapper landings by state (1986-2014), based on whole weight (ww) of fish.

Year	Alabama	Florida	Louisiana	Mississippi	Texas
1986	11.5%	55.3%	18.1%	0.1%	15.0%
1987	18.5%	43.7%	13.5%	2.6%	21.7%
1988	16.4%	30.0%	33.1%	0.7%	19.8%
1989	18.5%	12.3%	24.1%	11.7%	33.3%
1990	39.7%	17.8%	16.9%	3.4%	22.2%
1991	30.1%	15.1%	33.2%	6.2%	15.5%
1992	32.7%	8.1%	24.5%	16.6%	18.2%
1993	29.3%	17.5%	22.7%	12.7%	17.9%
1994	32.1%	13.9%	21.1%	8.1%	24.7%
1995	31.9%	10.3%	28.3%	2.9%	26.6%
1996	32.8%	18.7%	16.6%	4.0%	27.9%
1997	39.1%	14.8%	16.8%	9.8%	19.5%
1998	29.8%	28.7%	14.9%	3.9%	22.8%
1999	39.7%	28.6%	15.8%	4.1%	11.8%
2000	29.6%	35.8%	18.6%	1.1%	14.9%
2001	42.3%	39.9%	6.0%	2.1%	9.7%
2002	40.1%	38.7%	6.2%	3.6%	11.4%
2003	37.9%	36.3%	8.9%	6.0%	10.9%
2004	30.0%	53.9%	5.8%	0.4%	9.9%
2005	29.1%	48.0%	10.4%	0.1%	12.5%
2006	20.0%	51.0%	12.2%	0.8%	16.0%
2007	19.5%	56.7%	15.6%	0.1%	8.0%
2008	17.1%	57.5%	15.7%	1.0%	8.6%
2009	21.6%	47.0%	18.8%	0.8%	11.8%
2010	21.3%	55.9%	5.0%	0.4%	17.3%
2011	53.6%	29.3%	8.9%	1.0%	7.2%
2012	35.9%	32.5%	19.2%	4.2%	8.2%
2013	45.8%	39.1%	5.6%	4.4%	5.1%
2014	30.0%	42.5%	16.3%	1.2%	10.0%

Source: Southeast Fisheries Science Center (SEFSC) annual catch limit dataset, including Calibrated MRIP, TPWD, and Southeast Headboat Survey (HBS) landings. Alabama and the Florida Panhandle HBS landings are initially reported to the same headboat fishing area. Landings have been assigned to each state based on the HBS vessel landing records (May 2015). Actual landings are provided in the Appendix (Table F-1).

Alternatives 2-4 and Preferred Alternative 5 propose methods for apportioning the recreational red snapper quota based on the average of historical landings for different time series. Regardless of the alternative selected, in some years, each state’s landings exceed their average. This means that requiring the states to constrain their catches to a percentage of the total quota could restrict the fluctuations in annual landings that occur in some years.

Alternatives 2-5 present four options for apportioning the recreational quota using averages of historical landings for varying time series (Table 2.6.2). **Preferred Alternative 6** provides options for excluding particular years from the historical landings averages, due to impacts that affected recreational fishing opportunities during or immediately preceding those years (e.g., fishing closures following the Deepwater Horizon MC252 oil spill). The two years provided were discussed at a joint meeting of the five Gulf States' respective heads of their natural resource departments. Hurricane Katrina struck late in the fishing season of 2005, therefore landings from 2006 are proposed for exclusion. The Deepwater Horizon MC252 oil spill began in April 2010, prior to the opening of the 2010 recreational red snapper season (see Figure 3.3.1 for the extent of the fishing closures). **Option a** would exclude landings from 2006 from each time series (Table 2.6.3), and **Option b** would exclude landings from 2010 from the time series (Table 2.6.4). Resulting averages for landings if both options are selected are provided in Table 2.6.5. The exclusion of landings from 2006 (**Option a**), 2010 (**Option b**), or both (**Options a and b**) could be selected alongside one of **Alternatives 2-5**. In Amendment 40, currently under secretarial review, the Council chose to exclude landings from 2010 (**Preferred Option b**) from the allocation formula, but did not exclude landings from 2006 (**Preferred Option a**).

Table 2.6.2. Resulting proportions of the recreational ACL that could be apportioned to each state based on four options (Alternatives 2-5) of historical landings time series.

Alternative	Years	Alabama	Florida	Louisiana	Mississippi	Texas
2	1986-2013	30.2%	33.4%	16.3%	4.0%	16.0%
3	1996-2013	32.5%	39.6%	12.3%	2.6%	13.0%
4	2006-2013	29.4%	46.1%	12.7%	1.6%	10.3%
5	50% (1986-2013), 50% (2006-2013)	29.8%	39.8%	14.5%	2.8%	13.1%

Note: Actual landings on which Tables 2.6.2 – 2.6.5 are based can be found in the Appendix (Table F-1).

Table 2.6.3. Resulting proportions of the recreational red snapper ACL that could be apportioned to each state based on four options (Alternatives 2-5) of historical landings time series, excluding landings from 2006.

Alternatives 2 -5 with Pref. Alt. 6 Pref. Option a	Years	Alabama	Florida	Louisiana	Mississippi	Texas
Alternative 2	1986-2013	30.6%	32.8%	16.5%	4.1%	16.0%
Alternative 3	1996-2013	33.3%	38.9%	12.3%	2.8%	12.8%
Alternative 4	2006-2013	30.7%	45.4%	12.7%	1.7%	9.5%
Alternative 5	50%:50%	30.6%	39.1%	14.6%	2.9%	12.7%

Table 2.6.4. Resulting proportions of the recreational red snapper ACL that could be apportioned to each state based on four options (Alternatives 2-5) of historical landings time series, excluding landings from 2010.

Alternatives 2-5 with Pref. Alt. 6 Pref. Option b	Years	Alabama	Florida	Louisiana	Mississippi	Texas
Alternative 2	1986-2013	30.5%	32.6%	16.7%	4.2%	16.0%
Alternative 3	1996-2013	33.2%	38.6%	12.7%	2.8%	12.7%
Alternative 4	2006-2013	30.5%	44.7%	13.7%	1.7%	9.3%
Alternative 5	50%:50%	30.5%	38.7%	15.2%	2.9%	12.6%

Table 2.6.5. Resulting proportions of the recreational red snapper ACL that could be apportioned to each state based on four options (Alternatives 2-5) of historical landings time series, excluding landings from 2006 and 2010.

Alternatives 2-5 with Pref. Alt. 6 Pref. Options a & b	Years	Alabama	Florida	Louisiana	Mississippi	Texas
Alternative 2	1986-2013	31.0%	31.9%	16.9%	4.3%	16.0%
Alternative 3	1996-2013	34.0%	37.8%	12.7%	2.9%	12.5%
Alternative 4	2006-2013	32.3%	43.7%	14.0%	1.9%	8.1%
Pref. Alternative 5	50%:50%	31.6%	37.8%	15.4%	3.1%	12.1%

Alternative 7 considers apportioning the ACL based on the projected yields for the acceptable biological catch (ABC) for the eastern and western Gulf, as derived from the updated projections from the 2009 assessment (Linton 2012a), and may be selected as preferred if Alternatives 2 or 3 are selected as preferred in Action 3. The resulting apportionments of the ABC from that assessment would be 48.5% for the eastern and 51.5% for the western Gulf (Linton 2012a).

As discussed in the previous action, all options for creating regions fall along state boundaries. Although the eastern and western regions proposed under Action 3’s Alternative 2 most closely approximate the eastern and western components used in the stock assessment, they do not overlap exactly. There would be a difference in using the proportion of red snapper suggested by the stock assessment that could be taken from each sub-unit, and the proportion of aggregated states’ landings coinciding with the selection of Action 2’s Alternative 2. Nevertheless, **Alternative 7** would provide a biologically based apportionment for regional management. Action 2’s Alternative 3 would also divide the Gulf into eastern and western regions, but its regional boundary, between Mississippi and Alabama, deviates further from the eastern and western components of the stock assessment than Action 2’s Alternative 2.

It is possible that one or more states may opt out and not participate in regional management. If only one state opts out, the remaining four states would still receive their portion of the ACL, as specified in the selected preferred alternative. This means that a single non-participating state’s landings would be restricted to the remaining balance of the recreational ACL (or component ACL), equivalent to the share it would receive if participating in regional management. Should

more than one state choose to opt out, the participating states would still receive their respective portions of the recreational ACL. The regional ACL which would have been distributed to each non-participating state would be pooled and NMFS would estimate the length of the fishing season based on the aggregate amount of quota. Those states would then fish under the federal default regulations and a shared fishing season (Action 7).

Alternative 8 would apportion the recreational sector ACL (or component ACLs) among regions such that the initial allocation provides an equivalent number of fishing days for each region. To calculate regional allocations such that an equivalent number of fishing days results for each region, three scenarios were analyzed. The first scenario is based on projected 2015 average fish weights and 2014 catch rates for-hire vessels, and 2014 catch rates and average fish weights for landings made from private angling vessels and headboats. The second scenario is based on the observed catch rates and average fish weights for all sectors and components using 2014 landings from Wave 3. The third scenario is based on the observed catch rates and average fish weights for all sectors and components during the June 1-9, 2014 federal red snapper fishing season. These projection methodologies are discussed in greater detail in SERO-LAPP-2015-04. Each scenario produces a slightly different allocation, as each scenario is based on different information, including landings by mode and time series. Thus, a range of potential allocations derived from the three scenarios is provided in Table 2.6.6. Under projected 2015 catch rates, eastern Gulf States would require more allocation and western Gulf States would require less allocation than currently allocated under **Preferred Alternative 5** (Table 2.6.6). This is primarily due to the rapid growth of eastern Gulf catch rates in recent years.

Table 2.6.6. Resulting proportions of the recreational sector ACL that could be apportioned to each state such that each region’s allocation provides an equivalent number of fishing days (Alternative 8) at the time of apportionment.

State	Alabama	Florida	Louisiana	Mississippi	Texas
Allocation range	34.6-41.7%	45.3-54.9%	6.1-7.6%	0.4-0.5%	4.0-4.9%
Difference from Table 2.6.5 Alt 5	3.0-10.1%	7.5-17.1%	-9.3--7.8%	-2.7--2.6%	-8.1--7.2%

Source: SERO-LAPP-2015-04, N. Farmer, pers. comm.

An additional issue may arise for individual regions to monitor and constrain catches to their apportioned regional ACL. NMFS regularly issues exempted fishing permits (EFPs) for research or activities which would otherwise be considered fishing. Fish harvested under an EFP are exempt from specific regulations such as bag limits, size limits, and fishing seasons. Because the fish landed under a research activity EFP are normally accounted for in the stock assessment process, before any quotas or allocations are established, these fish are not deducted from the quota. However, there are instances where NMFS may determine that an EFP is specific to a fishing quota or allocation, and may require the regions to account for those fish during a fishing season. If a quantity of fish under an EFP is required to be monitored and accounted for by regions under regional management, the region will be responsible for accounting for these landings, along with their other monitoring to assure they do not exceed their portion of the ACL.

2.7 Action 7 – Post-Season Accountability Measures (AMs)

Alternative 1: No action – Retain the current post-season accountability measures for managing overages of the recreational sector ACL in the Gulf EEZ. While red snapper are overfished (based on the most recent Status of U.S. Fisheries Report to Congress), if the recreational sector ACL (quota) is exceeded, reduce the **recreational sector** ACL in the following year by the full amount of the overage, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. The component ACLs for the years 2015-2017 will be adjusted to reflect the component allocation, and the recreational ACTs will be adjusted to reflect the previously established percent buffer.

Preferred Alternative 2: While red snapper are overfished (based on the most recent Status of U.S. Fisheries Report to Congress), if the combined recreational landings exceed the recreational sector ACL, then reduce in the following year the regional ACL of any **region** that exceeded its regional ACL by the amount of the region's ACL overage in the prior fishing year. The recreational ACTs will be adjusted to reflect the previously established percent buffer.

Alternative 3: While red snapper are overfished (based on the most recent Status of U.S. Fisheries Report to Congress), if the combined recreational landings exceed the recreational sector ACL, then reduce in the following year the **component** ACL (for-hire and/or private angling) by the full amount of the respective component's overage unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. The regional ACLs will be adjusted to reflect the regional allocations and the recreational ACTs will be adjusted to reflect the previously established percent buffer.

Alternative 4: While red snapper are overfished (based on the most recent Status of U.S. Fisheries Report to Congress), if the combined recreational landings exceed the recreational sector ACL, in the following year: reduce the **component** ACLs by the full amount of a component's ACL overage; for the private angling component's ACL (or the for-hire component ACL, if for-hire regional ACLs are established), reduce the regional ACL of any **region** that exceeded its regional ACL by the amount of the region's ACL overage in the prior fishing year. The recreational ACTs will be adjusted to reflect the previously established percent buffer.

Note: For **Alternatives 2-4**, the overage would be deducted from the regional ACL and/or component ACL, rather than the recreational sector ACL, as specified in the alternative, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. Also, if the total recreational landings do not exceed the Gulf-wide recreational sector ACL in that year, neither the recreational sector ACL nor the regional and/or component ACLs would be reduced to account for an ACL overage.

Discussion:

Section 407(d) of the Magnuson-Stevens Act requires that the Council ensure the FMP (and its implementing regulations) have conservation and management measures that establish a separate sector ACL for recreational fishing (private and for-hire vessels) and prohibit the retention of red snapper caught for the remainder of the fishing year once that sector ACL is reached. The

national standard 1 guidelines identify two types of AMs: in-season and post-season. These AMs are not mutually exclusive and should be used together where appropriate. In 2014, the Council adopted an in-season AM to create an ACT determined by deducting 20% from the ACL. To correct or mitigate any overages during a specific fishing year (50 CFR 600.310(g)), the Council also adopted a post-season AM which would reduce the recreational ACL in the year following an overage by the full amount of the overage (**Alternative 1**).

Alternative 1 (no action), would continue to apply the recently adopted post-season AM Gulf-wide. Although the possibility of triggering an overage adjustment would encourage regions to constrain harvest to the region's ACL, the Gulf-wide approach may be perceived as inequitable across regions. For example, if a particular region greatly exceeded their regional ACL, then the necessary overage adjustment may restrict the length of the following year's fishing season both in the region with the overage and the other regions which did not exceed their regional ACL. If this occurs, this may reduce the flexibility provided to the regions under regional management. If Alternative 4 in Action 2 is selected as preferred, only **Alternative 1** may be selected as preferred for this action.

Preferred Alternative 2 would apply the post-season AM only to a region or regions which exceeded its portion of the recreational ACL. With the apportionment of regional ACLs, **Preferred Alternative 2** would prevent the overage adjustment from affecting regions that do not exceed their regional ACL. However, if a region's overage is greater than the following year's regional ACL, then the region may not have a recreational red snapper season. The overage adjustments would need to be taken into account when regions develop their management strategy, including the length of the fishing season for the following year. **Preferred Alternative 2** would encourage a region to constrain harvest to the regional ACL to ensure that the overage adjustment is not applied to the recreational season for the following year. Regardless of a region exceeding its ACL, an overage adjustment would only need to be applied if the Gulf-wide recreational sector ACL was exceeded.

Alternative 3 would apply the post season AM to the component (for-hire or private angling) that exceeds its component ACL in the prior fishing year. In the event the Gulf-wide recreational ACL is exceeded, the component that exceeded its portion of the ACL would have its component ACL reduced in the following year by the amount of the overage. This alternative would prevent the overage adjustment from affecting a component of the recreational sector that does not exceed its component ACL.

Alternative 4 combines the overage adjustments of the component that exceeds its quota (**Preferred Alternative 2**) and the region **Alternative 3**, by applying the post-season AM to both a region and component that has exceeded its portion of the recreational ACL in the previous year. Although the possibility of triggering an overage adjustment would encourage both regions and the components to constrain harvest to the respective ACLs, a region and sector-wide approach may be perceived as inequitable by the different regions and components.

CHAPTER 3. AFFECTED ENVIRONMENT

The actions considered in this environmental impact statement (EIS) would affect recreational fishing for red snapper in federal and state waters of the Gulf of Mexico (Gulf). Descriptions of the physical, biological, economic, social, and administrative environments were completed in the EIS for Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007), the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a), and the Generic Annual Catch Limits/Accountability Measures (ACL/AM) Amendment (GMFMC 2011b). Below, information on each of these environments is summarized or updated, as appropriate.

3.1 Description of the Red Snapper Component of the Reef Fish Fishery

A description of the fishery and affected environment relative to red snapper was last fully discussed in joint Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007). This section updates the previous description to include additional information since publication of that EIS.

General Features

Commercial harvest of red snapper from the Gulf began in the mid-1800s (Shipp 2001). In the 1930s, party boats built exclusively for recreational fishing began to appear (Chester 2001). The commercial sector operates under an individual fishing quota (IFQ) program. In 2011, 362 vessels participated in the IFQ program (NMFS 2012a). The recreational sector operates in three modes, charter boats, headboats, and private vessels. In 2012, private vessels accounted for 70.1% of recreational red snapper landings, followed by charter boats (20.3%) and headboats (9.6%). On a state-by-state basis, Alabama accounted for the most landings (36.1%), followed by Florida (32.3%), Louisiana (19.2%), Texas (8.2%), and Mississippi (4.2%) (Table 3.1.1).

Table 3.1.1. Recreational red snapper landings in 2012 by state and mode.

State	Landings (lbs whole weight)				% by State
	Charter	Headboat	Private	All Modes	
FL (west)	806,118	205,830	1,420,620	2,432,569	32.3%
AL	445,816	71,482	2,197,377	2,714,675	36.1%
MS	1,406	5,894	306,854	314,154	4.2%
LA	236,145	21,199	1,188,763	1,446,106	19.2%
TX	39,128	419,671	157,937	616,736	8.2%
Total	1,528,613	724,077	5,271,550	7,524,239	
% by Mode	20.3%	9.6%	70.1%		100%

Source: NMFS 2014.

The red snapper stock has been found to be in decline or overfished in every stock assessment conducted, beginning with the first assessment in 1986 (Parrack and McClellan 1986).

Implemented in 1990, Amendment 1 (GMFMC 1989) established the first red snapper rebuilding plan. From 1990 through 2009, red snapper harvest was managed through the setting of an annual total allowable catch (TAC), which has been divided into allocations of 51% commercial, and 49% recreational. Beginning in 2010, TAC was phased out in favor of an ACL. The red snapper rebuilding plan formally adopted the use of the term ACL in Amendment 40 (GMFMC 2014). Until that time, by allocating the acceptable biological catch (ABC) between the commercial and recreational sectors, and then setting quotas for each sector that do not exceed those allocations, the terminology and approaches used in the red snapper rebuilding plan were consistent with the use of ACLs, and optionally annual catch targets (ACTs) as discussed in the national standard 1 guidelines. Such alternative terminology is allowed under the guidelines.

Also in 1990, Amendment 1 established a commercial red snapper quota of 2.65 million pounds (mp) whole weight (ww). There was no explicit recreational allocation specified, only a bag limit of 7 fish and a minimum size limit of 13 inches total length (TL). Based on the 51:49 commercial to recreational sector allocation, the commercial quota implied a TAC of about 6.0 mp in 1990, followed by explicit TACs of 4.0 mp in 1991 and 1992, 6.0 mp in 1993 through 1995, and 9.12 mp from 1996 through 2006. The TAC was reduced to 6.5 mp in 2007 and 5.0 mp in 2008 and 2009.

In 2010, the ABC was increased to 6.945 mp. In 2011, it was initially raised to 7.185 mp, and then increased in August by another 345,000 lbs (7.530 mp total) which was allocated to the recreational sector. In 2012 the ABC was raised to 8.080 mp. A scheduled increase in 2013 to 8.690 mp was cancelled due to an overharvest in 2012 by the recreational sector. After an analysis of the impacts of the overharvest on the red snapper rebuilding plan, the 2013 ABC was increased to 8.460 mp. In July 2013, the Council reviewed a new benchmark assessment (SEDAR 31 2013) which showed that the red snapper stock was rebuilding faster than projected, partly due to strong recruitment in some recent years. Combined with a new method for calculating the ABC, the Scientific and Statistical Committee (SSC) increased the ABC for 2013 to 13.5 mp, but warned that the catch levels would have to be reduced in future years if recruitment returned to average levels. After incorporating a buffer to reduce the possibility of having to later reduce the quota, the Gulf of Mexico Fishery Management Council (Council) further increased the 2013 commercial and recreational quotas to a combined 11.0 mp (5.61 mp and 5.39 mp respectively) (GMFMC 2013b). This increase occurred too late to extend the June recreational season, so the Council requested that the National Marine Fisheries Service (NMFS) reopen the recreational season on October 1 for whatever number of days would be needed to harvest the additional quota. NMFS estimated that the additional recreational quota would take 14 days to be caught, and therefore announced a supplemental season of October 1 through 14.

Both the commercial and recreational sectors have had numerous allocation overruns. Table 3.1.2 shows a comparison of quotas and actual harvests from 1990 through 2013. The recreational sector has had allocation overruns in 21 out of 23 years in which an allocation was specified, while the commercial sector has had overruns in 10 of 23 years. The commercial sector has not had overruns since 2005. Since 2007, commercial harvest of red snapper has operated under an IFQ program.

Table 3.1.2. Red snapper landings and overage/underage by sector, 1986-2014. Landings are in mp ww. Commercial quotas began in 1990. Recreational allocations began in 1991 and recreational quotas began in 1997. Summing the recreational allocation/quota and the commercial quota yields the total allowable catch (TAC) for the years 1991-2009 and the acceptable biological catch (ABC) for 2010-2014.

Year	Recreational			Commercial			Total		
	Alloc. Quota	Actual landings	Difference	Quota	Actual landings	Diff-erence	Quota	Actual landings	Difference
1986	na	3.491	na	na	3.700	na	na	6.470	na
1987	na	2.090	na	na	3.069	na	na	4.883	na
1988	na	3.139	na	na	3.960	na	na	6.528	na
1989	na	2.940	na	na	3.098	na	na	5.754	na
1990	na	1.625	na	3.1	2.650	-0.450	na	4.264	na
1991	1.96	2.917	+0.957	2.04	2.213	+0.173	4.0	5.130	+1.130
1992	1.96	4.618	+2.658	2.04	3.106	+1.066	4.0	7.724	+3.724
1993	2.94	7.161	+4.221	3.06	3.374	+0.314	6.0	10.535	+4.535
1994	2.94	6.076	+3.136	3.06	3.222	+0.162	6.0	9.298	+3.298
1995	2.94	5.464	+2.524	3.06	2.934	-0.126	6.0	8.398	+2.398
1996	4.47	5.339	+0.869	4.65	4.313	-0.337	9.12	9.652	+0.532
1997	4.47	6.804	+2.334	4.65	4.810	+0.160	9.12	11.614	+2.494
1998	4.47	4.854	+0.384	4.65	4.680	+0.030	9.12	9.534	+0.414
1999	4.47	4.972	+0.502	4.65	4.876	+0.226	9.12	9.848	+0.728
2000	4.47	4.750	+0.280	4.65	4.837	+0.187	9.12	9.587	+0.467
2001	4.47	5.252	+0.782	4.65	4.625	-0.025	9.12	9.877	+0.757
2002	4.47	6.535	+2.065	4.65	4.779	+0.129	9.12	11.314	+2.194
2003	4.47	6.105	+1.635	4.65	4.409	-0.241	9.12	10.514	+1.394
2004	4.47	6.460	+1.990	4.65	4.651	+0.001	9.12	11.111	+1.991
2005	4.47	4.676	+0.206	4.65	4.096	-0.554	9.12	8.772	-0.348
2006	4.47	4.131	-0.339	4.65	4.649	-0.001	9.12	8.780	-0.340
2007	3.185	5.809	+2.624	3.315	3.153	-0.162	6.5	8.962	+2.462
2008	2.45	4.056	+1.606	2.55	2.461	-0.089	5.0	6.517	+1.517
2009	2.45	5.597	+3.147	2.55	2.461	-0.089	5.0	8.058	+3.058
2010	3.403	2.651	-0.752	3.542	3.362	-0.180	6.945	6.013	-0.932
2011	3.866	6.734	+2.868	3.664	3.562	-0.102	7.53	10.296	+2.766
2012	3.959	7.524	+3.565	4.121	4.000	-0.121	8.08	11.524	+3.444
2013	5.390	9.659	+4.269	5.610	5.399	-0.211	11.00	15.038	+4.038
2014	5.390	3.867	-1.523	5.054	5.016	-0.038	10.444	8.883	-1.561

Sources: For recreational landings, Southeast Fisheries Science Center (SEFSC) including landings from the Calibrated Marine Recreational Information Program (MRIP), Texas Parks and Wildlife Department (TPWD), and the Southeast Headboat Survey (HBS) (December 2014). For commercial landings, Southeast Data Assessment and Review (SEDAR) 31 Data Workshop Report (1990-2011), commercial quotas/catch allowances report from NMFS/Southeast Regional Office (SERO) IFQ landings website (2012 commercial): <http://sero.nmfs.noaa.gov/sf/ifq/CommercialQuotasCatchAllowanceTable.pdf>. Commercial quotas/landings in gutted weight were multiplied by 1.11 to convert to ww. Values highlighted in red are those where landings exceeded quotas. Data for 2014 provided by N. Farmer, pers. comm.

Recreational Red Snapper Sector

Red snapper are an important component of the recreational sector's harvest of reef fish in the Gulf. Recreational red snapper fishing includes charter boats, headboats (or party boats), and private anglers fishing primarily from private or rental boats. As with the commercial fishery, red snapper are primarily caught with hook-and-line gear in association with bottom structures. Recreational red snapper harvest allocations since 1991 have been set at 49% of the TAC, or 1.96 mp in 1991 and 1992, 2.94 mp for 1993 through 1995, and 4.47 mp from 1996 through 2006. In 2007, the recreational quota was reduced to 3.185 mp. It was reduced again to 2.45 mp in 2008 and 2009. Since 2010, the recreational quota has been increased each year: 3.403 mp in 2010, 3.866 mp in 2011, and 3.959 mp in 2012 (Table 3.1.3).

Before 1984, there were no restrictions on the recreational harvest of red snapper. In November 1984, a 12-inch TL size limit was implemented, but with an allowance for five undersized fish per person. In 1990, the undersized allowance was eliminated, and the recreational sector was managed through bag and size limits with a year-round open season. In 1997, the recreational red snapper allocation was converted into a quota with accompanying quota closure should the sector exceed its quota. Recreational quota closures occurred in 1997, 1998, and 1999, becoming progressively shorter each year even though the quota remained a constant 4.47 mp.

A fixed recreational season of April 21 through October 31 (194 days) was established for 2000 through 2007. However, NMFS returned to variable length seasons beginning in 2008. Under this management approach, due to a lag in the reporting of recreational catches, catch rates over the course of the season were projected in advance based on past trends and changes in the average size of a recreationally harvested red snapper. The recreational season opened each year on June 1 and closed on the date when the quota was projected to be reached. In 2008, the season length was reduced from 194 days to 65 days in conjunction with a reduction in quota to 2.45 mp. The season length then increased to 75 days in 2009. In 2010, the recreational red snapper season was originally projected to be 53 days. However, due to reduced effort and large emergency area closures resulting from the Deepwater Horizon MC252 oil spill, catches were below projections, and a one-time supplemental season of weekend only openings (Friday, Saturday, and Sunday) was established from October 1 through November 22. This added 24 fishing days to the 2010 season for a total of 77 days. In 2011, the season was reduced to 48 days despite an increase in the quota, due to an increase in the average size of a recreationally harvested fish. In 2012 the season was initially scheduled to be 40 days, but was extended to 46 days to compensate for the loss of fishing days due to storms (Table 3.1.3).

During the six years when the recreational harvest was an allocation, not a quota (1991 – 1996), actual recreational harvests in pounds of red snapper exceeded the allocation every year. During the period when the recreational harvest was managed as a quota (1997 – 2013), actual recreational harvest in pounds of red snapper exceeded the quota in 15 out of 17 years, including 5 of the last 6 years (Table 3.1.3). Historical recreational landings estimates have recently been revised to reflect changes in methodology under the Marine Recreational Information Program (MRIP).

Table 3.1.3. Red snapper recreational landings vs. allocation/quota and days open 1986-2014. Landings are in mp ww. Recreational allocations began in 1991, and became quotas in 1997.

Year	Allocation/ Quota	Actual landings	Difference	% over or under quota	Days season open in federal waters
1986	na	2.770	na		365
1987	na	1.814	na		365
1988	na	2.568	na		365
1989	na	2.656	na		365
1990	na	1.614	na		365
1991	1.96	2.917	+0.957	+49%	365
1992	1.96	4.618	+2.658	+136%	365
1993	2.94	7.161	+4.221	+144%	365
1994	2.94	6.076	+3.136	+107%	365
1995	2.94	5.464	+2.524	+86%	365
1996	4.47	5.339	+0.869	+19%	365
1997	4.47	6.804	+2.334	+52%	330
1998	4.47	4.854	+0.384	+9%	272
1999	4.47	4.972	+0.502	+11%	240
2000	4.47	4.750	+0.280	+6%	194
2001	4.47	5.252	+0.782	+17%	194
2002	4.47	6.535	+2.065	+46%	194
2003	4.47	6.105	+1.635	+37%	194
2004	4.47	6.460	+1.990	+45%	194
2005	4.47	4.676	+0.206	+5%	194
2006	4.47	4.131	-0.339	-8%	194
2007	3.185	5.809	+2.624	+82%	194
2008	2.45	4.056	+1.606	+66%	65
2009	2.45	5.597	+3.147	+128%	75
2010	3.403	2.651	-0.752	-22%	53 + 24 = 77
2011	3.866	6.734	+2.868	+74%	48
2012	3.959	7.524	+3.565	+90%	46
2013	5.390	9.639	+4.249	+79%	42
2014	5.390	3.867	-1.523	-28%	9

Source: Southeast Fisheries Science Center (SEFSC) including calibrated landings from MRIP, Texas Parks and Wildlife Department (TPWD), and the Southeast Headboat Survey (HBS) (May 2015). Values highlighted in red are those where landings exceeded quotas.

For-hire vessels have operated under a limited access system with respect to the issuance of new for-hire permits for fishing reef fish or coastal migratory pelagics since 2003. A total of 3,340 reef fish and coastal migratory pelagic charter permits were issued under the moratorium, and they are associated with 1,779 vessels. Of these vessels, 1,561 have both reef fish and coastal migratory pelagics permits, 64 have only reef fish permits, and 154 have only coastal migratory pelagics permits. About one-third of Florida charter boats targeted three or less species; two-thirds targeted five or less species; and 90% targeted nine or less species. About 40% of these

charter boats did not target particular species. The species targeted by the largest proportion of Florida charter boats were king mackerel (46%), grouper (29%), snapper (27%), dolphin (26%), and billfish (23%). In the eastern Gulf, the species receiving the most effort were grouper, king mackerel, and snapper. About 25% of Florida headboats targeted three or fewer species; 75% targeted four or fewer species; and 80% targeted five or fewer species. About 60% of headboats did not target any particular species. The species targeted by the largest proportion of Florida headboats are snapper and other reef fish (35%), red grouper (29%), gag grouper (23%), and black grouper (16%). In the eastern Gulf, the species receiving the most effort were snapper, gag, and red grouper (Sutton et al. 1999).

The majority of charter boats in Alabama, Mississippi, Louisiana, and Texas reported targeting snapper (91%), king mackerel (89%), cobia (76%), and tuna (55%). The species receiving the largest percentage of effort by charter boats in the four-state area were snapper (49%), king mackerel (10%), red drum (6%), cobia (6%), tuna (5%), and speckled trout (5%). The majority of headboat operators reported targeting snapper (100%), king mackerel (85%), shark (65%), tuna (55%), and amberjack (50%). The species receiving the largest percentage of total effort by headboats in the four-state area were snapper (70%), king mackerel (12%), amberjack (5%), and shark (5%) (Sutton et al. 1999).

Commercial Red Snapper Sector

In the Gulf, red snapper are primarily harvested commercially with hook-and-line and bandit gear, with bandit gear being more prevalent. Longline gear captures a small percentage of total landings (< 5%). Longline gear is prohibited for the harvest of reef fish inside of 50 fathoms west of Cape San Blas. East of Cape San Blas, longline gear is prohibited for harvest of reef fish inside of 20 fathoms, with a seasonal shift in the longline boundary to 35 fathoms during June through August to protect foraging sea turtles.

Between 1990 and 2006, the principal method of managing the commercial sector for red snapper was with quotas set at 51% of TAC and seasonal closures after each year's quota was filled. The result was a race for fish in which fishermen were compelled to fish as quickly as possible to maximize their catch of the overall quota before the season was closed. The fishing year was characterized by short periods of intense fishing activity with large quantities of red snapper landed during the open seasons rather than lower levels of activity with landings spread more uniformly throughout the year. The result was short seasons and frequent quota overruns (Table 3.1.4). From 1993 through 2006, trip limits, limited access endorsements, split seasons and partial monthly season openings were implemented in an effort to slow the race for fish. At the beginning of the 1993 season, 131 boats qualified for red snapper endorsements on their reef fish permits that entitled them to land 2,000 lbs of red snapper per trip.

In 2007, an IFQ program was implemented for the commercial red snapper sector. Each vessel that qualified for the program was issued an allocation of a percentage of the commercial quota based on historical participation. The allocations were issued as shares representing pounds of red snapper, which the fishermen could harvest, sell or lease to other fishermen, or purchase from other fishermen. Beginning in 2007, the commercial red snapper season is no longer closed, but a commercial vessel cannot land red snapper unless it has sufficient allocation in its

vessel account to cover the landing poundage. As a result, there have not been any quota overruns under the IFQ program (Table 3.1.4). The red snapper IFQ program is currently undergoing a 5-year review to determine if changes are needed to the program.

Table 3.1.4. Commercial red snapper harvest vs. days open, by sector, 1986-2014.

Year	Quota	Actual landings	Days Open (days that open or close at noon are counted as half-days) (“+” = split season)
1986	na	3.700	365
1987	na	3.069	365
1988	na	3.960	365
1989	na	3.098	365
1990	3.1	2.650	365
1991	2.04	2.213	235
1992	2.04	3.106	52½ + 42 = 94½
1993	3.06	3.374	94
1994	3.06	3.222	77
1995	3.06	2.934	50 + 1½ = 51½
1996	4.65	4.313	64 + 22 = 86
1997	4.65	4.810	53 + 18 = 71
1998	4.65	4.680	39 + 28 = 67
1999	4.65	4.876	42 + 22 = 64
2000	4.65	4.837	34 + 25 = 59
2001	4.65	4.625	50 + 20 = 70
2002	4.65	4.779	57 + 24 = 81
2003	4.65	4.409	60 + 24 = 84
2004	4.65	4.651	63 + 32 = 95
2005	4.65	4.096	72 + 48 = 120
2006	4.65	4.649	72 + 43 = 115
2007	3.315	3.183	IFQ
2008	2.55	2.484	IFQ
2009	2.55	2.484	IFQ
2010	3.542	3.392	IFQ
2011	3.664	3.594	IFQ
2012	4.121	4.036	IFQ
2013	5.610	5.399	IFQ
2014	5.054	5.016	IFQ

Source: SEDAR 31 Data Workshop Report (1990-2006), commercial quotas/catch allowances report from NMFS/Southeast Regional Office IFQ landings website (2007-2014):

<http://sero.nmfs.noaa.gov/sf/ifq/CommercialQuotasCatchAllowanceTable.pdf>.

Commercial quotas/landings in gutted weight were multiplied by 1.11 to convert to ww. Values highlighted in red are those where landings exceeded quotas.

3.2 Description of the Physical Environment

The Gulf has a total area of approximately 600,000 square miles (1.5 million km²), including state waters (Gore 1992). It is a semi-enclosed, oceanic basin connected to the Atlantic Ocean by the Straits of Florida and to the Caribbean Sea by the Yucatan Channel (Figure 3.2.1). Oceanographic conditions are affected by the Loop Current, discharge of freshwater into the northern Gulf, and a semi-permanent, anti-cyclonic gyre in the western Gulf. The Gulf includes both temperate and tropical waters (McEachran and Fechhelm 2005). Gulf water temperatures range from 54° F to 84° F (12° C to 29° C) depending on time of year and depth of water. Mean annual sea surface temperatures ranged from 73 ° F through 83° F (23-28° C) including bays and bayous (Figure 3.2.1) between 1982 and 2009, according to satellite-derived measurements (NODC 2012: <http://accession.nodc.noaa.gov/0072888>). In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

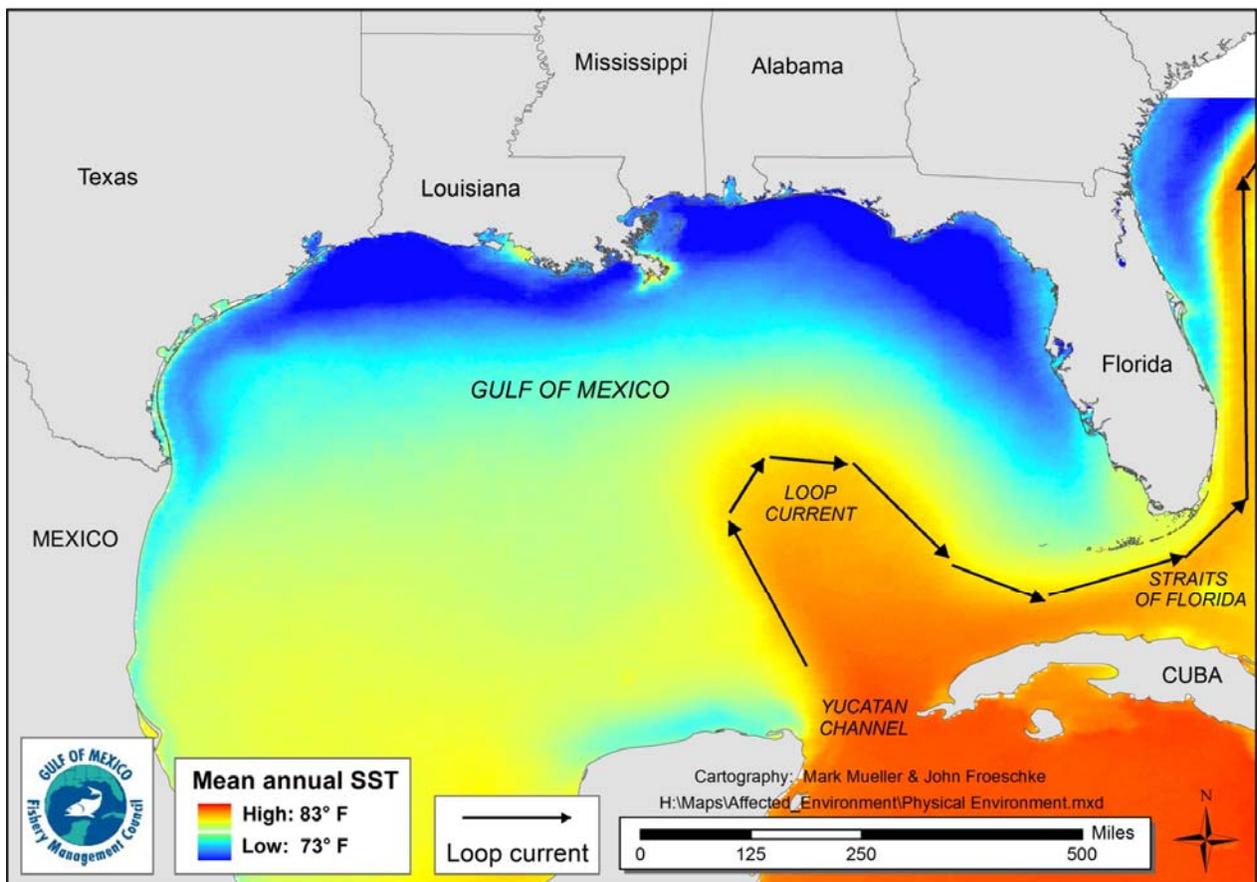


Figure 3.2.1. Physical environment of the Gulf including major feature names and mean annual sea surface temperature as derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://accession.nodc.noaa.gov/0072888>).

There are several marine reserves, habitat areas of particular concern, and restricted fishing gear areas in the Gulf. These are detailed in GMFMC (2013a). The Bureau of Ocean Energy Management lists historic shipwrecks that occur in the Gulf. Most of these sites are in state or

deep federal (>1,000 feet) waters. There is one site located in federal waters in less than 100 feet that could be affected by reef fish fishing. This is the *U.S.S. Hatteras* located approximately 20 miles off Galveston, Texas.

In the Gulf, fish habitat for adult red snapper consists of submarine gullies and depressions; coral reefs, rock outcroppings, and gravel bottoms; oil rigs; and other artificial structures. Eggs and larvae are pelagic and juveniles are common on mud bottoms in the northern Gulf, particularly off Texas through Alabama (GMFMC 2004b).

3.3 Description of the Biological/Ecological Environment

The biological environment of the Gulf, including the species addressed in this amendment, is described in detail in the final EIS for the Generic EFH Amendment (GMFMC 2004a) and is incorporated here by reference.

Red Snapper Life History and Biology

Red snapper demonstrate the typical reef fish life history pattern (Table 3.3.1). Eggs and larvae are pelagic while juveniles are found associated with bottom features or over barren bottom. Spawning occurs over firm sand bottom with little relief away from reefs during the summer and fall. Adult females mature as early as two years and most are mature by four years (Schirripa and Legault 1999). Red snapper have been aged up to 57 years. Until recently, most caught by the directed fishery were 2- to 4-years old (Wilson and Nieland 2001), but a recently completed stock assessment suggests that the age and size of red snapper in the directed fishery has increased in recent years (SEDAR 31 2013). A more complete description of red snapper life history can be found in the EIS for the Generic EFH Amendment (GMFMC 2004a).

Status of the Red Snapper Stock

Southeast Data Assessment and Review (SEDAR) 31 Benchmark Stock Assessment

Commercial harvest of red snapper from the Gulf began in the mid-1800s (Shipp 2001). In the 1930s, party boats built exclusively for recreational fishing began to appear (Chester 2001). The first stock assessment conducted by NMFS in 1986 suggested that the stock was in decline (Parrack and McLellan 1986) and since 1988 (Goodyear 1988) the stock biomass has been found to be below threshold levels.

The most recent red snapper stock assessment was completed in 2013 (SEDAR 31 2013). The primary assessment model selected for the Gulf red snapper stock evaluation assessment was Stock Synthesis (Methot 2010). Stock Synthesis is an integrated statistical catch-at-age model which is widely used for stock assessments in the United States and throughout the world. Commercial landings data included commercial handline and longline landings from the accumulated landings system from 1964 through 2011. For landings between 1880 and 1963, previously constructed historical landings were used. Total annual landings from the IFQ program for years 2007-2011 were used to reapportion 2007-2011 accumulated landings system

data across strata. Recreational landings data included the MRIP/Marine Recreational Fishery Statistics Survey (MRFSS) from 1981-2011, Southeast Headboat Survey for 1981-2011, and Texas Parks and Wildlife Department survey. For the years 2004-2011, MRIP landings are available. For earlier years, MRFSS data were calibrated to MRIP estimates using a standardized approach for calculating average weight that accounts for species, region, year, state, mode, wave, and area.

Standardized indices of relative abundance from both fishery dependent and independent data sources were included in the model. The fishery dependent indices came from the commercial handline fleet, recreational headboats, and recreational private/for-hire sectors. Fishery independent indices came from the Southeast Area Monitoring and Assessment Program (SEAMAP) bottom trawl survey, SEAMAP reef fish video survey, NMFS bottom longline survey, and the SEAMAP plankton survey.

Red snapper discards in the Gulf were calculated from data collected by the self-reported commercial logbook data and the NMFS Gulf reef fish observer program. In addition to these directed fisheries discards, estimates of red snapper bycatch from the commercial shrimp fleet were also generated.

The results of the SEDAR 31 assessment, including an assessment addendum that was prepared after a review of the SEDAR Assessment Panel Report by the SEDAR Review Panel, was presented to the SSC in May 2013. Under the base model, it was estimated that the red snapper stock has been overfished since the 1960s.

Current (2011) stock status was estimated relative to two possible proxies for F_{MSY} : $F_{SPR26\%}$ (i.e., the fishing mortality rate that would produce an equilibrium spawning potential ratio (SPR) of 26%) and F_{MAX} , which corresponded to $F_{SPR20.4\%}$ (i.e., the fishing mortality rate that would produce an equilibrium SPR 20.4%). A proxy of $F_{SPR26\%}$ was previously used as the overfishing and F_{MSY} proxy in SEDAR 7 and the SEDAR 7 update assessment in 2009. F_{MAX} was evaluated as an alternative proxy because at high spawner-recruit steepness values near 1.0, such as the value of 0.99 fixed in the red snapper assessment, F_{MAX} approximates the actual estimate of F_{MSY} . However, the actual estimate of F_{MSY} is sensitive to the parameters of the spawner-recruit relationship. The SSC did not have confidence in using the direct F_{MSY} estimate due to the fact that the spawner-recruit function is poorly estimated and data exist for a very limited range of potential spawning stock biomass (SSB) for the stock. In addition, the SSC felt that the equivalent SPR for F_{MAX} (20.4%) was inappropriately low for species with life history parameters similar to red snapper. The SSC felt that the $F_{SPR26\%}$ proxy, while still somewhat low for species with life history parameters similar to red snapper, was more realistic than the 20.4% SPR associated with F_{MAX} . Furthermore, the $F_{SPR26\%}$ proxy is consistent with the current fishery management plan (FMP) and rebuilding plan for red snapper.

Although the red snapper stock continues to recover, spawning stock biomass is estimated to remain below both the minimum stock size threshold (MSST) and the spawning stock size associated with maximum sustainable yield ($SSB_{MSY\ proxy}$) using either proxy described above. Therefore, the SSC concluded that the stock remains overfished. With respect to overfishing, the

current fishing mortality rate (geometric mean of 2009-2011) was estimated to be below both F_{MSY} proxies. Therefore, the SSC estimated the stock is not currently experiencing overfishing.

Based on an evaluation to the Tier 1 P^* spreadsheet used for the ABC control rule, the SSC determined that the P^* (probability of overfishing) should equal 0.427. This P^* is applied to a probability density function (PDF) to determine an ABC that takes into account scientific uncertainty in the setting of the overfishing limit (OFL). In order to capture more of the scientific uncertainty, the SSC decided to use a weighted average of PDFs constructed for the base model (50% weighting), a high M model that assumed a higher natural mortality rate for age-0 and age-1 red snapper (25% weighting), and a lower M model that assumed a lower natural mortality rate for age-0 and age-1 red snapper (25% weighting). These model runs were selected because they bracket the range of plausible results obtained from the base run and 15 alternative state model runs. Based on the results of the $P^* = 0.427$ applied to the weighted average PDF, the SSC set the following ABCs: 13.5 mp ww in 2013; 11.9 mp in 2014; 10.6 mp in 2015. A red snapper update assessment scheduled for 2014 is expected to re-evaluate the ABC for 2015 and beyond.

Definition of Overfishing

In January 2012, the Generic ACL/AM Amendment (GMFMC 2011b) became effective. One of the provisions in this amendment was to redefine overfishing. In years when there is a stock assessment, overfishing is defined as the fishing mortality rate exceeding the maximum fishing mortality threshold. In years when there is no stock assessment, overfishing is defined as the catch exceeding the OFL. Even though the recreational harvest exceeded its quota in 2012, the total catch (recreational and commercial combined) remained below the OFL. Therefore, as of 2012, overfishing is no longer occurring in the red snapper stock. Note that, because the overfishing threshold is now re-evaluated each year instead of only in years when there is a stock assessment, this status could change on a year-to-year basis.

General Information on Reef Fish Species

The National Ocean Service collaborated with NMFS and the Council to develop distributions of reef fish (and other species) in the Gulf (SEA 1998). The National Ocean Service obtained fishery-independent data sets for the Gulf, including SEAMAP, and state trawl surveys. Data from the Estuarine Living Marine Resources Program contain information on the relative abundance of specific species (highly abundant, abundant, common, rare, not found, and no data) for a series of estuaries, by five life stages (adult, spawning, egg, larvae, and juvenile) and month for five seasonal salinity zones (0-0.5, 0.5-5, 5-15, 15-25, and >25 parts per thousand). National Ocean Service staff analyzed these data to determine relative abundance of the mapped species by estuary, salinity zone, and month. For some species not in the Estuarine Living Marine Resources Program database, distribution was classified as only observed or not observed for adult, juvenile, and spawning stages.

In general, reef fish are widely distributed in the Gulf, occupying both pelagic and benthic habitats during their life cycle. Habitat types and life history stages are summarized in Table 3.3.1 and can be found in more detail in GMFMC (2004a). In general, both eggs and larval

stages are planktonic. Larvae feed on zooplankton and phytoplankton. Exceptions to these generalizations include the gray triggerfish that lay their eggs in depressions in the sandy bottom, and gray snapper whose larvae are found around submerged aquatic vegetation (SAV). Juvenile and adult reef fish are typically demersal, and are usually associated with bottom topographies on the continental shelf (<328 feet; <100 m) which have high relief, i.e., coral reefs, artificial reefs, rocky hard-bottom substrates, ledges and caves, sloping soft-bottom areas, and limestone outcroppings. However, several species are found over sand and soft-bottom substrates. Juvenile red snapper are common on mud bottoms in the northern Gulf, particularly from Texas to Alabama. Also, some juvenile snappers (e.g. mutton, gray, red, dog, lane, and yellowtail snappers) and groupers (e.g. goliath grouper, red, gag, and yellowfin groupers) have been documented in inshore seagrass beds, mangrove estuaries, lagoons, and larger bay systems (GMFMC 1981). More detail on hard bottom substrate and coral can be found in the FMP for Corals and Coral Reefs (GMFMC and SAFMC 1982).

Table 3.3.1. Summary of habitat utilization by life history stage for species in the Reef Fish FMP.

Common name	Eggs	Larvae	Early Juveniles	Late juveniles	Adults	Spawning adults
Red Snapper	Pelagic	Pelagic	Hard bottoms, Sand/ shell bottoms, Soft bottoms	Hard bottoms, Sand/ shell bottoms, Soft bottoms	Hard bottoms, Reefs	Sand/ shell bottoms
Queen Snapper	Pelagic	Pelagic	Unknown	Unknown	Hard bottoms	
Mutton Snapper	Reefs	Reefs	Mangroves, Reefs, SAV, Emergent marshes	Mangroves, Reefs, SAV, Emergent marshes	Reefs, SAV	Shoals/ Banks, Shelf edge/slope
Blackfin Snapper	Pelagic		Hard bottoms	Hard bottoms	Hard bottoms, Shelf edge/slope	Hard bottoms, Shelf edge/slope
Cubera Snapper	Pelagic		Mangroves, Emergent marshes, SAV	Mangroves, Emergent marshes, SAV	Mangroves, Reefs	Reefs
Gray Snapper	Pelagic, Reefs	Pelagic, Reefs	Mangroves, Emergent marshes, Seagrasses	Mangroves, Emergent marshes, SAV	Emergent marshes, Hard bottoms, Reefs, Sand/ shell bottoms, Soft bottoms	
Lane Snapper	Pelagic		Mangroves, Reefs, Sand/ shell bottoms, SAV, Soft bottoms	Mangroves, Reefs, Sand/ shell bottoms, SAV, Soft bottoms	Reefs, Sand/ shell bottoms, Shoals/ Banks	Shelf edge/slope
Silk Snapper	Unknown	Unknown	Unknown	Unknown	Shelf edge	
Yellowtail Snapper	Pelagic		Mangroves, SAV, Soft bottoms	Reefs	Hard bottoms, Reefs, Shoals/ Banks	
Wenchman	Pelagic	Pelagic			Hard bottoms, Shelf edge/slope	Shelf edge/slope
Vermilion Snapper	Pelagic		Hard bottoms, Reefs	Hard bottoms, Reefs	Hard bottoms, Reefs	

Common name	Eggs	Larvae	Early Juveniles	Late juveniles	Adults	Spawning adults
Gray Triggerfish	Reefs	Drift algae, <i>Sargassum</i>	Drift algae, <i>Sargassum</i>	Drift algae, Reefs, <i>Sargassum</i>	Reefs, Sand/ shell bottoms	Reefs, Sand/ shell bottoms
Greater Amberjack	Pelagic	Pelagic	Drift algae	Drift algae	Pelagic, Reefs	Pelagic
Lesser Amberjack			Drift algae	Drift algae	Hard bottoms	Hard bottoms
Almaco Jack	Pelagic		Drift algae	Drift algae	Pelagic	Pelagic
Banded Rudderfish		Pelagic	Drift algae	Drift algae	Pelagic	Pelagic
Hogfish			SAV	SAV	Hard bottoms, Reefs	Reefs
Blueline Tilefish	Pelagic	Pelagic			Hard bottoms, Sand/ shell bottoms, Shelf edge/slope, Soft bottoms	
Tilefish (golden)	Pelagic, Shelf edge/ Slope	Pelagic	Hard bottoms, Shelf edge/slope, Soft bottoms	Hard bottoms, Shelf edge/slope, Soft bottoms	Hard bottoms, Shelf edge/slope, Soft bottoms	
Goldface Tilefish	Unknown					
Speckled Hind	Pelagic	Pelagic			Hard bottoms, Reefs	Shelf edge/slope
Yellowedge Grouper	Pelagic	Pelagic		Hard bottoms	Hard bottoms	
Atlantic Goliath Grouper	Pelagic	Pelagic	Mangroves, Reefs, SAV	Hard bottoms, Mangroves, Reefs, SAV	Hard bottoms, Shoals/ Banks, Reefs	Reefs, Hard bottoms
Red Grouper	Pelagic	Pelagic	Hard bottoms, Reefs, SAV	Hard bottoms, Reefs	Hard bottoms, Reefs	

Common name	Eggs	Larvae	Early Juveniles	Late juveniles	Adults	Spawning adults
Warsaw Grouper	Pelagic	Pelagic		Reefs	Hard bottoms, Shelf edge/slope	
Snowy Grouper	Pelagic	Pelagic	Reefs	Reefs	Hard bottoms, Reefs, Shelf edge/slope	
Black Grouper	Pelagic	Pelagic	SAV	Hard bottoms, Reefs	Hard bottoms, Mangroves, Reefs	
Yellowmouth Grouper	Pelagic	Pelagic	Mangroves	Mangroves, Reefs	Hard bottoms, Reefs	
Gag	Pelagic	Pelagic	SAV	Hard bottoms, Reefs, SAV	Hard bottoms, Reefs	
Scamp	Pelagic	Pelagic	Hard bottoms, Mangroves, Reefs	Hard bottoms, Mangroves, Reefs	Hard bottoms, Reefs	Reefs, Shelf edge/slope
Yellowfin Grouper			SAV	Hard bottoms, SAV	Hard bottoms, Reefs	Hard bottoms

Source: Adapted from Table 3.2.7 in the final draft of the EIS from the Generic EFH Amendment (GMFMC 2004a) and consolidated in this document.

Status of Reef Fish Stocks

The Reef Fish FMP currently encompasses 31 species (Table 3.3.2). Eleven other species were removed from the FMP in 2012 through the Generic ACL/AM Amendment (GMFMC 2011b). Stock assessments and stock assessment reviews have been conducted for 13 species and can be found on the Council (www.gulfcouncil.org) and SEDAR (www.sefsc.noaa.gov/sedar) websites. The assessed species are:

- Red Snapper (SEDAR 7 2005; SEDAR 7 Update 2009; SEDAR 31 2013)
- Vermilion Snapper (Porch and Cass-Calay 2001; SEDAR 9 2006a; SEDAR 9 Update 2011a)
- Yellowtail Snapper (Muller et al. 2003; SEDAR 3 2003; O’Hop et al. 2012)
- Mutton Snapper (SEDAR 15A 2008)
- Gray Triggerfish (Valle et al. 2001; SEDAR 9 2006b; SEDAR 9 Update 2011b)
- Greater Amberjack (Turner et al. 2000; SEDAR 9 2006c; SEDAR 9 Update 2010)
- Hogfish (Ault et al. 2003; SEDAR 6 2004a)
- Red Grouper (NMFS 2002; SEDAR 12 2007; SEDAR 12 Update 2009)
- Gag (Turner et al. 2001; SEDAR 10 2006; SEDAR 10 Update 2009)
- Black Grouper (SEDAR 19 2010)
- Yellowedge Grouper (Cass-Calay and Bahnick 2002; SEDAR 22 2011a)
- Tilefish (Golden) (SEDAR 22 2011b)
- Atlantic Goliath Grouper (Porch et al. 2003; SEDAR 6 2004b; SEDAR 23 2011)

The NMFS Office of Sustainable Fisheries updates its Status of U.S. Fisheries Report to Congress on a quarterly basis utilizing the most current stock assessment information. The most recent update can be found at: (<http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>). The status of both assessed and unassessed stocks as of the writing of this report is shown in Table 3.3.2.

Table 3.3.2. Species of the Reef Fish FMP grouped by family.

Common Name	Scientific Name	Stock Status
Family Balistidae – Triggerfishes		
Gray Triggerfish	<i>Balistes capriscus</i>	Overfished, no overfishing
Family Carangidae – Jacks		
Greater Amberjack	<i>Seriola dumerili</i>	Overfished, no overfishing
Lesser Amberjack	<i>Seriola fasciata</i>	Unknown
Almaco Jack	<i>Seriola rivoliana</i>	Unknown
Banded Rudderfish	<i>Seriola zonata</i>	Unknown
Family Labridae - Wrasses		
Hogfish	<i>Lachnolaimus maximus</i>	Unknown
Family Malacanthidae - Tilefishes		
Tilefish (Golden)	<i>Lopholatilus chamaeleonticeps</i>	Not overfished, no overfishing
Blueline Tilefish	<i>Caulolatilus microps</i>	Unknown
Goldface Tilefish	<i>Caulolatilus chrysops</i>	Unknown
Family Serranidae - Groupers		
Gag	<i>Mycteroperca microlepis</i>	Overfished, no overfishing
Red Grouper	<i>Epinephelus morio</i>	Not overfished, no overfishing
Scamp	<i>Mycteroperca phenax</i>	Unknown
Black Grouper	<i>Mycteroperca bonaci</i>	Not overfished, no overfishing
Yellowedge Grouper	* <i>Hyporthodus flavolimbatus</i>	Not overfished, no overfishing
Snowy Grouper	* <i>Hyporthodus niveatus</i>	Unknown
Speckled Hind	<i>Epinephelus drummondhayi</i>	Unknown
Yellowmouth Grouper	<i>Mycteroperca interstitialis</i>	Unknown
Yellowfin Grouper	<i>Mycteroperca venenosa</i>	Unknown
Warsaw Grouper	* <i>Hyporthodus nigritus</i>	Unknown
**Atlantic Goliath Grouper	<i>Epinephelus itajara</i>	Unknown
Family Lutjanidae - Snappers		
Queen Snapper	<i>Etelis oculatus</i>	Unknown
Mutton Snapper	<i>Lutjanus analis</i>	Not overfished, no overfishing
Blackfin Snapper	<i>Lutjanus buccanella</i>	Unknown
Red Snapper	<i>Lutjanus campechanus</i>	Overfished, no overfishing
Cubera Snapper	<i>Lutjanus cyanopterus</i>	Unknown
Gray Snapper	<i>Lutjanus griseus</i>	Unknown
Lane Snapper	<i>Lutjanus synagris</i>	Unknown
Silk Snapper	<i>Lutjanus vivanus</i>	Unknown
Yellowtail Snapper	<i>Ocyurus chrysurus</i>	Not overfished, no overfishing
Vermilion Snapper	<i>Rhomboplites aurorubens</i>	Not overfished, no overfishing
Wenchman	<i>Pristipomoides aquilonaris</i>	Unknown

Notes: * In 2013 the genus for yellowedge grouper, snowy grouper, and warsaw grouper was changed by the American Fisheries Society from *Epinephelus* to *Hyporthodus* (American Fisheries Society 2013).

**Atlantic goliath grouper is a protected grouper and benchmarks do not reflect appropriate stock dynamics. In 2013 the common name was changed from goliath grouper to Atlantic goliath grouper by the American Fisheries Society to differentiate from the Pacific goliath grouper, a newly named species (American Fisheries Society 2013).

Protected Species

There are 29 different species of marine mammals that may occur in the Gulf. All 29 species are protected under the Marine Mammal Protection Act and seven are also listed as endangered under the Endangered Species Act (ESA) (i.e., sperm, sei, fin, blue, humpback, and North Atlantic right whales and the West Indian manatee). Other species protected under the ESA occurring in the Gulf include five sea turtle species (Kemp's ridley, loggerhead, green, leatherback, and hawksbill); two fish species (Gulf sturgeon and smalltooth sawfish), and two coral species (elkhorn coral and staghorn coral). Information on the distribution, biology, and abundance of these protected species in the Gulf is included in the final EIS to the Generic EFH Amendment (GMFMC 2004a) and the February 2005, October 2009, and September 2011 ESA biological opinions on the reef fish fishery (NMFS 2005; NMFS 2009; NMFS 2011a). Marine Mammal Stock Assessment Reports and additional information are also available on the NMFS Office of Protected Species website: <http://www.nmfs.noaa.gov/pr/species/>.

The Gulf reef fish fishery is classified in the Marine Mammal Protection Act 2013 List of Fisheries as a Category III fishery (78 FR 53336, August 29, 2013). This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from any fishery is less than or equal to 1% of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. Dolphins are the only species documented as interacting with these fisheries. Bottlenose dolphins prey upon on the bait, catch, and/or released discards of fish from the reef fish fishery. They are also a common predator around reef fish vessels, feeding on the discards.

All five species of sea turtles are adversely affected by the Gulf reef fish fishery. Incidental captures are relatively infrequent, but occur in all commercial and recreational hook-and-line and longline components of the reef fish fishery. Captured sea turtles can be released alive or can be found dead upon retrieval of the gear as a result of forced submergence. Sea turtles released alive may later succumb to injuries sustained at the time of capture or from exacerbated trauma from fishing hooks or lines that were ingested, entangled, or otherwise still attached when they were released. Sea turtle release gear and handling protocols are required in the commercial and for-hire reef fish fisheries to minimize post-release mortality.

Smalltooth sawfish are also affected by the Gulf reef fish fishery, but to a much lesser extent. Smalltooth sawfish primarily occur in the Gulf off peninsular Florida. Incidental captures in the commercial and recreational hook-and-line components of the reef fish fishery are rare events, with only eight smalltooth sawfish estimated to be incidentally caught annually, and none are expected to result in mortality (NMFS 2005). Fishermen in this fishery are required to follow smalltooth sawfish safe handling guidelines. The long, toothed rostrum of the smalltooth sawfish causes this species to be particularly vulnerable to entanglement in fishing gear.

On September 30, 2011, the Protected Resources Division released a biological opinion, which concluded that the continued operation of the Gulf reef fish fishery is not likely to jeopardize the continued existence of sea turtles (loggerhead, Kemp's ridley, green, hawksbill, and leatherback) or smalltooth sawfish (NMFS 2011a). An incidental take statement was issued specifying the

amount and extent of anticipated take, along with reasonable and prudent measures and associated terms and conditions deemed necessary and appropriate to minimize the impact of these takes. The Council addressed measures to reduce take in the reef fish fishery's longline component in Amendment 31 (GMFMC 2009). Other listed species and designated critical habitat in the Gulf were determined not likely to be adversely affected.

On December 7, 2012, NMFS published a proposed rule to list 66 coral species under the ESA and reclassify *Acropora* from threatened to endangered (77 FR 73220). In a memo dated February 13, 2013, NMFS determined the reef fish fishery was not likely to adversely affect *Acropora* because of where the fishery operates, the types of gear used in the fishery, and that other regulations protect *Acropora* where they are most likely to occur. None of the new information regarding population level concerns would affect those determinations.

Deepwater Horizon MC252 Oil Spill

On April 20, 2010 an explosion occurred on the Deepwater Horizon MC252 oil rig approximately 36 nautical miles (41 statute miles) off the Louisiana coast. Two days later the rig sank. An uncontrolled oil leak from the damaged well continued for 87 days until the well was successfully capped by British Petroleum on July 15, 2010. The Deepwater Horizon MC252 oil spill affected at least one-third of the Gulf area from western Louisiana east to the Florida Panhandle and south to the Campeche Bank in Mexico (Figure 3.3.1).

As reported by the National Oceanic and Atmospheric Administration Office of Response and Restoration (NOAA 2010), the oil from the Deepwater Horizon MC252 spill is relatively high in alkanes, which can readily be used by microorganisms as a food source. As a result, the oil from this spill is likely to biodegrade more readily than crude oil in general. The Deepwater Horizon MC252 oil is also relatively much lower in polyaromatic hydrocarbons. Polyaromatic hydrocarbons are highly toxic chemicals that tend to persist in the environment for long periods of time, especially if the spilled oil penetrates into the substrate on beaches or shorelines. Like all crude oils, MC252 oil contains volatile organic compounds (VOCs) such as benzene, toluene, and xylene. Some VOCs are acutely toxic but because they evaporate readily, they are generally a concern only when oil is fresh.³

In addition to the crude oil, 1.4 million gallons of the dispersant, Corexit 9500A[®], was applied to the ocean surface and an additional 770,000 gallons of dispersant was pumped to the mile-deep well head (National Commission 2010). No large-scale applications of dispersants in deep water had been conducted until the Deepwater Horizon MC252 oil spill. Thus, no data exist on the environmental fate of dispersants in deep water. However, a study found that, while Corexit 9500A[®] and oil are similar in their toxicity, when Corexit 9500A[®] and oil were mixed in lab tests, toxicity to microscopic rotifers increased up to 52-fold (Rico-Martínez et al. 2013). This suggests that the toxicity of the oil and dispersant combined may be greater than anticipated.

Oil could exacerbate development of the hypoxic “dead” zone in the Gulf as could higher than normal input of water from the Mississippi River drainage. For example, oil on the surface of the water could restrict the normal process of atmospheric oxygen mixing into and replenishing

³ Source: http://sero.nmfs.noaa.gov/sf/deepwater_horizon/OilCharacteristics.pdf

oxygen concentrations in the water column. In addition, microbes in the water that break down oil and dispersant also consume oxygen; this could lead to further oxygen depletion.

Changes have occurred in the amount and distribution of fishing effort in the Gulf in response to the oil spill. This has made the analysis of the number of days needed for the recreational sector to fill its quota more complex and uncertain, and will make the requirement to allow the recreational sector to harvest its quota of red snapper while not exceeding the quota particularly challenging. Nevertheless, substantial portions of the red snapper population are found in the northwestern and western Gulf (western Louisiana and Texas) and an increasing population of red snapper is developing off the west Florida continental shelf. Thus, spawning by this segment of the stock may not be impacted, which would mitigate the overall impact of a failed spawn by that portion of the stock located in oil-affected areas.

As a result of the Deepwater Horizon MC252 spill, a consultation pursuant to ESA Section 7(a)(2) was reinitiated. As discussed above, on September 30, 2011, the Protected Resources Division released a biological opinion, which after analyzing best available data, the current status of the species, environmental baseline (including the impacts of the recent Deepwater Horizon MC252 oil release event in the northern Gulf), effects of the proposed action, and cumulative effects, concluded that the continued operation of the Gulf reef fish fishery is not likely to jeopardize the continued existence of green, hawksbill, Kemp's ridley, leatherback, or loggerhead sea turtles, nor the continued existence of smalltooth sawfish (NMFS 2011a).

For additional information on the Deepwater Horizon MC252 oil spill and associated closures, see: http://sero.nmfs.noaa.gov/deepwater_horizon_oil_spill.htm.

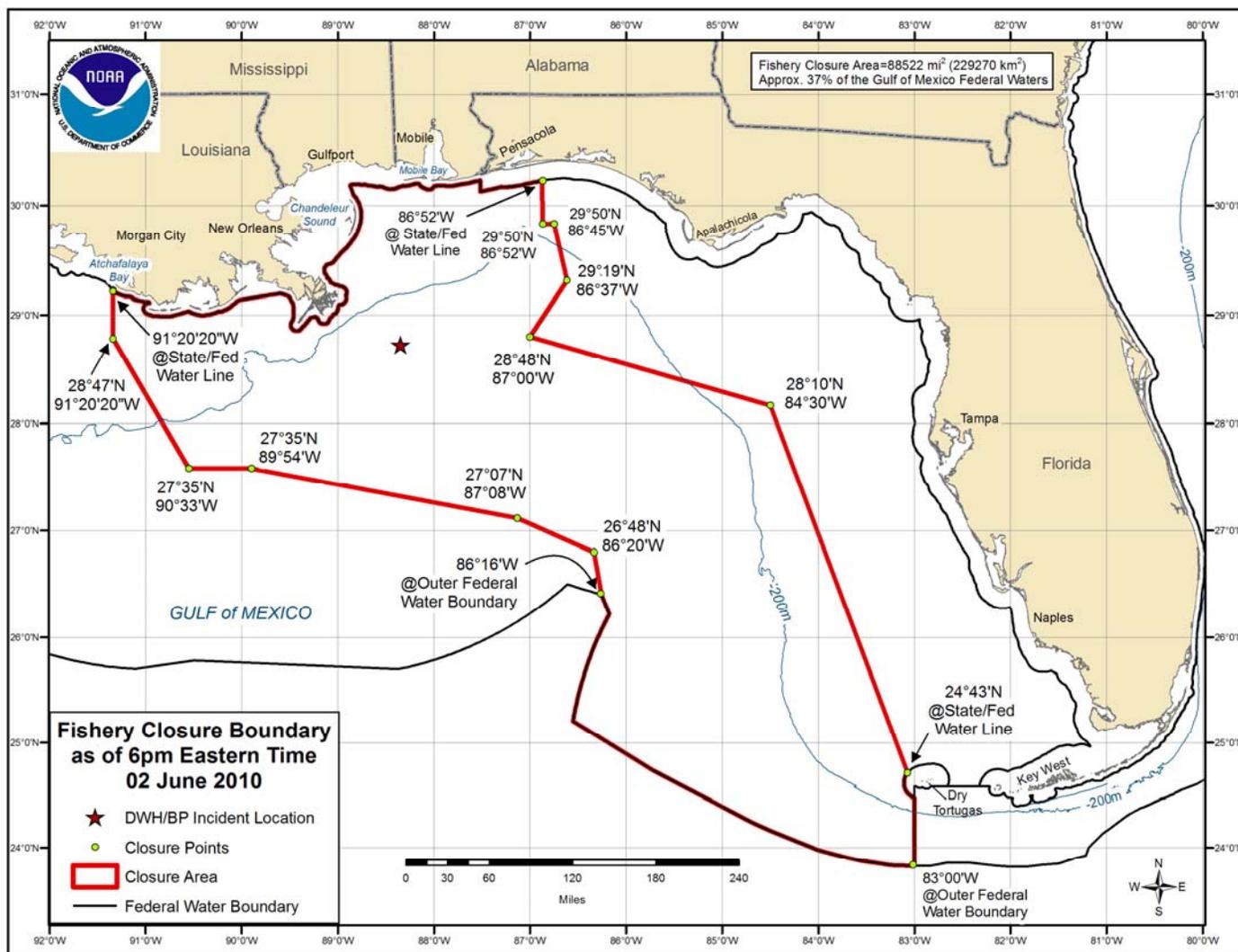


Figure 3.3.1. Fishery closure at the height of the Deepwater Horizon MC252 oil spill.

3.4 Description of the Economic Environment

3.4.1 Commercial Sector

A description of the commercial sector is provided in GMFMC (2013) and is incorporated herein by reference. Because this proposed amendment would only change management of the recreational sector, an update of the information on the commercial sector provided in GMFMC (2013) is not provided.

3.4.2 Recreational Sector

Angler Effort

Recreational effort derived from the Marine Recreational Information Program (MRIP) database can be characterized in terms of the number of trips as follows:

- Target effort – The number of individual angler trips, regardless of duration, where the intercepted angler indicated that the species or a species in the species group was targeted as either the first or second primary target for the trip. The species did not have to be caught.
- Catch effort – The number of individual angler trips, regardless of duration and target intent, where the individual species or a species in the species group was caught. The fish did not have to be kept.
- Total recreational trips – The total estimated number of recreational trips in the Gulf, regardless of target intent or catch success.

Other measures of effort are possible, such as directed trips (the number of individual angler trips that either targeted or caught a particular species), among other measures. Estimates of the number of red snapper target trips and catch trips for the shore, charter, and private/rental boat modes in the Gulf for 2011-2014 are provided in Table 3.4.2.1 and Table 3.4.2.2. Estimates of red snapper target effort for additional years, and other measures of directed effort, are available at <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>.

Table 3.4.2.1. Number of red snapper recreational target trips, by state¹ and mode, 2011-2014.

	Alabama	West Florida	Louisiana	Mississippi	Total
Charter Mode					
2011	19,010	29,642	1,424	0	50,076
2012	16,609	24,653	7,204	74	48,539
2013	23,638	32,689	7,191	38	63,556
2014	9,050	7,358	²	0	nc
Average	17,077	23,586	5,273 ³	28	45,964
Private/Rental Mode					
2011	116,886	113,021	19,900	16,790	266,597
2012	72,030	136,594	43,547	13,515	265,687
2013	222,245	461,349	24,691	21,586	729,871
2014	56,918	165,498	²	7,555	nc
Average	117,020	219,116	29,379 ³	14,862	380,377
All Modes					
2011	135,896	142,663	21,324	16,790	316,673
2012	88,640	161,247	50,751	13,589	314,227
2013	245,883	494,038	31,882	21,624	793,427
2014	65,968	172,856	²	7,555	nc
Average	134,097	242,702	34,652 ³	14,890	426,341

¹Texas information unavailable.

²The MRIP survey was not conducted in Louisiana in 2014.

³Average for 2011-2013.

nc – not computed because of the absence of Louisiana data.

Source: MRIP database, NMFS, SERO.

Note: These effort estimates have not been re-calibrated. Re-calibrated effort data are currently unavailable.

Note: There were no target trips recorded from the shore mode.

Table 3.4.2.2. Number of red snapper recreational catch trips, by state¹ and mode, 2011-2014.

	Alabama	West Florida	Louisiana	Mississippi	Total
Charter Mode					
2011	43,550	101,500	3,066	221	148,336
2012	25,252	105,385	10,501	74	141,211
2013	52,331	107,466	12,321	38	172,157
2014	36,340	66,559	²	0	nc
Average	39,368	95,228	8,629 ³	83	143,308
Private/Rental Mode					
2011	130,500	203,567	31,957	6,169	372,193
2012	83,783	282,332	51,377	13,515	431,007
2013	227,889	537,469	55,679	29,250	850,287
2014	110,593	233,265	²	10,254	nc
Average	138,191	314,158	46,338 ³	14,797	513,484
All Modes					
2011	174,050	305,067	35,023	6,390	520,530
2012	109,035	387,717	61,878	13,589	572,219
2013	280,221	644,935	68,000	29,288	1,022,444
2014	146,933	299,824	²	10,254	nc
Average	177,559	409,386	54,967 ³	14,880	656,792

¹Texas information unavailable.

²The MRIP survey was not conducted in Louisiana in 2014.

³Average for 2011-2013.

nc – not computed because of the absence of Louisiana data.

Source: MRIP database, NMFS, SERO.

Note: These effort estimates have not been re-calibrated. Re-calibrated effort data are currently unavailable.

Note: There were no catch trips recorded from the shore mode.

Similar analysis of recreational effort is not possible for the headboat mode because headboat data are not collected at the angler level. Headboat angler effort is calculated as angler days, which are a standardized count of trips that result from the combination of partial-day, full-day, and multiple-day trips. Unlike the situation for charter vessels, the estimates of headboat angler days include just trips on federally permitted vessels. The stationary “fishing for demersal (bottom-dwelling) species” nature of headboat fishing, as opposed to trolling, suggests that most, if not all, headboat trips and, hence, angler days, are demersal or reef fish trips by intent. The distribution of headboat effort (angler days) by geographic area is presented in Table 3.4.2.3. For purposes of data collection, the headboat data collection program divides the Gulf into several areas.

Table 3.4.2.3. Gulf headboat angler days, by state, 2011–2014.

	Angler Days				
	West Florida	Florida/Alabama ¹	Mississippi/Louisiana ²	Texas	Total
2011	79,722	77,303	3,657	47,284	207,966
2012	84,205	77,770	3,680	51,776	217,431
2013	94,752	80,048	3,406	55,749	233,955
2014	102,841	88,524	3,257	51,231	245,853
Average	90,380	80,911	3,500	51,510	226,301

Source: (SRHS).

West Florida = Florida from the Dry Tortugas through the Florida Middle Grounds, Florida/Alabama = northwest Florida and Alabama.

¹For 2013, SRHS data was reported separately for NW Florida and Alabama, but has been combined here for consistency with previous years.

²Mississippi and Louisiana are combined for confidentiality purposes.

Permits

The for-hire sector is comprised of charter vessels and headboats (party boats). Although charter vessels tend to be smaller, on average, than headboats, the key distinction between the two types of operations is how the fee is determined. On a charter boat trip, the fee charged is for the entire vessel, regardless of how many passengers are carried, whereas the fee charged for a headboat trip is paid per individual angler.

A federal for-hire vessel permit has been required for both types of vessels for reef fish since 1996 and is a limited access permit. On May 6, 2015, there were 1,320 valid (non-expired) or renewable Gulf Charter/Headboat Reef Fish permits, including historical captain permits. A renewable permit is an expired permit that may not be actively fished, but is renewable for up to one year after expiration. Although the for-hire permit application collects information on the primary method of operation, the permit itself does not identify the permitted vessel as either a headboat or a charter vessel and vessels may operate in both capacities. However, only federally permitted headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (SRHS). Participation in the SRHS is based on determination by the Southeast Fishery Science Center (SEFSC) that the vessel primarily operates as a headboat. As of May 6, 2015, 69 Gulf headboats were registered in the SRHS (K. Fitzpatrick, NMFS SEFSC, pers. comm.).

Information on Gulf charter boat and headboat operating characteristics is included in Savolainen et al. (2012) and is incorporated herein by reference.

There are no specific federal permitting requirements for recreational anglers to fish for or harvest reef fish. Instead, anglers are required to possess either a state recreational fishing permit that authorizes saltwater fishing in general, or be registered in the federal National Saltwater Angler Registry system, subject to appropriate exemptions. For the for-hire sector, customers are authorized to fish under the charter or headboat vessel license and are not required to hold

their own fishing licenses. As a result, it is not possible to identify with available data how many individual anglers would be expected to be affected by this proposed action.

Economic Value

Economic value can be measured in the form of consumer surplus (CS) per additional red snapper kept on a trip for anglers (the amount of money that an angler would be willing to pay for a fish in excess of the cost to harvest the fish). The estimated value of the CS per fish for a second red snapper kept on a trip is approximately \$79.72 (Carter and Liese 2012; values updated to 2013 dollars⁴).

With regards to for-hire businesses, economic value can be measured by producer surplus (PS) per passenger trip (the amount of money that a vessel owner earns in excess of the cost of providing the trip). Estimates of the PS per for-hire passenger trip are not available. Instead, net operating revenue (NOR), which is the return used to pay all labor wages, returns to capital, and owner profits, is used as a proxy for PS. The estimated NOR value is \$151 (2013 dollars) per charter angler trip (Liese and Carter 2012). The estimated NOR value per headboat angler trip is \$52 (2013 dollars) (C. Liese, NMFS SEFSC, pers. comm.). Estimates of NOR per red snapper target trip are not available.

Business Activity

The desire for recreational fishing generates economic activity as consumers spend their income on various goods and services needed for recreational fishing. This spurs economic activity in the region where recreational fishing occurs. It should be clearly noted that, in the absence of the opportunity to fish, the income would presumably be spent on other goods and services and these expenditures would similarly generate economic activity in the region where the expenditure occurs. As such, the analysis below represents a distributional analysis only.

Estimates of the business activity (economic impacts) associated with recreational angling for red snapper were derived using average impact coefficients for recreational angling for all species, as derived from an add-on survey to the Marine Recreational Fisheries Statistics Survey (MRFSS) to collect economic expenditure information, as described and utilized in NMFS (2011b). Estimates of the average expenditures by recreational anglers are also provided in NMFS (2011b) and are incorporated herein by reference.

Recreational fishing generates business activity (economic impacts). Business activity for the recreational sector is characterized in the form of full-time equivalent jobs, output (sales) impacts (gross business sales), and value-added impacts (difference between the value of goods and the cost of materials or supplies). Estimates of the average red snapper target effort (2011-2014) and associated business activity (2013 dollars) are provided in Table 3.4.2.5. West Florida experienced the highest level of business activity associated with recreational red snapper fishing for all the Gulf States⁵, followed by Alabama.

⁴ Converted to 2013 dollars using the 2013 annual Consumer Price Index (CPI) for all US urban consumers provided by the Bureau of Labor and Statistics (BLS).

⁵ Excludes Texas for which target effort data is unavailable.

The estimates provided in Table 3.4.2.5 only apply at the state-level. These numbers are not additive across the region. Addition of the state-level estimates to produce a regional (or national total) could either under- or over-estimate the actual amount of total business activity because of the complex relationship between different jurisdictions and the expenditure/impact multipliers. Neither regional nor national estimates are available at this time.

Estimates of the business activity associated with headboat effort are not available. Headboat vessels are not covered in the MRFSS/MRIP so, in addition to the absence of estimates of target effort, estimation of the appropriate business activity coefficients for headboat effort has not been conducted.

Table 3.4.2.5. Summary of red snapper target trips (2011-2014 average) and associated business activity (2013 dollars). The output, value added, and jobs impact estimates are not additive across states.

	Alabama	West Florida	Louisiana	Mississippi	Texas
Private/Rental Mode					
Target Trips	117,020	219,116	29,379	14,862	*
Output Impact	\$6,324,091	\$11,848,997	\$2,220,463	\$523,061	*
Value Added Impact	\$3,422,393	\$6,709,550	\$1,067,020	\$266,046	*
Jobs	68	102	17	5	*
Charter Mode					
Target Trips	17,077	23,586	5,273	28	*
Output Impact	\$10,913,013	\$17,296,265	\$2,550,132	\$11,340	*
Value Added Impact	\$7,468,284	\$11,563,482	\$1,753,524	\$7,988	*
Jobs	106	152	20	0	*
All Modes					
Target Trips	134,097	242,702	34,652	14,890	*
Output Impact	\$17,237,104	\$29,145,261	\$4,770,595	\$534,401	*
Value Added Impact	\$10,890,677	\$18,273,032	\$2,820,543	\$274,034	*
Jobs	174	254	37	5	*

*Because target information is unavailable, associated business activity cannot be calculated.

Note: There were no target trips recorded from the shore mode.

Source: effort data from the MRIP, economic impact results calculated by NMFS SERO using the model developed for NMFS (2011b).

3.5 Description of the Social Environment

A description of the social environment for the commercial and recreational sectors' harvest of red snapper is provided in GMFMC (2013a) and is incorporated herein by reference. Because this proposed amendment would only affect management of the recreational sector, a summary of the information provided in GMFMC (2013a) is included for the recreational sector only.

Red snapper is harvested recreationally in all five Gulf States. The proportion of total recreational landings by state for the years 1986 through 2012 is provided in Table 2.3.1. Landings by state are not constant; the proportion of the quota represented by each state varies from year to year. Across time, the proportion of landings made up by the eastern Gulf States (Alabama and western Florida) has increased compared to the western Gulf States (Texas and Louisiana), as the rebuilding plan has proceeded.

Red snapper landings for the recreational sector are not available at the community level, making it difficult to identify communities as dependent on recreational fishing for red snapper. Data reflecting commercial landings of red snapper may or may not reflect areas of importance for recreational fishing of red snapper. It cannot be assumed that the proportion of commercial red snapper landings among other species in a community would be similar to its proportion among recreational landings within the same community because of sector differences in fishing practices and preferences. Thus, in addition to communities with the greatest commercial red snapper landings, the referenced analysis identifies communities with the greatest recreational fishing engagement, based on numbers of: 1) federal for-hire permits, 2) vessels designated recreational by owner address, and 3) vessels designated recreational by homeport, plus availability of recreational fishing infrastructure. The 20 Gulf communities to score highest for recreational fishing engagement based on the described analysis are listed in Table 3.4.1. Because the analysis used discrete geo-political boundaries, Panama City and Panama City Beach had separate values for the associated variables. Calculated independently, each still ranked high enough to appear in the top 20 list suggesting a greater importance for recreational fishing in that region.

Comparing the communities of recreational importance (Table 3.5.1) and those with greater commercial landings and IFQ shareholders (see Figure 3.4.2 and Table 3.4.2 in GMFMC 2013a), five communities overlap: Destin, Panama City, Pensacola, and Apalachicola, Florida and Galveston, Texas. Social effects resulting from actions taken in this plan amendment are likely to be greatest in these communities.

Table 3.5.1. Top ranking Gulf communities based on recreational fishing engagement and reliance, in descending order.

Community	County	State
Destin	Okaloosa	FL
Orange Beach	Baldwin	AL
Panama City	Bay	FL
Port Aransas	Nueces	TX
Pensacola	Escambia	FL
Panama City Beach	Bay	FL
Naples	Collier	FL
St. Petersburg	Pinellas	FL
Freeport	Brazoria	TX
Biloxi	Harrison	MS
Galveston	Galveston	TX
Clearwater	Pinellas	FL
Fort Myers Beach	Lee	FL
Sarasota	Sarasota	FL
Tarpon Springs	Pinellas	FL
Dauphin Island	Mobile	AL
Apalachicola	Franklin	FL
Carrabelle	Franklin	FL
Port St. Joe	Gulf	FL
Marco Island	Collier	FL

Source: NMFS Southeast Regional Office permit office 2008, MRIP site survey 2010.

For additional information pertaining to the social environment for the harvest of red snapper, the reader is directed to the following documents which are included here by reference. The February 2010 Regulatory Amendment (GMFMC 2010) includes a detailed discussion of the commercial communities within each state and county which are the most reliant on red snapper. This description focuses on the demographic character of each county in order to aid in understanding the dependence of a particular county on red snapper fishing. The January 2011 Regulatory Amendment (GMFMC 2011a) includes an update on the impacts of the Deepwater Horizon MC252 oil spill. The Gulf of Mexico 2011 Red Snapper IFQ Annual Report (NMFS 2012a) provides a detailed discussion of the commercial red snapper IFQ program.

3.5.1 Environmental Justice Considerations

Executive Order 12898 requires federal agencies conduct their programs, policies, and activities in a manner to ensure individuals or populations are not excluded from participation in, or denied the benefits of, or subjected to discrimination because of their race, color, or national origin. In addition, and specifically with respect to subsistence consumption of fish and wildlife, federal agencies are required to collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. The main focus of Executive Order 12898 is to consider “the disproportionately high and adverse human health or

environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories...” This executive order is generally referred to as environmental justice (EJ).

Recreational red snapper fishermen and associated businesses and communities along the coast may be affected by this proposed action. However, information on race, ethnicity, and income status for groups at the different participation levels (private anglers, for-hire captain, crew, and customers, and employees of recreational fishing businesses, etc.) is not available. Because this proposed action could be expected to affect fishermen and associated industries in numerous communities along the Gulf coast, census data (available at the county level, only) have been assessed to examine whether any coastal counties have poverty or minority rates that exceed the EJ thresholds.

The threshold for comparison that was used was 1.2 times the state average such that, if the value for the county was greater than or equal to 1.2 times the state average, then the county was considered an area of potential EJ concern (EPA 1999). Census data for the year 2010 was used. For Florida, the estimate of the minority (interpreted as non-white, including Hispanic) population was 39.5%, while 13.2% of the total population was estimated to be below the poverty line. These values translate in EJ thresholds of approximately 47.4% and 15.8%, respectively (Table 3.5.1). Based on the demographic information provided, no potential EJ concern is evident with regard to the percent of minorities for the counties of the west coast of Florida. With regard for poverty, Dixie (3.8%), Franklin (8%), Gulf (1.7%), Jefferson (4.6%), Levy (3.3%), and Taylor (7.1%) counties exceed the threshold by the percentage noted. No potential EJ concern is evident for the remaining counties which fall below the poverty and minority thresholds. The same method was applied to the remaining Gulf states.

Table 3.5.1.1. Each state’s average proportion of minorities and population living in poverty, and the corresponding threshold used to consider an area of potential EJ concern.

State	Minorities		Poverty	
	% Population	EJ Threshold	% Population	EJ Threshold
FL	39.5	47.4	13.2	15.8
AL	31.5	37.8	16.8	20.2
MS	41.2	49.4	21.4	25.7
LA	38.2	45.8	18.4	22.1
TX	52.3	62.7	16.8	20.1

Source: Census Bureau 2010.

In Alabama, Mobile was the only county to exceed the minority threshold (by 1.7%). Neither of Alabama’s coastal counties exceeded the poverty threshold for potential EJ concern. No coastal county in Mississippi exceeded either threshold. In Louisiana, Orleans Parish exceeded the minority threshold by 25% and the poverty threshold by 1.3%. Texas has several counties that exceeded the thresholds. In descending order of magnitude for exceeding the minority threshold were Willacy (26.3%), Cameron (24.7%), Kleberg (12.3%), Kenedy (9%), Nueces (2.8%), and

Harris (0.8%). Exceeding the poverty threshold were Kenedy (32.3%), Willacy (26.8%), Cameron (15.6%), Kleberg (6%), and Matagorda (1.8%). Willacy, Kenedy, Cameron, and Kleberg counties exceed both the minority and poverty thresholds and are the communities identified as most likely to be vulnerable to EJ concerns. Although this analysis identifies areas of potential EJ concern, it is not possible to determine whether the populations of potential EJ concern are involved in or dependent upon marine fishing activities.

Table 3.5.1 provides a summary of 20 communities considered substantially engaged in recreational fishing, generally. When compared with the referenced commercial fishing analysis, the following five communities (and respective county) are considered most likely to be affected: Destin (Okaloosa), Panama City (Bay), Pensacola (Escambia), and Apalachicola (Franklin), Florida and Galveston (Galveston), Texas. In comparing these communities with the preceding analysis identifying counties with potential EJ concerns, Apalachicola is the only community located within a county identified as having potential for EJ concerns. Apalachicola, located in Franklin County, exceeds the poverty threshold by 8% and would be the community most likely to experience unanticipated negative impacts.

The actions in this amendment are designed to implement a program for the regional management of recreational red snapper in which states or regions will be authorized to adapt certain management measures to regional conditions. It is assumed that the flexibility provided to adopt management measures most appropriate to a given region would result in optimal fishing opportunities for local anglers which in turn, would result in benefits to local communities. As will be addressed in the social effects analysis for each action, direct impacts are not expected to accrue to the social environment from most actions of this amendment, which establish the parameters of the program. However, indirect effects (positive or negative) may result due to 1) the specific regulations implemented in each region, 2) how any new regulations differ from existing regulations, and 3) the success or failure of cooperation under the new management regime. Disproportionate impacts to EJ populations are not expected to result from any of the actions in this amendment. Nevertheless, because the regulations to be implemented in each region remain unknown, the lack of impacts on EJ populations cannot be assumed.

3.6 Description of the Administrative Environment

3.6.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the exclusive economic zone (EEZ), an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the EEZ.

Responsibility for federal fishery management is shared by the Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and

interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for promulgating regulations to implement proposed plans and amendments after ensuring management measures are consistent with the Magnuson-Stevens Act and with other applicable laws summarized in Appendix B. In most cases, the Secretary has delegated this authority to NMFS.

The Council is responsible for fishery resources in federal waters of the Gulf. These waters extend to 200 nautical miles offshore from the nine-mile seaward boundary of the states of Florida and Texas, and the three-mile seaward boundary of the states of Alabama, Mississippi, and Louisiana. The length of the Gulf coastline is approximately 1,631 miles. Florida has the longest coastline of 770 miles along its Gulf coast, followed by Louisiana (397 miles), Texas (361 miles), Alabama (53 miles), and Mississippi (44 miles).

The Council consists of seventeen voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NMFS. The public is also involved in the fishery management process through participation on advisory panels and through Council meetings that, with few exceptions for discussing personnel matters, national security, or litigation briefings, are open to the public. The regulatory process is also in accordance with the Administrative Procedures Act, in the form of “notice and comment” rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

Regulations contained within FMPs are enforced through actions of the National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement, the United States Coast Guard, and various state authorities. To better coordinate enforcement activities, federal and state enforcement agencies have developed cooperative agreements to enforce the Magnuson-Stevens Act. These activities are being coordinated by the Council’s Law Enforcement Advisory Panel and the Gulf States Marine Fisheries Commission’s Law Enforcement Committee, which have developed a 5-year “Gulf of Mexico Cooperative Law Enforcement Strategic Plan – 2008-2012.”

The red snapper stock in the Gulf is classified as overfished, but no longer undergoing overfishing. A rebuilding plan for red snapper was first implemented under Amendment 1 (GMFMC 1989), and has undergone several revisions. The current rebuilding plan was established in Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007), and calls for rebuilding the stock to a level capable of supporting maximum sustainable yield on a continuing basis by 2032. Periodic adjustments to the ACL and other management measures needed to affect rebuilding are implemented through amendments and framework actions.

3.6.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments of Texas, Louisiana, Mississippi, Alabama, and Florida have the authority to manage their respective state fisheries. Each of the five Gulf

States exercise legislative and regulatory authority over their respective state's natural resources through discrete administrative units. Although each agency is the primary administrative body with respect to the states' natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources. A more detailed description of each state's primary regulatory agency for marine resources is provided in Amendment 22 (GMFMC 2004b).

CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

4.1 Action 1 – Regional Management

4.1.1 Direct and Indirect Effects on the Physical Environment

4.1.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.1.3 Direct and Indirect Effects on the Economic Environment

4.1.4 Direct and Indirect Effects on the Social Environment

4.1.5 Direct and Indirect Effects on the Administrative Environment

4.2 Action 2 –Regional Management and Sector Separation

4.2.1 Direct and Indirect Effects on the Physical Environment

4.2.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.2.3 Direct and Indirect Effects on the Economic Environment

4.2.4 Direct and Indirect Effects on the Social Environment

4.2.5 Direct and Indirect Effects on the Administrative Environment

4.3 Action 3 – Establish Regions for Management

4.3.1 Direct and Indirect Effects on the Physical Environment

4.3.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.3.3 Direct and Indirect Effects on the Economic Environment

4.3.4 Direct and Indirect Effects on the Social Environment

4.3.5 Direct and Indirect Effects on the Administrative Environment

4.4 Action 4 – Establish Minimum and/or Maximum Size Limits

4.4.1 Direct and Indirect Effects on the Physical Environment

4.4.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.4.3 Direct and Indirect Effects on the Economic Environment

4.4.4 Direct and Indirect Effects on the Social Environment

4.4.5 Direct and Indirect Effects on the Administrative Environment

4.5 Action 5 – Boundaries in the Exclusive Economic Zone

4.5.1 Direct and Indirect Effects on the Physical Environment

4.5.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.5.3 Direct and Indirect Effects on the Economic Environment

4.5.4 Direct and Indirect Effects on the Social Environment

4.5.5 Direct and Indirect Effects on the Administrative Environment

4.6 Action 6 – Apportioning the Recreational Red Snapper Quota among Regions

4.6.1 Direct and Indirect Effects on the Physical Environment

4.6.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.6.3 Direct and Indirect Effects on the Economic Environment

4.6.4 Direct and Indirect Effects on the Social Environment

4.6.5 Direct and Indirect Effects on the Administrative Environment

4.7 Action 7 – Post-season Accountability Measures (AMs)

4.7.1 Direct and Indirect Effects on the Physical Environment

4.7.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.7.3 Direct and Indirect Effects on the Economic Environment

4.7.4 Direct and Indirect Effects on the Social Environment

4.7.5 Direct and Indirect Effects on the Administrative Environment

4.8 Cumulative Effects Analysis (CEA)

CHAPTER 5. REGULATORY IMPACT REVIEW

[This review is completed after selection of all preferred alternatives.]

CHAPTER 6. REGULATORY FLEXIBILITY ACT ANALYSIS

[This analysis is completed after selection of all preferred alternatives.]

CHAPTER 7. LIST OF PREPARERS

PREPARERS

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Carrie Simmons	Fishery biologist	Biological analyses	GMFMC
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GMFMC = Gulf of Mexico Fishery Management Council; NOAA GC = National Oceanic and Atmospheric Administration General Counsel; SEFSC = Southeast Fisheries Science Center; SERO = Southeast Regional Office of the National Marine Fisheries Service; USCG = United States Coast Guard

CHAPTER 8. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS TO WHOM A COPY OF THE EIS WAS SENT

National Marine Fisheries Service

- Southeast Fisheries Science Center
- Southeast Regional Office
- Office for Law Enforcement
- Endangered Species Division
- Domestic Fisheries Division

NOAA General Counsel

Environmental Protection Agency (Region 4 and 6)

United States Coast Guard

United States Fish and Wildlife Services

Department of Interior, Office of Environmental Policy and Compliance

Department of State, Office of Marine Conservation,

Marine Mammal Commission

Texas Parks and Wildlife Department

Alabama Department of Conservation and Natural Resources/Marine Resources Division

Louisiana Department of Wildlife and Fisheries

Mississippi Department of Marine Resources

Florida Fish and Wildlife Conservation Commission

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APPENDIX A. ALTERNATIVES CONSIDERED BUT REJECTED

REMOVED AT APRIL 2013 COUNCIL MEETING:

Two alternatives from Action 2 – Establish Regions for Management

Alternative 3: Establish an east (Florida, Alabama) and west (Mississippi, Louisiana, Texas) region and allow for different management measures for each region.

* ALTERNATIVE 3 (ABOVE) SUBSEQUENTLY REPLACED IN ACTION 2 AT OCTOBER 2013 COUNCIL MEETING.

Alternative 4: Establish three regions representing the west (Texas), north (Louisiana, Mississippi, Alabama), and east (Florida) region and allow for different management measures for each region.

Remove entire Action 7:

Action 7 – In-Season Accountability Measure Establishing Regional Closures in the EEZ

*Note: Both **Alternative 2** and **Alternative 3** could be selected as Preferred Alternatives.

Alternative 1: No action. When the recreational red snapper quota is reached, or is projected to be reached, the National Marine Fisheries Service (NMFS) files a notification with the Office of the Federal Register that prohibits the recreational harvest of red snapper in the economic exclusive zone (EEZ) for the remainder of the fishing year.

Alternative 2: If a region, as defined in Action 2, establishes an approved regional regulations, NMFS has the authority to alter the recreational red snapper season in the EEZ off those states (including a zero-day season) by the amount necessary to compensate for the additional harvest that would occur in state waters as a result of the region's regulations. (Boundaries for the EEZ off each state are in Figure 1.2.1.)

Alternative 3: If a region, as defined in Action 2, does not have an approved regional regulations and establishes regulations inconsistent with federal red snapper regulations, NMFS has the authority to adjust the recreational red snapper season in the EEZ off those states (including a zero day season) by the amount necessary to compensate for the additional harvest that would occur in state waters as a result of the region's inconsistent regulations. (Boundaries for the EEZ off each state are in Figure 1.2.1.)

Discussion:

Under current management, state and federal waters Gulf wide are open during the red snapper season. If the regions, as defined in Action 2, set their own fishing seasons through an approved management plan or inconsistent regulations, some areas of the Gulf could be open while other areas are closed. This action allows the Council to extend boundary lines of state waters into the EEZ, to correspond with the regions. These boundaries would enable NMFS to close federal

waters off of a region when its regional quota has been reached. Or, the boundaries could be used to close a portion of the EEZ off a state or region that establishes inconsistent regulations. This in-season accountability measure would help prevent the annual catch limit from being exceeded. The in-season and post-season (Action 6) accountability measures are not mutually exclusive and could be used together where appropriate. Further information on accountability measures is described in the Generic ACL/AM Amendment in Section 2.8 (GMFMC 2011).

In March 2013, NMFS implemented a temporary emergency rule that gives NMFS the authority to set separate closure dates for the recreational red snapper season in federal waters off individual Gulf states (Figure 1.2.1). This action was requested by the Council to provide a fairer and more equitable distribution of recreational red snapper fishing opportunities among anglers in all the Gulf states for the 2013 season. Although a temporary emergency rule will be in effect for the 2013 season, it will not be used as the analytical baseline. The temporary emergency rule, even if extended, would not be effective for the 2014 red snapper recreational fishing season.

Alternative 1 would continue the current method of determining the closure date for the recreational red snapper season and apply that date to all federal waters of the Gulf. NMFS determines the length of the season based on the quota, average weight of fish, and estimated catch rates. Because NMFS must ensure the entire stock harvest does not exceed the quota, including harvest in state waters, if states establish less restrictive regulations, the federal season must be adjusted to account for the additional expected harvest. For example, when calculating the projected 27-day 2013 season length, NMFS adjusted the mean catch rate to account for the year-round open season in state waters and 4-fish bag limit in Texas (SERO 2012). In addition, Louisiana has proposed an 88-day season with a 3-fish bag limit and Florida has proposed a 44-day season with a 2-fish bag limit in state waters. Based on the estimated catch rate with those regulations in the three state waters, the 2013 federal recreational red snapper season could be reduced to 22 days (SERO 2013). After the 22-day season, the entire EEZ would be closed for the recreational harvest of red snapper.

Both **Alternative 2** and **Alternative 3** would use regions developed in Action 2 to establish boundaries and allow NMFS to set different closure dates for the red snapper recreational season in the EEZ adjacent to each Gulf state. If the Council chooses to delegate management to the regions in Action 1 and Action 4, then there may be a review process to assess if the region's management plan is consistent with the goals of the FMP and red snapper rebuilding plan. A specific process would need to be established for plan approval. **Alternative 2** would apply to regions with approved management plans. If the region has an approved management plan, but the regional quota is determined to be met before the planned season closure, then NMFS could close the harvest in federal waters to prevent overharvest. **Alternative 3** would apply to regions that do not have an approved management plan and establishes regulations inconsistent with the federal regulations. If a region were to set red snapper regulations that were not less restrictive than federal regulations, NMFS would calculate the red snapper recreational season within those boundaries using an adjusted catch rate, to account for a longer season or larger bag limit in state waters. In some cases, this could allow the EEZ off regions with consistent regulations to have more days than if the season for the entire Gulf was adjusted. For example, if the 2013 federal season was reduced off Texas, Louisiana, and Florida to account for inconsistent regulations in

those waters, the federal seasons could be as follows: Texas = 12 days, Louisiana = 8 days, Mississippi = 28 days, Alabama = 28 days, and Florida = 21 days (SERO-LAPP-2013-2). If increased catch from a region with inconsistent regulations exceeds its sub-quota regardless of the adjacent EEZ being closed, then NMFS may need to adjust the federal season in other regions to account for harvest. Conversely, if a state were to implement regulations in state waters that were more restrictive than federal regulations, the federal season in the EEZ off that state could potentially be increased. The Council could choose both **Alternative 2** and **Alternative 3** to address situations where a region or state may or may not have an approved management plan.

If the current regulations are maintained (**Alternative 1**), they could confound the goals of regional management. If regions set varying seasons, it is possible the activities of one or more regions could exceed the recreational sector quota before another region's season occurs. In turn, NMFS would close the remainder of the season to prevent over-fishing. When the total recreational quota is met, all recreational harvest of red snapper would be prohibited regardless of whether one or more regions have reached their respective apportionments. By establishing varying closed areas, the enforcement issues would likely increase. Recreational fishermen would need to abide by the area closures and be mindful of transiting through closed areas. Provisions for transit through closed areas may need to be considered. If the EEZ was closed off a region due to inconsistent regulations (**Alternative 3**), then a clear definition of the state/federal boundary would help recreational fishermen to insure compliance. Currently, this boundary is the 9-nautical mile buffer off of Texas and Florida, and 3-nautical mile buffer off of Alabama, Mississippi, and Louisiana.

REMOVED AT OCTOBER 2014 COUNCIL MEETING:

Options a and b from Alternatives 2, 3, and 4, in Action 6: Post-Season Accountability Measures (AMs) Adjusting for Regional Overages

Option a: Apply the quota adjustment beginning one year after the implementation of the plan.

Option b: Apply the quota adjustment beginning two years after the implementation of the plan.

These options were removed because they are now less restrictive than the overage adjustment recently adopted in the Framework Action to Set Accountability Measures for Red Snapper (GMFMC 2014).

RESTRUCTURING OF ACTIONS AND ALTERNATIVES FOLLOWING OCTOBER 2014 COUNCIL MEETING:

[To be inserted following review of updated actions and alternatives.]

References cited in rejected sections

GMFMC. 2011. Final generic annual catch limits/accountability measures amendment for the Gulf of Mexico fishery management council's red drum, reef fish, shrimp, coral and coral reefs fishery management plans, including environmental impact statement, regulatory impact review, regulatory flexibility analysis, and fishery impact statement. Gulf of Mexico Fishery Management Council. Tampa, Florida.

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APPENDIX B. OTHER APPLICABLE LAW

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) provides the authority for fishery management in federal waters of the exclusive economic zone. However, fishery management decision-making is also affected by a number of other federal statutes designed to protect the biological and human components of U.S. fisheries, as well as the ecosystems that support those fisheries. Major laws affecting federal fishery management decision-making are summarized below.

Administrative Procedures Act

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the APA, the National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

Coastal Zone Management Act

Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that affect any land or water use or natural resource of a state’s coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency determination are set forth in NMFS regulations at 15 C.F.R. part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state’s coastal zone, NMFS is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action.

Upon submission to the Secretary, NMFS will determine if this plan amendment is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, Mississippi, and Texas to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for these states.

Data Quality Act

The Data Quality Act (DQA) (Public Law 106-443) effective October 1, 2002, requires the government to set standards for the quality of scientific information and statistics used and disseminated by federal agencies. Information includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, cartographic, narrative, or audiovisual forms (includes web dissemination, but not hyperlinks to information that others disseminate; does not include clearly stated opinions).

Specifically, the DQA directs the Office of Management and Budget to issue government wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: 1) ensure information quality and develop a pre-dissemination review process; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and 3) report periodically to Office of Management and Budget on the number and nature of complaints received.

Scientific information and data are key components of fishery management plans (FMPs) and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the Act, FMPs and amendments must be based on the best information available. They should also properly reference all supporting materials and data, and be reviewed by technically competent individuals. With respect to original data generated for FMPs and amendments, it is important to ensure that the data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data will also undergo quality control prior to being used by the agency and a pre-dissemination review.

Endangered Species Act

The Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. Section 1531 et seq.) requires federal agencies use their authorities to conserve endangered and threatened species. The ESA requires NMFS, when proposing a fishery action that “may affect” critical habitat or endangered or threatened species, to consult with the appropriate administrative agency (itself for most marine species, the U.S. Fish and Wildlife Service for all remaining species) to determine the potential impacts of the proposed action. Consultations are concluded informally when proposed actions may affect but are “not likely to adversely affect” endangered or threatened species or designated critical habitat. Formal consultations, including a biological opinion, are required when proposed actions may affect and are “likely to adversely affect” endangered or threatened species or adversely modify designated critical habitat. If jeopardy or adverse modification is found, the consulting agency is required to suggest reasonable and prudent alternatives.

On September 30, 2011, the Protected Resources Division released a biological opinion which, after analyzing best available data, the current status of the species, environmental baseline (including the impacts of the recent Deepwater Horizon MC 252 oil release event in the northern Gulf of Mexico), effects of the proposed action, and cumulative effects, concluded that the continued operation of the Gulf of Mexico reef fish fishery is also not likely to jeopardize the continued existence of green, hawksbill, Kemp’s ridley, leatherback, or loggerhead sea turtles, nor the continued existence of smalltooth sawfish (NMFS 2011). On December 7, 2012, NMFS published a proposed rule to list 66 coral species under the ESA and reclassify *Acropora* from threatened to endangered (77 FR 73220). In a memorandum dated February 13, 2013, NMFS determined the reef fish fishery was not likely to adversely affect *Acropora* because of where the fishery operates, the types of gear used in the fishery, and that other regulations protect *Acropora* where they are most likely to occur.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and on the importing of marine mammals and marine mammal products into the United States. Under the MMPA, the Secretary of Commerce (authority delegated to NMFS) is responsible for the conservation and management of cetaceans and pinnipeds (other than walruses). The Secretary of the Interior is responsible for walruses, sea and marine otters, polar bears, manatees, and dugongs.

Part of the responsibility that NMFS has under the MMPA involves monitoring populations of marine mammals to make sure that they stay at optimum levels. If a population falls below its optimum level, it is designated as “depleted,” and a conservation plan is developed to guide research and management actions to restore the population to healthy levels.

In 1994, Congress amended the MMPA, to govern the taking of marine mammals incidental to commercial fishing operations. This amendment required the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction, development and implementation of take-reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries, and studies of pinniped-fishery interactions.

Under Section 118 of the MMPA, NMFS must publish, at least annually, a List of Fisheries that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The categorization of a fishery in the List of Fisheries determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. The primary gears used in the Gulf of Mexico reef fish fishery are classified in the updated 2012 MMPA List of Fisheries as Category III fishery (74 FR 73912). The conclusions of the most recent List of Fisheries for gear used by the reef fish fishery can be found in Section 3.3.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.) regulates the collection of public information by federal agencies to ensure the public is not overburdened with information requests, the federal government’s information collection procedures are efficient, and federal agencies adhere to appropriate rules governing the confidentiality of such information. The PRA requires NMFS to obtain approval from the Office of Management and Budget before requesting most types of fishery information from the public. Action 2 adds reporting and monitoring requirements to the list of post-season accountability measures that can be implemented or changed under the framework procedure and may have PRA consequences.

Executive Orders

E.O. 12630: Takings

The Executive Order on Government Actions and Interference with Constitutionally Protected Property Rights that became effective March 18, 1988, requires each federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property. Clearance of a regulatory action must include a takings statement and, if appropriate, a Takings Implication Assessment. The National Oceanic and Atmospheric Administration Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

E.O. 12866: Regulatory Planning and Review

Executive Order 12866: Regulatory Planning and Review, signed in 1993, requires federal agencies to assess the costs and benefits of their proposed regulations, including distributional impacts, and to select alternatives that maximize net benefits to society. To comply with E.O. 12866, NMFS prepares a Regulatory Impact Review (RIR) for all fishery regulatory actions that either implement a new fishery management plan or significantly amend an existing plan (See Chapter 5). RIRs provide a comprehensive analysis of the costs and benefits to society of proposed regulatory actions, the problems and policy objectives prompting the regulatory proposals, and the major alternatives that could be used to solve the problems. The reviews also serve as the basis for the agency's determinations as to whether proposed regulations are a "significant regulatory action" under the criteria provided in E.O. 12866 and whether proposed regulations will have a significant economic impact on a substantial number of small entities in compliance with the Regulatory Flexibility Analysis. A regulation is significant if it a) has an annual effect on the economy of \$100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments and communities; b) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency; c) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or d) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

This Executive Order mandates that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. The Executive Order is described in more detail relative to fisheries actions in Section 3.5.1.

E.O. 12962: Recreational Fisheries

This Executive Order requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods including, but not limited to, developing joint partnerships; promoting the restoration of recreational fishing areas that are limited by water quality and habitat degradation; fostering sound aquatic conservation and restoration endeavors; and evaluating the effects of federally-funded, permitted, or authorized actions on aquatic systems and recreational fisheries, and documenting those effects. Additionally, it establishes a seven-member National Recreational Fisheries Coordination Council (Council) responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The Council also is responsible for developing, in cooperation with federal agencies, States and Tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda. Finally, the Order requires NMFS and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

E.O. 13132: Federalism

The Executive Order on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The Order serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not national in scope or significance are most appropriately addressed by the level of government closest to the people. This Order is relevant to FMPs and amendments given the overlapping authorities of NMFS, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop strategies to address them in conjunction with appropriate state, tribes, and local entities (international, too).

E.O. 13158: Marine Protected Areas

This Executive Order requires federal agencies to consider whether their proposed action(s) will affect any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural or cultural resource within the protected area. There are several marine protected areas, habitat areas of particular concern, and gear-restricted areas in the eastern and northwestern Gulf of Mexico.

Essential Fish Habitat

The amended Magnuson-Stevens Act included a new habitat conservation provision known as essential fish habitat (EFH) that requires each existing and any new FMPs to describe and identify EFH for each federally managed species, minimize to the extent practicable impacts from fishing activities on EFH that are more than minimal and not temporary in nature, and identify other actions to encourage the conservation and enhancement of that EFH. To address these requirements the Council has, under separate action, approved an Environmental Impact Statement (GMFMC 2004) to address the new EFH requirements contained within the Magnuson-Stevens Act. Section 305(b)(2) requires federal agencies to obtain a consultation for any action that may adversely affect EFH. An EFH consultation will be conducted for this action.

References

GMFMC. 2004. Final environmental impact statement for the generic essential fish habitat amendment to the following fishery management plans of the Gulf of Mexico: shrimp fishery of the Gulf of Mexico, red drum fishery of the Gulf of Mexico, reef fish fishery of the Gulf of Mexico, stone crab fishery of the Gulf of Mexico, coral and coral reef fishery of the Gulf of Mexico, spiny lobster fishery of the Gulf of Mexico and South Atlantic, coastal migratory pelagic resources of the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council. Tampa, Florida.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Final%20EFH%20EIS.pdf>

NMFS. 2011. Biological opinion on the continued authorization of Reef Fish fishing under the Gulf of Mexico Reef Fish Fishery Management Plan. September 30, 2011. Available at: <http://sero.nmfs.noaa.gov/pr/esa/Fishery%20Biops/03584%20GOM%20Reef%20Fish%20BiOp%202011%20final.pdf>

APPENDIX C. SUMMARIES OF PUBLIC COMMENTS RECEIVED

Scoping workshops were held from January 14 – 22, 2013.
Public hearings were held from August 1 – 15, 2013.

Written comments submitted in response to Reef Fish Amendment 39 can be found here:
<https://docs.google.com/spreadsheets/cc?key=0Atgbk2rxQkqhdFViUTB3VERSX2ZwcXJmckl1QTBXZkE#gid=0>

Scoping workshops were held in the following locations:

January 14, 2013

Baton Rouge, Louisiana
DoubleTree by Hilton
4964 Constitution Ave.
Baton Rouge, LA 70808
(225) 925-1005

January 14, 2013

Texas City, Texas
Holiday Inn Express
2440 Gulf Freeway
Texas City, TX 77591
(409) 986-6700

January 15, 2013

Corpus Christi, Texas
Hilton Garden Inn
6717 S. Padre Island Dr.
Corpus Christi, TX 78412
(361) 991-8200

January 15, 2013

Biloxi, Mississippi
Four Points by Sheraton
940 Beach Blvd.
Biloxi, MS 39530
(228) 546-3100

January 16, 2013

Orange Beach, Alabama
Hilton Garden Inn
23092 Perdido Beach Blvd.
Orange Beach, AL 36561
(251) 974-1600

January 17, 2013

Destin, Florida
Destin Community Center
101 Stahlman Ave.
Destin, FL 32541
(850) 654-5184

January 22, 2013

St. Petersburg, Florida
Hilton St. Petersburg Carillon Park
950 Lake Carillon Dr.
St. Petersburg, FL 33716
(727) 540-0050

Summaries of Scoping Workshops

**Baton Rouge, Louisiana
January 14, 2013**

Council and Staff

Campo Matens

Ryan Rindone

32 members of the public attended.

Joe Macaluso - www.theadvocate.com

The big issue is that the federal government is ignoring the fishermen. How do the federal fisheries managers know which survey, either the Texas Parks and Wildlife or MRIP, is correct? Red snapper can be caught in less than 25 meters of water. Also, how is funding for data collection going to be shared with the states who take on regional management? Allocation should be based on biological criteria. There is a disparity between how recreational and commercial catches figure into the overall red snapper quota. Louisiana's issue with respect to regional management is Florida: Florida has all the people, and Louisiana has all the fish.

George Huye - CCA

Regional management should be done by state, with each state constituting its own region. States should not have to share authority with other states with less resources.

Mike Montalbano - CCA

Regulations are intentionally cumbersome. The Gulf Council should pursue regional management. The Gulf Council should remove as many regulations from the fishery as possible.

Austin Johnson - Private recreational angler

Supports regional management.

Trey Williams - CCA

There are lots of red snapper out there. A 27-day season is not sufficient. Anyone with a boat can catch red snapper. The current system is broken. State-level red snapper is the way to go.

Rawlston Phillips - Private recreational angler

Regional management is the way to go. The money spent by Louisiana on the fishery goes much further than the money spent by the federal government.

Rad Trascher - CCA

Supports regional management. LDWF has a better sense of the red snapper fishery than the federal government and can better manage catch data and conduct stock assessments. Regional management is a step in the right direction.

Larry Hooper - Our Freedom Charters

Will regional management lead to catch shares? Catch share programs haven't worked well anywhere. Supports regional management. Let states handle their own fisheries. Would like to

see the charter for-hire industry recognized as its own business. We pay for everything and get punished for it. Regional management should be conducted at the state level. Red snapper should be assessed using numbers of fish instead of pounds. Scientists need to count all the fish.

Andrew Roberts - CCA

Supports regional management, with Louisiana acting as its own region and governed by LDWF.

Ben Graham - CCA

There are tons of red snapper. Supports regional management of red snapper at the state level. States can do a better job than the federal government. Allocation should be based on biological criteria.

Chris Moran - Marina operator

Supports regional management of red snapper at the state level. Louisiana has the best red snapper fishery and the smallest number of fishermen. There should be shorter seasons as you go from the western Gulf of Mexico to the eastern Gulf of Mexico. Allocation should be based on biological criteria. States could do a better job with sampling funding.

Jim McDowell - Private recreational angler

Supports regional management of red snapper at the state level, with Louisiana managed by LDWF. Allocation should not be based on landings.

David Cresson -CCA Executive Director, LA

The Gulf Council proposed regional management plan is different from the Louisiana proposal. One goal was to show that Louisiana can count fish better than the federal government. In favor of management at the lowest possible level. In favor of regional management as proposed by LDWF.

**Texas City, Texas
January 14, 2013**

Council and Staff

Patrick Riley

Emily Muehlstein

30 members of the public attended.

Bubba Cochran - Charter, commercial, and recreational angler; Good News Charters and Southern Seafood LLC

What is happening with red snapper management right now isn't working and regional management should be pursued. He likes the idea of managing with 3 regions. Bubba does not want the states to manage red snapper without a regional system.

Shane Cantrell - Charter; Fishin' Addiction Charters and Charter Fishing Association
Shane is a young captain and he believes that regional management has a lot of potential as long as states can agree with one another. He would like to see regional management because it may be a way to increase accountability for the recreational sector.

Tom Hilton - Private recreational angler

The Council is working backwards and should identify fishing effort first. He thinks that an offshore boat permit would solve a lot of issues. The charter for-hire industry already has their own permit and the private recreational anglers should, too. An offshore recreational permit would allow for better determination of what the recreational sector is catching without the time lag associated with MRIP. The permit could also solve the problem of National Standard 4 that disallows discrimination between residents of different states by charging different fees for resident and nonresident fishermen. The real solution is an honest stock assessment that gives full credit to the fish on artificial structure in the Gulf. He could really get behind a regional management system if the regions actually had control, but not if this is just a way to further micromanage the fishery.

John Thomas - Private recreational angler

He echoes Tom Hilton's perspective. He sees that there is more snapper out there than ever, and even though he is allergic to fish he wants the system to be fixed.

Jonathan McKay - Private recreational angler

Jonathan suggests that permitting or buying a license that gives a certain number of fish to each angler would be a good idea. A tag system should be considered; this could be considered using regional management or it could be done Gulf-wide. Ultimately, Jonathan is worried about what the overpopulation of snapper is doing to the other fish.

Roger Dickert - Private recreational angler

Roger would not want to trade more days for a smaller bag limit. He supports a tag system because he would like to be given the opportunity to fish when he wants to so he doesn't have to risk unsafe seas. Regional management would be better because the local folks in control would better be able to make management judgments for their region.

David Conrad - Charter; Circle H Charter

David supports the idea of using a tag system. He likes the idea of regional management and would like to see the idea developed a little more.

Bill Platt - Charter boat captain and tournament angler

Bill likes the idea of a regional management system and he really wants accountability in the recreational sector to be improved. 20 years ago there were way more offshore fishermen and there are a lot less now. A tag system is a reasonable idea for Texas because better accountability should let them fish longer.

Scott Hickman - Charter Captain; Circle H Charters

One size fits all management doesn't work in the Gulf of Mexico. He would rather fish red snapper in the fall, and he supports regional management on a state-by-state level so that they

have the authority to come up with their own system under the federal quota and federal accountability measures. Regional management will allow us to get to the accountable fishery quicker than the federal fishery would allow. The status quo system does not work; 27 days is ridiculous, and Texas may as well not have a federal season with the bad weather. Texas Parks and Wildlife could do better for their fishermen and he applauds the Council for trying to give the recreational fishermen a solution.

Tyler Walker - For-hire deckhand and recreational fisherman.

Tyler has seen how the fish population has grown and he supports the idea of moving forward with a regional management program.

Billy Woolsey - Private recreational angler

Billy thinks regional management is a good idea. He wants accountability to be better and believes that a tag system is a reasonable solution to the problem we're facing. We need to do something different.

Johnny Williams - Owner, Williams Party Boats

Jonny believes there needs to be some safeguards because management has potential to become a derby where the state that opens first gets to catch their fish and the rest of the states are punished when the quota is caught. If a state wants to participate in the program, then it should have to agree that it will close its own state waters, not just the federal waters off the state if the individual region's allocation is reached. He thinks that NMFS should relinquish federal control of snapper completely and allow the states to manage it.

Buddy Guindon - Commercial fisherman; Katie's Seafood

Regional management and accountability would be good but he wants to ensure that the people out there can continue to make a living taking people fishing.

Johnny Walker - Charter owner

Johnny thinks the states can better manage the fishery than the federal government. If the Council can put in place measures that ensure one state's harvest does not cut into another, then regional management is a good idea. He also believes that a tag system is a reasonable solution to the recreational season problems.

Todd Hanslik - Private recreational angler

He supports the idea of regional management and would like the Council to give the states a shot at incremental management of this fishery. It will be very complex to develop the regional management program and Todd would like to be sure that the Council continues to involve fishermen in the development of the program by sharing information and inviting people to comment. He wants to pass on the ability for future generations to fish, and he fears that the fishery is slowly migrating to a liberal system that is similar to that of Canada where you must pay someone to take you bluefin tuna fishing. He would really like the state to have the opportunity to manage snapper on their own.

Gary Graham - Texas Sea Grant

He thinks tags should be considered because it is a potentially viable system that works in the hunting world. He would like to discuss density-dependent allocation because population is limited by habitat.

**Corpus Christi, Texas
January 15, 2013**

Council and Staff

Doug Boyd

Emily Muehlstein

37 members of the public attended.

Mary Ann Heimann – South Bay Marina

It's a good idea that the states take control of the fishery but she thinks that the states should be given full control.

Russell Sanguinet - Charter; Dolphin Dock Inc.

Council can't allocate based on the number of licenses because we can't use historical licenses to determine it; people have not been buying licenses and won't until there is something to catch. He wonders how we are going to differentiate between federally permitted vessels and state-permitted for-hire vessels if the state of Texas gets regional control? Would federal permits be allowed to fish in state waters? The whole purpose of this idea should be to make each state responsible for their own fishery and not be managed by another mismanaged fishery (NMFS).

Jackie Romeyn - Charter; Fisherman's Wharf

She would like to know what the distinction would be between the federal and state waters. She does not currently have a federal permit and wonders what the distinction will be under regional management. Jackie likes the idea of state-based regions or even smaller regions because she believes it will allow for better scientific information, better allocation, and better local regulations if the states are given more responsibility.

Troy Williamson - CCA

The concept of regional management has been developed because of frustration toward federal management. Red snapper are more abundant than ever and management has worked, but it's time to reap the benefits of success. The CCA supports driving management to the lowest level of government possible. The states should manage with as little federal influence as possible. NMFS is "rewarding" anglers with a 27-day season and a 2-fish bag limit after they have sacrificed to rebuild the stock. This short season will result in a wide-spread revolt to fisheries management. The transfer of responsibility will be no easy task; enforcement, monitoring, etc. will be difficult to control. The states should have the ability to manage both commercial and recreational harvest of red snapper.

Mike Nugent - Port Aransas Boatman Association and Charter operator

They have been asking to split the Gulf for 10 years. This is the first time the Council has responded and he hopes that people keep moving forward to get this plan to work. Each state should get their allocation from historical landings and it's really important that each state is independent from the others. The mistakes other regions make should not affect each region. The problems with MRIP could be solved by dividing it into other states who can take more control of their data collection programs. Regional management is desperately needed and would take away the state vs. federal permit issues.

Mike Miglini - Charter; Out to Sea Adventures

He would like allocation to be based on biological abundance of the fish. He supports regional management because local folks can make better regulations for local needs. He sees problems with Reef Fish Amendment 30b and section 407 of MSA which will kill charter boats and headboats. Credit should be given for artificial reef and restocking programs when determining abundance. He would like people to look at tags for recreational boats, and if that's good for private recreational boats he would like to see something for for-hire boats that would allow anglers to fish the days they want; they could use an AB tag system to stay in business.

Mike O'Dell - Charter; A Fishing Fantasy Guide Service

He supports regional management because the states can make better regulations than NMFS can.

Dennis Lug - Retired charter, now private recreational angler.

Would like to see some sort of regional management system worked out.

Steve Hardy - Private recreational angler

We are here because federal fisheries management is not working and it's time for something different. He supports any plan that has Texas as their own region. Boundaries would extend into the EEZ. We are not managing licenses, we are managing fish, so allocation should be based on abundance of fish. There are multiple stocks of red snapper based on habitat and reefs. He is worried that we are having a discussion about how we divide the pie but we are saying nothing about how to make the pie bigger. We need to do something about structure offshore.

Jim Smarr - RFA Texas

RFA believes in state management and has for 17 years. We should use the longest data set possible (historical landings) so that Texas can be treated fairly. It should be a biological abundance decision, period. The SEDAR-style stock assessments should be conducted regionally so that Texas can fish their own stock; monitored and determined by Texas. Management guidelines should not be established by the Council; the state should be given full control of their allocation. There needs to be an amendment to the MSA that cures the system that allows the other states to be affected by another region's overrun of their own allocation.

Brett Casey - For-hire; Port Aransas Boatman Association

Out of all the discussion, it still boils down to NMFS still monitoring the red snapper, and if one state catches the whole allocation, we're still back to square one. We need to figure out what we

need to do to limit this. Texas should be given their own allocation and each region's behavior should not affect what the other regions do. It's time to make a change for the good.

Tim Oestreich – Headboat Captain; Dolphin Dock Inc.

The federal limit seems to mainly limit the for-hire folks with federal permits. Some kind of separation should be made for someone who owns a business, because as it is, private fishermen can catch 4 fish all year-round, while federally permitted for-hire boats have a real short season. It would be very helpful if the season can stretch.

Biloxi, Mississippi

January 15, 2013

Council and Staff

Dale Diaz

Ryan Rindone

23 members of the public attended.

Johnny Marquez - CCA Executive Director, MS

Local managers can do a better job of managing fisheries for constituents. Concerned about how regions will be defined. Want fair and equitable access to the fishery. How would state management entities be funded to conduct regional management?

Tom Becker - Charter for-hire captain

Red snapper are very abundant. Concerned about what Mississippi will get with respect to allocation. Want to know who makes up the catch numbers.

J.R. Titmus - Private recreational angler, artificial reef builder

Louisiana is claiming 9 nautical miles for state waters. Has no idea how recreational catch data are calculated. Would like to see state control out to 9 nautical miles in Mississippi, and the federal government can control beyond that. It is not possible to fish all 27 days of the proposed 27-day red snapper season; it's just too expensive.

Tim Knighten - Private recreational angler

Does not understand how the stock assessments work. It is hard to catch triggerfish because there are so many red snapper. Red snapper are eating everything. Doesn't trust the federal government or federally generated data. Supports state management of red snapper.

Gary Smith - Gulf Council Red Snapper Advisory Panel

There is a major issue with counting the recreational catch. The entire process is a joke, and the federal government is screwing the recreational sector. Flew from Mississippi to Florida to count the number of boats fishing to prove it. Mississippi needs regional management. What happens when Texas removes all of the oil rigs?

Keith Cuevas - Marine Biologist, Gulf Coast Research Lab

Mississippi needs regulations extended into federal waters. Allocation should account for this. Other states have shallow water oil rigs and Mississippi does not. The Gulf Council needs to get involved in the rigs-to-reef process. Juvenile red snapper recruit to the oil rigs. Supports regional management authorities, based on good communication. If states pursue regional management individually, then their independent harvests could have a domino effect on the other states.

**Orange Beach, AL
January 16, 2013**

Council and Staff

Bob Shipp

Ryan Rindone

125 members of the public attended.

Pat Willingham - Private recreational angler

Has seen a four- to fivefold increase in red snapper over the last 40 years. All of the fish are in the 9-25 pound range. Divers tell him that the juvenile fish of other reef species are almost gone due to the red snapper. The Gulf Council needs to consider the impact of large red snapper on reefs.

Tom Steber - Charter for-hire captain

Need to look at regional management. The big issue will center around how the lines are drawn. The overarching issue is the Magnuson-Stevens Act. Fishermen need to rally together to get MSA redone or fixed. Alabama has the best reef zone in the world.

Kevin Sinyard - Private recreational angler

Watched the bag limit drop from five fish to two. It costs a fortune to go fishing for red snapper now.

Dale Ruckle - Private recreational angler

Can't even get a charter to go out fishing for red snapper. Bag limits are too low. Local businesses are losing tourism business as a result.

Troy Frady - Charter for-hire captain

Concerned about how to make a living. Bag limits have plummeted. Cautious about regional management of recreational red snapper. Is regional management going to extend the season or increase the creel limits? Is Alabama going to manage the fishery better than the National Marine Fisheries Service? The regulations are affecting our livelihood.

Gary Malin - Private recreational angler

Fished only a few days last season and limited out on red snapper each time. Red snapper are eating everything. Regional management should be done with a break between Florida and Alabama; this would be more fair for Alabama. Current fisheries regulations don't make sense.

John Kemper - Private recreational angler from Minnesota
Alabama anglers should fight for their rights.

Tim Wilson - Private recreational angler
Fishing is an inalienable right. There are plenty of fish in the ocean. The charter for-hire fleet is afraid of the federal government. Fishermen need to protect their rights. Government has taken all of those rights away. Shorter seasons make it less likely that people will fish. Local control of fisheries is better.

Tom Ard - Charter for-hire captain
The best idea so far for red snapper is regional management. Alabama does a great job counting fish. Each region should be held accountable for their allocation. Would fish tags be used? How might regional management apply to grouper in the future? Use historical biological data for setting the allocation and adjust it periodically. Fears noncompliance by states like Texas and Louisiana.

Ben Fairey - Charter for-hire captain
The fisheries management process takes too long. Regions will all fight for allocation. Alabama should not be grouped with Florida. Alabama only has 3 nautical miles worth of state waters, while other Gulf states have more. Wants assurance from the Alabama Gulf Council representatives that Alabama will be cared for in this process.

Bill Coursen - Private recreational angler, Pensacola, FL
Whenever the government takes anything over, they mess it up. Fishing rights are being denied. Caught 76 red snapper last year, and discarded close to 400. Hopes that some regions won't be unjustly shorted on their allocation.

Matt McLeod - Charter for-hire captain
There is a disparity between the number of fish caught and the reported landings. Both are total unknowns. Supports states all going noncompliant. NMFS's red snapper management plan will crumble with noncompliance, and NMFS will have to do what the fishermen want.

Chris Sherrill - Restaurateur
There will be economic problems if the season length drops to zero. He depends on recreational fishermen eating at his restaurant during the summer; no red snapper, no customers.

Gary Bryant - Charter for-hire captain
Red snapper season should last 180 days at a 4-fish per person bag limit. Supports regional management by individual states with accountability measures provided by the Gulf Council. Likes the idea of fish tags. The charter for-hire industry could receive their annual allotment of tags at the beginning of each year, and the private recreational anglers could get tags to catch red snapper at will. Harder to find more desirable fish.

Rashley - Private recreational angler
The federal government is over-managing. Flawed management affects everything.

Alan Taylor - Private recreational angler

Supports regional management of recreational red snapper by state.

Dwain Sanders - Private recreational angler

There are thousands of red snapper off Alabama. The charter for-hire industry is ruined. Commercial fishermen are paying lobbyists to raise the price of red snapper.

Robert Turpin - Escambia County Marine Resources, Private recreational angler

Supports regional management of recreational red snapper with allocation based on biomass. NMFS is currently trying to rebuild red snapper to a threshold that is too high. Will never be able to meet the rebuilding threshold.

**Destin, Florida
January 17th, 2013**

Council and Staff

Pam Dana

Ryan Rindone

104 members of the public attended.

Candy Hansard - Private recreational angler

The portion of Amendment 30B requiring CFH fishermen to adhere to the strictest regulations needs to be eliminated. States shouldn't be penalized for other states exceeding their allocation. Regional management is needed. Need to solve fisheries problems, not manage them. Need more artificial reefs. The Gulf Council needs to look into private artificial reef construction.

George Eller - Charter for-hire captain

Regional management of recreational red snapper may have merit under some conditions. There are too many unanswered questions right now. Need to table the amendment until the next assessment is completed. Until the CFH portion of Amendment 30B is gone, competition will be unfair. Texas is in violation of current regulations. Louisiana extending their state waters will take an act of Congress.

Matt McLeod - Charter for-hire captain

Been coming to these meetings for ten years. Lots of false hope. System has failed the fishermen. The regions would be fighting over a constantly shrinking pie. Supports states all going noncompliant. Fishermen need leverage against NMFS. States could grossly exceed the TAC set by NMFS, and the NMFS's red snapper management plan would crumble. Fishermen could then demand that NMFS work with them. The problem won't be solved by anything less.

BJ Burkhead - Charter for-hire captain

Opposed to regional management; table the amendment.

Stewart Miller - Charter for-hire captain

Opposed to regional management; table the amendment. Too many unanswered questions.

Chuck Guilford - Charter for-hire captain

Opposed to regional management. Opposes all management without consideration of ecosystem variations. Opposes any separation between the CFH and private recreational fishing groups.

Tom Adams - Charter for-hire captain, www.mexicobeachcharters.com

The Gulf Council should appoint new people to the Advisory Panels.

Dr. Rain - Private recreational angler, Destin resident

Has quit fishing deepwater outside of the red snapper season because red snapper are all you can catch when you go out there. Huge red snapper off of Destin. Fisheries management needs to focus on the data collection.

Brant Kelly - Charter for-hire captain, www.relentlesscharterfishing.com

Opposed to regional management. Table the amendment.

**St. Petersburg, Florida
January 22, 2013**

Council and Staff

Martha Bademan

John Sanchez

Ava Lasseter

24 members of the public attended.

Capt. Bob Bryant - Charter

In considering regional management, once again we are trying to manage something that we don't know what we're managing; we don't know the numbers. The stock assessment fails to get a huge percentage of the fish from oil rigs and artificial reefs. The majority of the stock assessment is based on natural structure that NMFS knows. The majority of fishermen are going to artificial structures and we are not capturing fish from those places. Stock assessments are useless without this, making catch data useless, too. There are more problems than benefits in regional management and it seems to be a backdoor to sector separation. What we need to do is to unite fishermen and provide good data to NMFS and have them provide good data to the fishermen in return.

Bo Gorham - Private recreational angler

For-hire operators do a great service, but private anglers put money into economy and so have an important voice. He works weekdays so only had 12 days possible to fish red snapper during last year's season, and was only able to go fishing four times. Investing in gas and boat wear and tear for a derby fishery is not sustainable. Upon hearing this year's estimated 27-day season, he started running his own numbers. He compared MRIP's effort data and number of fish caught a day and the numbers don't work out. If effort data stays constant, it shows they didn't overfish last year but came out right at quota. If that's true, he should have 42-day season again this year. But it's a crap shoot because we don't know the stock. He does agree that taking management to the regional level now is crazy; the data are not there now to manage as a whole. Dividing into

five ways creates new bureaucracy that taxpayers will have to pay for. The states don't cooperate now. It's a way to avoid the hard part which is to validate what is going on in the fishery. Data is the key.

Capt. Mark Hubbard - Hubbard's marina, John's Pass.

He is strongly against splitting up amongst the states and echoes Bo Gorham's comments. He doesn't want another layer of bureaucracy on this fishery, especially since the Council can't manage fishery now. Plus, taxpayers can't afford it; it's more and bigger government. The plan takes away from state powers and discriminates between for-hire, federal, and state permit holders. It discriminates between the states, and appears to move toward sector separation. It uses fatally flawed data to micromanage a fishery that is already screwed up. It seems to divide and conquer the Gulf of Mexico. He is against regional management now, but would have supported it with a 6-month season. A full benchmark assessment needs to be done on red snapper. The fishery needs more days for open access fishing. It's the opportunity to fish that drives our economy, and a 27-day season is just silly with all the fish out there. Resources are being spent on assessing smaller reef fish instead of the important species.

Before considering regional management of gag, a full benchmark stock assessment is needed. The Council is restricting the gag fishery based on a flawed stock assessment. The gag fishery is huge and more reliable data are needed. There aren't as many boats fishing now because they must spend so much money to go out. Ten years ago, there would be 15 boats at the Middle Grounds, but that doesn't happen anymore. The pressure isn't on the fishery the way NMFS and the Council say it is.

Concerning state boundaries and allocation of red snapper, if states get allocated pounds, could those allocations start to migrate over from the commercial fishery? If that was the case, he wants the commercial allocation that moves into the recreational sector to stay in the recreational sector. He doesn't want the commercial sector to buy out of the recreational sector. That would give them some protection, in case catch shares take hold in the recreational fishery.

Stephen Furman - Tampa CCA

He hasn't fished offshore much lately; fuel prices keep him in his kayak. He knows others don't do it as much anymore either, so offshore effort has gone down. He thinks people understand regional management would allow states to manage the fishery and they can do a better job. But it sounds to him like the feds would spread the 27-day season among the 5 states and each gets a 5-day season and that's not appealing. He thinks a 4-day weekend season would help spread out the days so people could fish longer. Concerning how to get better data, he supports the idea of an offshore permit for collecting data from fishermen, and says it's easy to do and is already done for migratory game bird hunting.

Dennis O'Hern - FRA

This plan appears to increase uncertainty and it is uncertainty applied to allowable catch that is hurting them. The idea for regional management, regional cooperation, is a great concept, but it's called the Gulf Council and you already have that. The problem seems like the Council is told what they have to do. He is not sure where regional management is coming from; it looks like sector separation. He doesn't want to give NMFS more power to close a fishery arbitrarily.

For greater amberjack, they closed the season in 5 days, in-season, based on MRFSS data which is not supposed to be used for in-season quota monitoring. The MRIP data is still just random telephone surveys; Florida is starting new data collection but it's not making it to the top.

It's been 10 years since having a full stock assessment on red snapper. The current one is a modified benchmark assessment, and it should be a full assessment; the Council needs to make some more noise about that. These plans take away state powers; if state waters are managed by the states, anyone can fish in state waters, permit or no permit. The feds cannot come in and chain you to that federal rule. That is for all the charter guys.

They had clamped down on red grouper even though they were thick as flies, and they won a lawsuit against the regulations. The same thing has been going on with red snapper and gag; the clamp is staying on it. Roy Crabtree is clamped by certain rules, as is the Council, but we threw off slavery and other rules and putting up with this is just plain wrong. The spring shallow-water grouper closure is not needed, and he can't believe it isn't done (the rule making), so Mark Hubbard and his employees cannot access what is known to be a healthy fishery. There is no reason the closure can't be rescinded. If Dr. Crabtree can close amberjack in five days, he can open shallow-water grouper. The analyses have already been done. There will be an online petition up by tomorrow to address the 2-month closure, because it would be a half million dollar bump to the fishing economy.

Libby Fetherston - Ocean Conservancy

She lauds the goal on increasing flexibility for recreational fishermen, but is concerned that regional management isn't the way to go. There are issues with monitoring and enforcement and it is unclear where from the federal budget enforcement funds would come from. Without additional funds for monitoring, they would need a bigger uncertainty buffer and she doesn't see that happening because it would further reduce the season. She is uncertain how much flexibility states would have; it may be limited to when they have their seasons and the bag limit. She doesn't see this as a mechanism for optimizing recreational fishing opportunities.

As with all their comments on scoping documents, she feels that the Council and NMFS should analyze a wide range of options that address this issue. She is concerned about how federally permitted charter operators would be affected by regional management, and that warrants further analysis. NMFS must ensure that this is consistent with federal law and the rebuilding goals for red snapper. She predicts the assessment will show great progress has been made in rebuilding red snapper, but that they aren't there yet.

Vance Tice - FRA, Minnows and Monsters

He is still very upset that no Council member attended the last public hearing and he is concerned that Council members did not receive their testimony. He had a tackle shop that is closed because of draconian measures; 60% of his business was offshore fishing and there is no more offshore fishing. He's against catch shares but they keep trying to slide it in there; the majority in Florida is against catch shares. Congress has addressed it but they move on with it. The way effort is calculated is a big problem. He has called a lot of businesses and they report that business is down, but the data show effort is up so there is a problem there. At the boat ramps, you don't see the big trailers anymore, you see smaller bay boats. He knows guys who

have sold their offshore boats because it isn't worth it anymore. When FWC goes out and does mortality studies that show that the data are way off, their studies are ignored. Bob Shipp's paper says there is way more red snapper than the Gulf Council wants to admit. It's hard to feel a part of management when what they see is 180 degrees from what is being shoved down their throats. For red snapper, they used to have a 192-day season, 4-fish bag limit, and they never overfished the limit. Now with a 40 day season and 2 fish limit, they've somehow miraculously overfished the limit. Factors like weather, price of gas, and the economy are not taken into account. People are struggling. You're not just affecting people who fish, you're affecting every Florida citizen because when you take that money out of the state, the state still needs money to run.

Scott Moore

We don't even know how many people are fishing in federal waters. He doesn't like fishing licenses, but he knows why you have to have them. Magnuson was enacted to get information from the states on who was fishing in federal waters and he can't understand how to do this without knowing how many people are fishing in federal waters. He suggests that Florida implement the same thing as fish and wildlife did with federal regulations on migratory birds. The permits should be free because you're collecting the data and the feds should pay the states to do this. That's the first thing that should have been enacted. Just because a guy catches grouper onshore doesn't mean he fishes in federal waters. The only way to get this right is to permit the data. Another thing is poundage; Florida never went by pounds; they went by individual catch. Poundage is way too confusing, you want to simplify as much as possible. There are a lot of fish out there in trouble. There's no fishery in the world that has ever collapsed fishing on a slot [limit]; he feels slot limits should be used more.

Frank Bachelier - Captain, Hubbard's Marina

Since he came back to the area he's noticed an overwhelming change in the laws that have been imposed. For groupers, there's a big change in what you can't keep in federal waters. He gets gags year round and is not seeing the population decline like everyone is talking about. Out in 130 feet of water, red snapper are everywhere, and doesn't understand how people are getting these numbers. The FWC guys are there and they're awesome, but they are counting the number of runts coming on their boat, rather than figuring out other stuff out with their time. We're so limited with the season and we need to figure out what we're doing here. He's listening to everyone out here saying the way they collect the data is wrong, and everyone here at this meeting is against everything that's going on. No one here supports the 27-day season, they need better data.

Public Hearings were held in the following locations:

Thursday, August 1, 2013

Call-in session

Monday, August 5, 2013

Courtyard Marriott
11471 Cinema Drive
D'Iberville, MS

Wednesday, August 7, 2013

Holiday Inn Select
2001 N. Cove Boulevard
Panama City, FL

Thursday, August 8, 2013

Renaissance Mobile Riverview Plaza Hotel
64 South Water Street
Mobile, AL

Monday, August 12, 2013

Hilton St. Petersburg Carillon Parkway
950 Lake Carillon Drive
St. Petersburg, FL

Monday, August 12, 2013

Hilton Garden Inn
6717 South Padre Island Drive
Corpus Christi, TX

Tuesday, August 13, 2013

Hampton Inn & Suites
2320 Gulf Freeway South
League City, TX

Wednesday, August 14 2013

DoubleTree
4964 Constitution Avenue
Baton Rouge, LA

Summaries of Public Hearings

Call-in Session

August 1, 2013

Council/Staff

Kevin Anson
Ava Lasseter
Emily Muehlstein
Charlene Ponce

17 members of the public attended.

Tom Hilton - Recreational

Mr. Hilton believes that regional management puts the cart before the horse. The council is pushing for a concept that uses knowingly-flawed data that overestimates recreational landings by at least 70%. It would be better for the Council to help the Gulf states implement a state-based data collection system modeled after the existing Louisiana offshore landings permit. Second, the concept of sector separation has been slipped into the regionalization concept. It is irresponsible for the Council to give that type of decision-making power over to the states rather than tackle the issue Gulf-wide.

Dennis O’Hern- Fishing Rights Alliance

Mr. O’Hern wonders if there is no accountability measure for the recreational sector what is the 28-day season. The recreational sector is managed after the fact, due to the horrible mismanagement of data by NMFS. He also mentioned that people often submit false information to the Council and he asked for follow-up regarding the law and any past prosecutions under said law. He also expressed concerned that regional management was based on data that the Council knows to be wrong. The Gulf Council should be the management tool that we want, but NMFS influence and control over the Council must be removed. He stated that the Council should be run by the states with constituent input, and the members of the Council should be appointed by the Governors; not hand-picked by NMFS.

B.J. Burkette - Charter; Florida

Mr. Burkette does not think that regional management is going to help because the NMFS data is still a problem. There is no need to be so restrictive with the amount of fish and regional management won’t solve that problem.

George McKinney - Commercial, For-Hire, Private; Pensacola, Florida

Mr. McKinney wondered how enforcement would work in a place like Pensacola, Florida with Perdido Pass so close. He would like to see some sort of regional management. He wants small boats and private recreational anglers who are limited in days to be able to safely and effectively fish in the Gulf.

Bob Gill - Former Council member; Crystal River, Florida

Mr. Gill recommended that the Council require the states to come to full agreement on all points relative to regional management prior to the Council taking further consideration or action. He added that the Council ought to table the amendment until the states agree on all the issues. New issues seem to be cropping up and it’s going to be very difficult for the Council to find an endpoint if the states do not agree with every action and alternative.

Action 4 - Council should give serious consideration to a slot limit for red snapper. Spawning success is greater for large fish and preserving the older fish in the truncated population may have some merit. Mr. Gill acknowledges the discard problem and still believes a slot will be useful.

Bill Teehan - Former Council member; Tallahassee, Florida

Mr. Teehan thinks the entire concept is very interesting. He supports Action 4’s Alternative 7 which would allow individual regions to establish sub-allocations for for-hire and private anglers.

Corpus Christi, Texas
August 12, 2013

Council/Staff

Robin Riechers
Lance Robinson
Emily Muehlstein
Charlotte Schiaffo

20 members of the public attended (mostly Texas Parks and Wildlife and Harte Research Institute staff; about eight were members of the fishing public).

Cliff Strain - Port Aransas Boatmen Association

Mr. Strain commented that he understood the current data collection but believed that people were unsatisfied with the federal government because the regulations were not in line with what the people are seeing. He added that if a move toward regionally adjusting the data was not made, then regional management would not have the punch or be as effective as anglers wanted it to be. He noted that Texas had the structure and ability to manage red snapper, and while he did not think there needed to be a year round season which could deplete the resource, he did want to see a longer fishing season. He stated that he had not had to spend more than 30 minutes fishing to limit out. He expressed concern that eventually, the destruction of habitat would have an effect on fish populations and encouraged the Council to do what it could to control the removal of rigs. He stated that his association wants to support regional management.

Ron Moser - Port Aransas Boatmen Association

Mr. Moser favored individual states having control over their waters (Action 2, Alternative 3). He added that the data collected should be adjusted to account for the biomass of fish in the state of Texas, as Texas seemed to be penalized more than other states because of this not being taken into account. He supported Action 3, Alternative 1; do not apportion the quota based on historical landings. On Action 4, he recommended the Preferred Alternative 4, to allow individual regions to set recreational red snapper season start and end dates and season structure. On Action 5, he believes that for-hire vessels and federal permit restrictions should be left to Texas to manage the resource. On Action 6, he agreed a 2-year grace period (Option b) would be best so that the new program had opportunity for error without penalizing fishermen while the program adjusts.

Pat Harris - Private recreational angler

Mr. Harris would like to see as much effort from the Gulf Council to increase habitat quality as they did in forcing regulations on anglers. He added that trying to improve everything instead of concentrating on improving the fishery was the wrong path for the Council to take.

League City, Texas
August 13th, 2013

Council/Staff

Robin Riechers
Lance Robinson
Emily Muehlstein
Charlotte Schiaffo

21 members of the public attended.

Kristen McConnell - Senior Conservation Manager Environmental Defense Fund

Ms. McConnell expressed concern about the regional management proposal. She is cautiously supportive because Environmental Defense Fund agrees with the idea of increasing access and flexibility for anglers but finds it difficult to support an idea with so many outstanding issues. Regional management will present challenges to law enforcement; it may have unforeseen impacts on other species due to effort shifting. It is hard to move forward without a better understanding of what the states will do. States should provide details on what direction they will take and their proposals should include accountability measures in case of a quota overage. She fails to see the relative benefit of regional management for private and for-hire anglers in the long term because the concept simply promotes the use of the same management tools with the same pitfalls. A real solution that potentially uses regional management is needed, but the current amendment does not seem to provide that solution.

Bill Bahr - Charter Captain

Mr. Bahr is largely concerned with the health of the snapper fishery and properly assessing that population. He is a Texas native and he has confidence that Texas Parks and Wildlife will be able to manage red snapper. He is concerned about the discrepancy between Louisiana and NMFS landings data, and he would support Action 6, Option b which would create a 2-year grace period for the regions to establish their own programs without having the NMFS numbers shoved down their throats.

Scott Hickman - Charter Captain and owner of Commercial Red Snapper IFQ

Status quo is not working. The commercial IFQ program can be credited for success of some of the red snapper recovery and he would like a similar tool to be considered for the for-hire sector. Mr. Hickman can't participate in his own state waters, so he supports Action 5, Alternative 2 to remove the requirement for for-hire vessels to adhere to the strictest regulations. Mr. Hickman also supports Action 4, Alternative 7 which would allow for a separate sub-allocation for the private for-hire industry. Amendment 39 has a lot of holes in it and he is afraid that Texas will have a weekend season or something that will shut out the charter industry. He is tentative about supporting the amendment and wants the charter boat fleet to have assurance before he can move forward.

Paul Bitner - Charter Captain

There are a lot of holes in how the landings are calculated and he would like to see greater accountability in how those numbers are collected. Mr. Bitner does not think we can get a grip

on the numbers without implementing a tag program to keep better track of the fish. Mr. Bitner has limited days to catch fish and make business work and the current management does not allow for success. He supports Action 4, Alternative 7 because he would like the private and for-hire fishermen to be managed separately.

Johnny Williams - Headboat owner/operator

Mr. Williams thinks there are going to be winners and losers under a regional management program, and we are in a situation where we don't know who those winners or losers will be. Texas landings have decreased but it's not because the fishing is getting worse; he predicts that under status quo, the Texas proportion of the harvest will continue to decrease. He supports states' rights and wants the federal entities to stay out of his business. Mr. Williams has a hard time supporting the amendment without a better understanding of what the program would look like if delegation were given to Texas. He would be opposed to a situation where the red snapper fishing would be open only on Saturdays during the summer and he does not know where the State stands.

Tom Hilton

The data is showing that headboats are landing 68% of all the red snapper, so headboat operators have nothing to worry about. Mr. Hilton wants to Council to get a hard handle on exactly what we are doing before jumping off into the unknown using flawed data to determine allocation percentages in Action 3. There are no regional assessments of biomass and the feds have taken control of the commercial fishery without regional control. Off Texas the working allocation is not 51% commercial and 49% recreational. There are far more commercial harvesters off Texas, and here it may be closer to 70% commercial and 30% recreational. He says that there is nothing regional about this concept because the federal agencies will still hold critical control points. The Louisiana offshore landings permit should be a sounding bill for every Gulf state to implement their own data collection system. Louisiana didn't believe the feds and they proved them wrong. In Mr. Hilton's opinion, it is a dereliction of duty for all involved to move forward with this amendment with this flawed data.

He proposes a better solution:

1. Implement a data collection system across the Gulf for each state modeled after the Louisiana offshore permit.
2. Implement an 11 million pound annual catch limit over the next 3 years.
3. Give any increase in quota to the recreational fishermen because their season and bag limit has been slashed while commercial folks have had full access to their quota.
4. Reinstate the 149-day season.

Steve Cunningham - Charter Captain

Mr. Cunningham shares the other speakers' opinions. Caution is important and using only fishery dependent data needs to change. 30B needs to be removed so he can be successful as a charter operator. Mr. Cunningham supports Action 2, Alternative 4 which would create 5 regions, one for each state. He supports Action 3, Alternative 3 which would remove landings from 2006 and 2010 from the allocation decisions. He made it clear that biomass data needs to be included somehow even if it's not given the weight that the historical landings are given. We know there are more fish in the western Gulf and that needs to be accounted for. He supports Action 5, Alternative 2 which would create a 2-year grace period. A 3-year period may be even

better. He is slightly leaning towards having more faith in Texas than he does in NMFS. There are a lot of issues in the document so before any radical changes are made, we need to look at this idea very carefully. The fishermen on charter boats are recreational anglers and they, along with seafood consumers, are important contributors to the fishery.

Shane Cantrell - Charter owner/operator

Mr. Cantrell is disappointed that regional management does not allow for planning or provide for additional methods of data collection. He would prefer a multispecies IFQ program for the charter industry. The commercial program works well for commercial fishermen and he understands that changes would be made to accommodate his industry. He wants the real time accountability. He thinks harvest tags would work out very well for the private recreational anglers. As it is proposed, regional management is just a reshuffling of the deck with the same management tools and he would rather new novel approaches to management be considered.

David Conrad- Charter Captain

He fully supports Action 5, Alternative 2 to allow for-hire boats to participate in the state season. 30B needs to go away because recreational fishermen on their boat should be allowed to fish just like recreational boat owners. He sees issues with allocation for the states. He needs to see what's in the details before fully supporting this document.

**Baton Rouge, Louisiana
August 14, 2013**

Council/Staff

Camp Matens
Emily Muehlstein
Charlotte Schiaffo

24 members of the public attended.

Chris Macaluso - Theodore Roosevelt Conservation Partnership

As an organization, they are trying to work within the system to better manage the recreational fisheries. Trying to manage red snapper to a total allowable catch is destined for failure because the Marine Recreational Information Program does not reflect an accurate count of the fish that are being caught or how many people are fishing. For Action 3 he is concerned with basing the quotas on historical landings. Historical landings from Alabama and Florida will reflect more landings but that is a measure of fishing pressure not abundance of fish. He does not want to restrict pressure but if the target in MSA is to end overfishing and the Council allows states with less biological availability to out fish the areas with greater availability, we are going to fail. Managing the red snapper as one stock may be a problem. The fish don't migrate from west to east; there are fish in each region. Allowing an area with less fish to harvest more of the fish will not end overfishing. The only way we will successfully end this problem is to allow more fishing where there is more biological availability and less where there are less fish.

Ed Fike - Environmental Consultant and private recreational angler

He is supportive of what he has heard this evening. He is happy that Louisiana is taking the charge and that NMFS is working with fish. Biological availability of the fish is very important and he thinks that needs to be considered during allocation (Action 3). During the fall supplemental season, he fished every weekend and never saw anyone at one of the key landings sites. Based on his observations, he does not think that fishing is that important here in the fall.

Kenny Acostu - Private recreational angler

Mr. Acostu likes the opportunity to go fishing and he enjoys it, but opening June 1st with 2-3 foot waves is hard on him. Let the states manage using the weekend season and if it's recreational that's great because it will benefit him. There is no reason to go fishing for anything outside of red snapper season because you can't catch anything but red snapper; it makes his other fishing less enjoyable. He wants to fish without feeling like he is being wasteful and killing something by accident.

George Huye – CCA; Private Recreational Angler

He is in favor of regional management. For Action 3 he is concerned about the use of historical landings data because it does not fix the problem of inaccurate fisheries dependent data and it doesn't make much sense to perpetuate the current system forward. He sees enough alternatives for the Council to be able to make good decisions here. Regional management will give the people of Louisiana a better opportunity to have a chance to catch what they may have had in the past. We know the stocks are strong and this will give the Louisiana fishermen an opportunity to put their trust and faith in their own resource management department.

Rebecca Triche - Louisiana Wildlife Federation

Ms. Triche noted that red snapper is a hot topic for her members. The Federation submitted comment in January already. She would like to see a regional approach because the Louisiana Department of Wildlife and Fisheries has the capability to assess the stocks. She wants limits to be set based on biological availability because the western region can sustain more harvest than the east. There was lots of activity in legislation regarding the passion Louisiana anglers have. She urges the Council to continue moving forward with this idea to acknowledge the frustrations of recreational anglers.

Rad Trashe - CCA Louisiana

Mr. Trashe expressed his full support for regional management. We all know that we've had faulty science and poor management. This is an opportunity to do what everyone wants; what's best for the resource and what's better for the fishermen. The Department of Louisiana Wildlife has proven that they do better science than NMFS. This year there was someone at the ramp every single day. We should put the power in Louisiana's hands and let them run with it.

D'Iberville, MS
August 5, 2013

Council/Staff

Dale Diaz
Corky Perret
Ava Lasseter

7 members of the public attended.

Tom Becker - Mississippi Charter Captains Association

The Association discussed this the other night and decided that they need to go along with this and see what happens. There are problems with the data because they were never checked to see what they're catching on his headboat. He wants to see someone checking landings more often instead of telling him when they can get there. The Department of Natural Resources is hurting for people. There are so many places to unload your fish and that's what's happening.

Gary Smith - Recreational

Mr. Smith's first concern is the legality of regional management. There needs to be a non-biased person looking into it, in case in a couple of years it's determined they did something they shouldn't have done. He doesn't have a problem with regional management, but it needs more thought about how to divide the quota. Texas, the largest state, only got 12%, but Florida landed so much [2012 landings]; what's going to happen as the population changes? There are a lot of areas that need to be addressed: will there be annual adjustments, what process will be required, what happens when Texas demands more? The biggest issue is how you're going to count/estimate the data. Everyone agrees the data is flawed, but we're not addressing that. To fix it, got to count the number of boats. Don't worry about the number of fishermen, just the number of boats. Then each state could require a boat permit and you couldn't have red snapper aboard until you have the boat permit. Looking at Mississippi's data, it comes up to 22,000 fish they could catch. He has counted the number of boats and has never counted more than 50 boats. The most he's ever counted was 88; the boats just aren't there. You'll be back to 21 days even with regional management. Counting the boats is how you have got to correct the problem.

John Marquez Jr. - CCA Mississippi

He supports regional management and wants management taken to the state level, which allows them to control the fishery, best for their anglers. CCA wants to see the states have the ability to manage the commercial red snapper quota and be allowed to allocate among sectors. They would like red snapper removed from the reef fish FMP, as has been done for misty grouper and other species. He echoes Mr. Smith's comment that any plan needs to contain flexibility to allow for change within the states over time. Mississippi has concerns about how this would be funded, as they have a different sort of funding mechanism for data collection.

**Panama City, FL
August 7, 2013**

Council/Staff

Martha Bademan

Ava Lasseter

Ryan Rindone

7 members of the public attended.

Chris Niquet - Commercial

He noted the differences between the percentage of red snapper landed by state since the oil spill and the allocation under Alternative 4, which would be based on the ABCs [separate east Gulf and west Gulf stock assessments]. So recreational allocations would be 48.5% for the eastern Gulf and 51.5% for the western Gulf, which lands the least recreationally. He thinks this seems backward. It seems like Florida and Alabama would get the bulk of the ABC.

Bart Niquet - Commercial

He feels the charter and headboats are stepchildren in all of this; they get no consideration from the commercial side or the recreational, side and they are being put out of business. They need their own sector and own bag limits. For red snapper, the recreational sector should go to 60 days with a 2-fish limit and set that in stone. He thinks they should be given something they can depend on so they can make a living.

Bob Zales, II - Charter Captain

He is speaking for himself, as the PCBA has not taken a position yet. He is conditionally supportive of regional management if it is only being discussed for the recreational sector, and will have no impact on the commercial sector. He supports the preferred alternatives in Actions 1 and 2. For Action 3, he supports Alternative 2 Option d, which doesn't benefit Florida the most out of all the options, but seems like a fair allocation. For Action 4 he supports only the Preferred Alternatives 2, 3, and 4. He is a little confused by Action 5; he wants the provision removed so supports that. But even if regional management does not go forward, he wants this action to go forward and be finalized before the 2014 season. For Action 6, he prefers Preferred Alternative 3, Option b, to allow the longest grace period to adapt to the change in management. He's confused by Action 7 because he doesn't see how it's going to work. Under the Magnuson-Stevens Act, the fishery must be closed when the quota is met. What happens if Mississippi fishes a lot? They could effectively cause the closure of the rest of the Gulf. He recommends rescinding 406b of Magnuson-Stevens Act that includes that requirement. It may have been necessary in 1996; it's clearly no longer necessary. Finally, as a for-hire operator, he emphasized that his passengers are private recreational anglers, just like those fishing on their own boats.

Jim Clements - Commercial

Although CCA and RFA have criticized the IFQ program, Mr. Clements supports regional management if it will help the recreational fishers catch more fish and have more days to fish. But, this must not affect the commercial red snapper fishery.

Mike Eller – Charter and Commercial

Mr. Eller is speaking for himself and his own for-hire vessel. For Action 1 he prefers Alternative 3 [Council-implemented regional management]; for Action 2: he supports the preferred alternative for 5 regions. Action 3, he supports Alternative 2 Option d, combining the long and short time series.

Regional management is a slippery slope that could result in benefits or could turn into a total fiasco. He is asking himself, can his state can do a better job than what is going on now? If the states get together and make a big advance on data collection, it could be better. But if they don't do that first, then this is putting the cart in front of the horse. This is hard for him to support when he doesn't know the long-term ramifications. His state will make decisions dependent on the current political persuasion at the time. What if his state chooses to adopt a weekends only season? That would really hurt the for-hire fleet. At least with the Council, you have diverse opinions represented. He would like the individual states to have leeway in setting opening season dates, but maybe not to set different size limits. He supports increased flexibility but it is a slippery slope. He wants to see the regional plan for each state before he supports it and they don't have that yet because it is still new. He wants to hear from a state how it would actually manage red snapper better than the NMFS. He does not want the commercial sector to be impacted by this.

He supports the preferred alternative in Action 5 and thinks the 30B provision is unfair and unconstitutional. In Action 4, he supports Preferred Alternatives 2, 3, 4, 5, and 7. Anglers that fish on for-hire vessels should be protected and shouldn't be lumped in with private anglers who fish differently. He feels there should be the possibility for sub-allocations. In Action 6, he supports Alternative 4, Option b; establish a 2-year grace period before implementation of overage adjustments.

Don Whitecotton - Charter

We have all looked at how we are going to protect the life of the fish, but we are putting our industry at risk by setting the season in the middle of hurricane season. Even if the weather is bad, charter boats have to go out to make a living. We need a way for the for-hire boats to go out, and this is a big socio-economic issue. They have been lucky nothing has happened on the headboats yet [accidents]. He suggests a year round season with a number of days you can go out to fish. We can surely regulate ourselves [when we go out] if we can regulate these fish.

Warner Foster - Recreational

He is very interested in the quota issue and wants to know how they get the quota. He hears they just pull it out of somewhere. He has never had his fish counted and weighed checked on his boat. Commercial guys have to weigh in all their fish, but no one is ever at the ramp asking him what he caught. With the size of his boat, he's not going to go out in the rough weather and get beat up. The June 1 season start was during rough weather and they couldn't get out most of the season.

***The following comments were received in Panama City on August 6, 2013 at a hearing on Coastal Migratory Pelagics.**

BJ Burkett - Charter and commercial

Capt. Burkett thinks the whole program is going to be a logistical nightmare. Red snapper isn't being managed appropriately now, but they're going to throw 5 more leaders into it? It's going to be very complicated because the regulations change so often. On all the actions, except Action 5, he wants no action. He does not want regional management. The issue we should be fixing is the flawed data. Regional management will make regulations based on incorrect data instead of tackling the issue of getting more days. He has heard we're never going to get back to where we were just a few years ago [longer season], but that's what people want. Regional management might leave them with 25-30 day seasons, which doesn't take us anywhere close to what people want. Therefore, he doesn't see the benefit of doing it. Maybe one state can fish a few days longer, or keep one fish more than another region's bag limit, but he does not see benefits to the whole Gulf and for all anglers.

Randall Akins - Recreational, retired charter captain

Capt. Akins has a historical captain permit that he can't transfer to his children and that's not the way of doing things in America. His children should be able to receive his permit. When he was in the Coast Guard, he was told you couldn't sell permits, but now you can so he is confused. At least 50% of the time he has broken the law because he has to throw back red snapper that are not at least 16". He has to throw them back and the dolphins get them. Feeding dolphins is against the law and he knows someone who was fined for feeding dolphins. This can be solved by keeping the season open year round and you can keep your first five fish. He was told that would be culling the fish, but that's what he's doing now. He doesn't support setting seasons or size limits.

**Mobile, AL
August 8, 2013**

Council/Staff

Kevin Anson
Chris Blankenship
Ava Lasseter
Ryan Rindone

11 members of the public attended

Palmer Whiting - Recreational, Alabama CCA Chairman

Mr. Whiting thinks the state has done a good job of managing its inshore fisheries and can do a good job with offshore fisheries. They built this habitat and they can manage it. Alabama has a lot of habitat and a lot of snapper. CCA members are in favor of that and having it on a more local level, with local scientists, who are more than capable. Bring management down to the state level is preferred.

Captain Mike Thierry - Charter

Capt. Thierry thinks states can manage it better. The inconsistency of allocations needs to be addressed so everyone is on the same playing field, and the number of days each state is allowed to fish is not impacted because of another state's regulations. Basing allocations on landings when some states who were open while Alabama was closed is like rewarding them for not playing by the rules. Sub-allocations are needed because one size does not fit all. The weekends-only season that private vessel anglers prefer would not work for the charter fleet. There should be no more restrictions than the for-hire fleet already has compared to the private recreational anglers. He supports the states taking over management and feels they are up to the job. He would like to have states do their own stock assessment. They are here locally every day and could do a better job. Each region needs to be accountable to its own quota. For example, Destin's rodeo is in October and they'd like to have the season open then. We'd like our own rodeo season in July; so one size doesn't fit all. Texas wants to be open in the winter as it's a good time for them. Alabama has got some of the best people in the world working on this stuff right here.

Skipper Thierry - Charter

He supports state management of red snapper and the ability of a state to establish sub-allocations. He would like for the state to conduct its own stock assessment, eventually. He wants the accountability measure, but they need to be flexible because landings often fluctuate annually for all kinds of reasons beyond our control.

**St. Petersburg, FL
August 12, 2013**

Council/Staff

Martha Bademan

Ava Lasseter

Ryan Rindone

Doug Gregory

8 members of the public attended.

Buddy Bradham - Recreational Fishing Alliance, retired charter and commercial fisherman

The RFA has a lot of problems with this so for right now, they prefer No Action be taken on all actions. They're behind on getting data sets in place. Florida is working on it but it is unknown when this will be available. There is the potential for going over the quota. The season dates would have to come from each state. There was a meeting on Friday morning where it was said it may cost 2.5 million dollars per year, and that's funding Florida doesn't have. These are problems that need to be solved before we go into regional management. If the improved data collection is in place, they would support regional management with the following preferred alternatives:

Action 1: prefer no action until data is fixed. Action 2: support the preferred alternative of 5 regions. For the quota (Action 3), they have a big problem with the data sets that may be used.

Louisiana has just proved how bad the NMFS estimates are: 70% off from their catches. They would like any new data program to run for 3 years then base the quota allocations on that. Action 4: they support the Preferred Alternatives 2, 3, and 4. But, they strongly speak out against Preferred Alternative 7, as this is a form of sector separation. They are still against it and feel the Council is trying to push it into this amendment. For Action 5, they support the preferred alternative. They don't support 30B at all and it should be completely removed, not just for red snapper but also for all reef fish. For Action 6, they prefer Alternative 3, Option b, allowing a 2-year grace period. For Action 7, they support Preferred Alternative 3 for a state that opts out.

Libby Fetherston - Ocean Conservancy

The Ocean Conservancy supports the Council's attempt to consider alternative management for the recreational sector. They do not take positions on allocation decisions. They think data collection and validation is critical to the success of any regional management plan and will need minimum data standards. They encourage the Council to think about ways that the restoration funds could support these goals in terms of quality and quantity of sampling. They also encourage the use of ACTs because they provide a reasonable buffer based on past performance and warrant consideration.

Sharon McBreen - Pew Charitable Trusts

Pew recommends revising the amendment's purpose and need to reflect that rebuilding red snapper is the top priority. They recommend that the amendment include the following three key components needed for the program's success:

1. AMs are safeguards and should include payback provisions, to maintain rebuilding. So they support the preferred alternative in Action 6. They also encourage the states to set up a system to constrain catches to within their quota. They do not oppose the Option a for a 1-year grace period, to allow state programs time to adjust their management process. This will be a learning process between NOAA and the states.
2. The states will need to retool their data collection systems to avoid triggering AMs. States should consider the use of ACTs to build in a margin of error to avoid triggering AMs, especially while adjusting to the new management system. This includes the option to use an ACT.
- 3: They support Action 4's Preferred Alternative 7: establish sub-allocations. If a state chooses that this is right for them, they should be allowed to pursue it.

Stephen Furman - CCA Florida, Tampa chapter

CCA supports regional management. He found the example of regional management for king mackerel an interesting example, because it is a migratory fish, and red snapper is not migratory. We had no red snapper off this coast for a long time but they came back because of Hurricane Katrina. This is a good start but the states would do a good job figuring it out if the feds would step away from the table. The states should have that authority, and the data and law enforcement is available. NOAA is paying FWC for nice boats to patrol offshore and there is no reason to stop that.

APPENDIX D. DELEGATION PROVISION

Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. §1856(a)(3), (b)

(3) A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

(A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the fishery management plan and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

(C) [Pertains to Alaska, only.]

(b) EXCEPTION.—

(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that—

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the exclusive economic zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan; the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).

APPENDIX E. FISHERY ALLOCATION POLICY

Gulf of Mexico Fishery Management Council Fishery Allocation Policy

This allocation policy was developed by the Gulf of Mexico Fishery Management Council to provide principles, guidelines, and suggested methods for allocation that would facilitate future allocation and reallocation of fisheries resources between or within fishery sectors.

Issues considered in this allocation policy include principles based on existing regulatory provisions, procedures to request and initiate (re)allocation, (re)allocation review frequency, tools and methods suggested for evaluating alternative (re)allocations.

1. Principles for Allocation

- a. Conservation and management measures shall not discriminate between residents of different states.
- b. Allocation shall:
 - (1) be fair and equitable to fishermen and fishing sectors;
 - (i) fairness should be considered for indirect changes in allocation
 - (ii) any harvest restrictions or recovery benefits be allocated fairly and equitably among sectors
 - (2) promote conservation
 - (i) connected to the achievement of OY
 - (ii) furtherance of a legitimate FMP objective,
 - (iii) promotes a rational, more easily managed use
 - (3) ensure that no particular individual, corporation, or other entity may acquire an excessive share.
- c. Shall consider efficient utilization of fishery resources but:
 - (1) should not just redistribute gains and burdens without an increase in efficiency
 - (2) prohibit measures that have economic allocation as its sole purpose.
- d. Shall take into account: the importance of fishery resources to fishing communities by utilizing economic and social data in order to:
 - (1) provide for the sustained participation of fishing communities
 - (2) minimize adverse economic impacts on fishing communities.

- e. Any fishery management plan, plan amendment, or regulation submitted by the Gulf Council for the red snapper fishery shall contain conservation and management measures that:
 - (1) establish separate quotas for recreational fishing (including charter fishing) and commercial fishing.
 - (2) prohibit a sector (i.e., recreational or commercial) from retaining red snapper for the remainder of the season, when it reaches its quota.
 - (3) ensure that the recreational and commercial quotas reflect allocation among sectors and do not reflect harvests in excess of allocations.

2. Guidelines for Allocation

- a. All allocations and reallocations must be consistent with the Gulf of Mexico Fishery Management Council's principles for allocation.
- b. An approved Council motion constitutes the only appropriate means for requesting the initiation of allocation or reallocation of a fishery resource. The motion should clearly specify the basis for, purpose and objectives of the request for (re)allocation.
- c. The Council should conduct a comprehensive review of allocations within the individual FMPs at intervals of no less than five years.
- d. Following an approved Council motion to initiate an allocation or reallocation, the Council will suggest methods to be used for determining the new allocation. Methods suggested must be consistent with the purpose and objectives included in the motion requesting the initiation of allocation or reallocation.
- e. Changes in allocation of a fishery resource may, to the extent practicable, account for projected future socio-economic and demographic trends that are expected to impact the fishery.
- f. Indirect changes in allocation, i.e., shifts in allocation resulting from management measures, should be avoided or minimized to the extent possible.

3. Suggested Methods for Determining (Re)Allocation

- a. Market-based Allocation
 - (1) Auction of quota
 - (2) Quota purchases between commercial and recreational sectors
 - (i) determine prerequisites and conditions:
 - (a) quota or tags or some other mechanism required in one or both sectors
 - (b) mechanism to broker or bank the purchases and exchanges

- (c) annual, multi-year, or permanent
- (d) accountability for purchased or exchanged quota in the receiving sector

b. Catch-Based (and mortality) Allocation

- (1) historical landings data
 - (i) averages based on longest period of credible records
 - (ii) averages based on a period of recent years
 - (iii) averages based on total fisheries mortality (landings plus discard mortality) by sector
 - (iv) allocations set in a previous FMP
 - (v) accountability (a sector's ability to keep within allocation)

c. Socioeconomic-based Allocation

- (1) socio-economic analyses
 - (i) net benefits to the nation
 - (ii) economic analysis limited to direct participants
 - (iii) economic impact analysis (direct expenditures and multiplier impacts)
 - (iv) social impact analysis
 - (v) fishing communities
 - (vi) participation trends
 - (vii) "efficiency" analysis
 - (a) lowest possible cost for a particular level of catch;
 - (b) harvest OY with the minimum use of economic inputs

d. Negotiation-Based Allocation

- (1) Mechanism for sectors to agree to negotiation and select representatives
- (2) Mechanism to choose a facilitator
- (3) Negotiated agreement brought to Council for normal FMP process of adoption and implementation.

APPENDIX F. RECREATIONAL RED SNAPPER LANDINGS BY STATE

Table F-1. Annual recreational red snapper landings by state (1986-2013), based on whole weight of fish.

Year	Alabama	Florida	Louisiana	Mississippi	Texas	Total
1986	401,123	1,929,702	631,294	3,482	525,242	3,490,843
1987	387,077	912,826	281,413	54,031	454,200	2,089,547
1988	516,328	940,254	1,038,395	21,783	622,380	3,139,140
1989	544,007	362,359	708,400	345,009	980,565	2,940,340
1990	644,860	289,177	274,815	55,440	360,243	1,624,535
1991	877,662	439,237	968,807	179,601	451,819	2,917,126
1992	1,510,823	372,642	1,129,185	764,794	840,845	4,618,289
1993	2,095,900	1,250,350	1,626,283	907,243	1,281,487	7,161,263
1994	1,950,457	846,569	1,284,747	491,146	1,502,841	6,075,760
1995	1,742,758	565,356	1,543,765	156,083	1,455,780	5,463,742
1996	1,752,107	998,533	885,325	212,843	1,490,081	5,338,889
1997	2,660,697	1,007,177	1,145,689	664,884	1,325,782	6,804,229
1998	1,446,734	1,391,640	721,783	189,014	1,104,926	4,854,097
1999	1,975,892	1,422,359	784,324	201,749	588,084	4,972,408
2000	1,405,596	1,701,732	881,480	53,551	707,746	4,750,105
2001	2,221,042	2,095,911	316,993	108,454	509,885	5,252,285
2002	2,620,872	2,528,289	404,563	238,011	743,411	6,535,146
2003	2,315,502	2,213,246	544,732	365,829	666,136	6,105,445
2004	1,937,219	3,484,522	376,281	25,571	636,651	6,460,244
2005	1,361,826	2,242,440	484,250	5,222	582,181	4,675,919
2006	826,956	2,106,536	504,844	32,808	659,988	4,131,132
2007	1,134,694	3,295,292	908,429	3,399	466,981	5,808,795
2008	695,131	2,332,926	638,159	39,193	350,466	4,055,875
2009	1,207,914	2,630,439	1,054,595	43,574	660,335	5,596,857
2010	564,655	1,482,108	133,601	10,834	459,653	2,650,851
2011	3,606,453	1,975,772	600,358	69,478	482,046	6,734,107
2012	2,701,304	2,445,940	1,446,107	314,154	616,737	7,524,242
2013	4,424,247	3,777,371	545,532	422,529	489,112	9,658,791
2014	1,158,780	1,644,842	632,095	45,118	385,696	3,866,531

Source: Southeast Fisheries Science Center annual catch limit dataset, including the Calibrated Marine Recreational Information Program (MRIP) landings, Texas Parks and Wildlife Department, and Southeast Headboat Survey landings. Headboat landings from Alabama and the Florida Panhandle are initially reported to the same headboat fishing area. Landings have been assigned to each state based on the survey's vessel landing records (May 2015).

APPENDIX G. GULF OF MEXICO RED SNAPPER FEDERAL REGULATIONS RELEVANT TO REEF FISH AMENDMENT 39

Current as published in the Federal Register as of **May 5, 2015** (Regulations in §§ 622.39 and 622.41 effective as of **June 1, 2015**)

§ 622.20 Permits and endorsements.

(b)(3) If Federal regulations for Gulf reef fish in subparts A or B of this part are more restrictive than state regulations, a person aboard a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested.

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

(b) *Seasonal closure of the recreational sector for red snapper.* The recreational sector for red snapper in or from the Gulf EEZ is closed from January 1 through May 31, each year. During the closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero.

§ 622.37 Size limits.

(a) *Snapper--(1) Red snapper--*16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.38 (b)(3) and 13 inches (33.0 cm), TL, for a fish taken by a person not subject to the bag limit.

§ 622.38 Bag and possession limits.

(b)(3) *Red snapper--2.* However, no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

§ 622.39 Quotas.

(a)(2)(i) *Recreational quota for red snapper. (A) Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined).*

(1) For fishing year 2015--7.007 million lb (3.178 million kg), round weight.

(2) For fishing year 2016--6.840 million lb (3.103 million kg), round weight.

(3) For fishing year 2017 and subsequent fishing years--6.733 million lb (3.054 million kg), round weight.

(B) *Federal charter vessel/headboat component quota.* The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(1) For fishing year 2015--2.964 million lb (1.344 million kg), round weight.

(2) For fishing year 2016--2.893 million lb (1.312 million kg), round weight.

(3) For fishing year 2017--2.848 million lb (1.292 million kg), round weight.

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(1) For fishing year 2015--4.043 million lb (1.834 million kg), round weight.

(2) For fishing year 2016--3.947 million lb (1.790 million kg), round weight.

(3) For fishing year 2017--3.885 million lb (1.762 million kg), round weight.

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(q)(2) *Recreational sector.* (i) The AA will determine the length of the red snapper recreational fishing season based on when recreational landings are projected to reach the applicable recreational ACT specified in paragraph (q)(2)(iii) of this section, and announce the closure date in the *Federal Register*. This will serve as an in-season accountability measure. On and after the effective date of the recreational closure notification, the bag and possession limit for red snapper is zero. The recreational ACL is equal to the applicable total recreational quota specified in § 622.39(a)(2)(i).

(ii) In addition to the measures specified in paragraph (q)(2)(i) of this section, if red snapper recreational landings, as estimated by the SRD, exceed the applicable recreational ACL (quota) specified in § 622.39(a)(2)(i), and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the recreational ACL (quota) by the amount of the quota overage in the prior fishing year, and reduce the applicable recreational ACT specified in paragraph (q)(2)(iii) of this section (based on the buffer between the ACT and the quota specified in the FMP), unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iii) *Recreational ACT for red snapper.* (A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACTs combined).*

(1) For fishing year 2015--5.606 million lb (2.543 million kg), round weight.

(2) For fishing year 2016--5.472 million lb (2.482 million kg), round weight.

(3) For fishing year 2017 and subsequent fishing years--5.384 million lb (2.442 million kg), round weight.

(B) *Federal charter vessel/headboat component ACT.* The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective for only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

(1) For fishing year 2015--2.371 million lb (1.075 million kg), round weight.

(2) For fishing year 2016--2.315 million lb (1.050 million kg), round weight.

(3) For fishing year 2017--2.278 million lb (1.033 million kg), round weight.

(C) *Private angling component ACT.* The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective for

only the 2015, 2016, and 2017 fishing years. For the 2018 and subsequent fishing years, the applicable total recreational quota specified in § 622.39(a)(2)(i)(A) will apply to the recreational sector.

- (1) For fishing year 2015--3.234 million lb (1.467 million kg), round weight.
- (2) For fishing year 2016--3.158 million lb (1.432 million kg), round weight.
- (3) For fishing year 2017--3.108 million lb (1.410 million kg), round weight.

APPENDIX H. BYCATCH PRACTICABILITY ANALYSIS

Introduction

Bycatch is defined as fish harvested in a fishery, but not sold or retained for personal use. This definition includes both economic and regulatory discards, and excludes fish released alive under a recreational catch-and-release fishery management program. Economic discards are generally undesirable from a market perspective because of their species, size, sex, and/or other characteristics. Regulatory discards are fish required by regulation to be discarded, but also include fish that may be retained but not sold.

Agency guidance provided at 50 CFR 600.350(d)(3) identifies ten factors to consider in determining whether a management measure minimizes bycatch or bycatch mortality to the extent practicable. These are:

1. Population effects for the bycatch species;
2. Ecological effects due to changes in the bycatch of that species (effects on other species in the ecosystem);
3. Changes in the bycatch of other species of fish and the resulting population and ecosystem effects;
4. Effects on marine mammals and birds;
5. Changes in fishing, processing, disposal, and marketing costs;
6. Changes in fishing practices and behavior of fishermen;
7. Changes in research, administration, and enforcement costs and management effectiveness;
8. Changes in the economic, social, or cultural value of fishing activities and non-consumptive uses of fishery resources;
9. Changes in the distribution of benefits and costs; and
10. Social effects.

The Regional Fishery Management Councils are encouraged to adhere to the precautionary approach outlined in Article 6.5 of the Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries when uncertain about these factors.

Bycatch practicability analyses of the reef fish fishery have been provided in several reef fish amendments and focused to some degree on the component of the fishery affected by the actions covered in the amendment. For red snapper, bycatch practicability analyses were completed for Amendments 22, 27, and 40 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (GMFMC 2004a, 2007, 2014a). Other bycatch practicability analyses were conducted in the following amendments (component of the fishery affected by the actions): Amendment 23 (vermillion snapper; GMFMC 2004b), Amendment 30A (greater amberjack and gray triggerfish; GMFMC 2008a), Amendment 30B (gag, red grouper, and other shallow-water grouper; GMFMC 2008b), Amendment 31 (longline sector; GMFMC 2009), Amendment 32 (gag and red grouper; GMFMC 2011a), Amendment 35 (greater amberjack; GMFMC 2012a); Amendment 37 (gray triggerfish; GMFMC 2012b), and Amendment 38 (shallow-water grouper;

GMFMC 2012c). In addition, a bycatch practicability analysis was conducted for the Generic Annual Catch Limits/Accountability Measures Amendment (GMFMC 2011b) that covered the Reef Fish, Coastal Migratory Pelagics, Red Drum, and Coral FMPs. In general, these analyses found that reducing bycatch provides biological benefits to managed species as well as benefits to the fishery through less waste, higher yields, and less forgone yield. However, in some cases, actions are approved that can increase bycatch through regulatory discards such as increased minimum sizes and closed seasons. In these cases, there is some biological benefit to the managed species that outweighs any increases in discards.

Red Snapper Bycatch

The Gulf of Mexico (Gulf) reef fish fishery directed at red snapper has been regulated to limit harvest in order that the stock can recover from an overfished condition. Regulations for the recreational sector include catch quotas, minimum size limits, bag limits, and seasonal closures. These are used to limit the harvest to levels allowed under the rebuilding plan. For the commercial sector, regulations previously included catch quotas, minimum size limits, seasonal closures, and trip limits. Now the sector is managed under an individual fishing quota (IFQ) program that was established in 2007. The program eliminates the need for seasonal closures and trip limits. Red snapper regulations have been generally effective in limiting fishing mortality, the size of fish targeted, the number of targeted fishing trips, and/or the time fishermen spend pursuing a species. However, these management tools have the unavoidable adverse effect of creating regulatory discards, which makes reducing bycatch challenging, particularly in the recreational sector.

An important aspect to red snapper bycatch is the penaeid shrimp fishery as previously described in Amendment 27/14 (GMFMC 2007). The shrimp fishery catches primarily 0-2 year old red snapper. To reduce red snapper bycatch, the Gulf of Mexico Fishery Management Council (Council) implemented regulations requiring the use of bycatch reduction devices (GMFMC 2002) and setting bycatch reduction targets (currently a 67% reduction from the baseline years 2001-2003; GMFMC 2007). Between the use of bycatch reduction devices and reductions in shrimp effort due to economic factors (Figure 7.1), the target reductions have been met.

Although red snapper bycatch in the shrimp fishery is an important source of mortality for this stock, this bycatch practicability analysis will focus on the directed reef fish fishery managed under the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. Bycatch from the shrimp fishery has been and will be analyzed in the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters.

Figures 7.2 and 7.3 show the relative number of discards for the recreational and commercial sectors as estimated by SEDAR 31 (2013). For the recreational sector, open season discards estimated through the Marine Recreational Information Program (MRIP) (charter and private angler) declined around 2007 as the recreational season got shorter due lower quotas. This trend is also apparent in the headboat data for the western Gulf of Mexico (Gulf). However, with shorter seasons of the past few years, the number of discards during the longer closed seasons increased (Figure 7.2). For the commercial sector, discards in the eastern handline and longline sectors have increased since the implementation of the IFQ program relative to the western Gulf. This may reflect a shift in fishing effort that has resulted in the program. Note that for the

commercial sector, closed season discards after the IFQ program was implemented refers to vessels with little or no red snapper allocation (see SEDAR 31 2013).

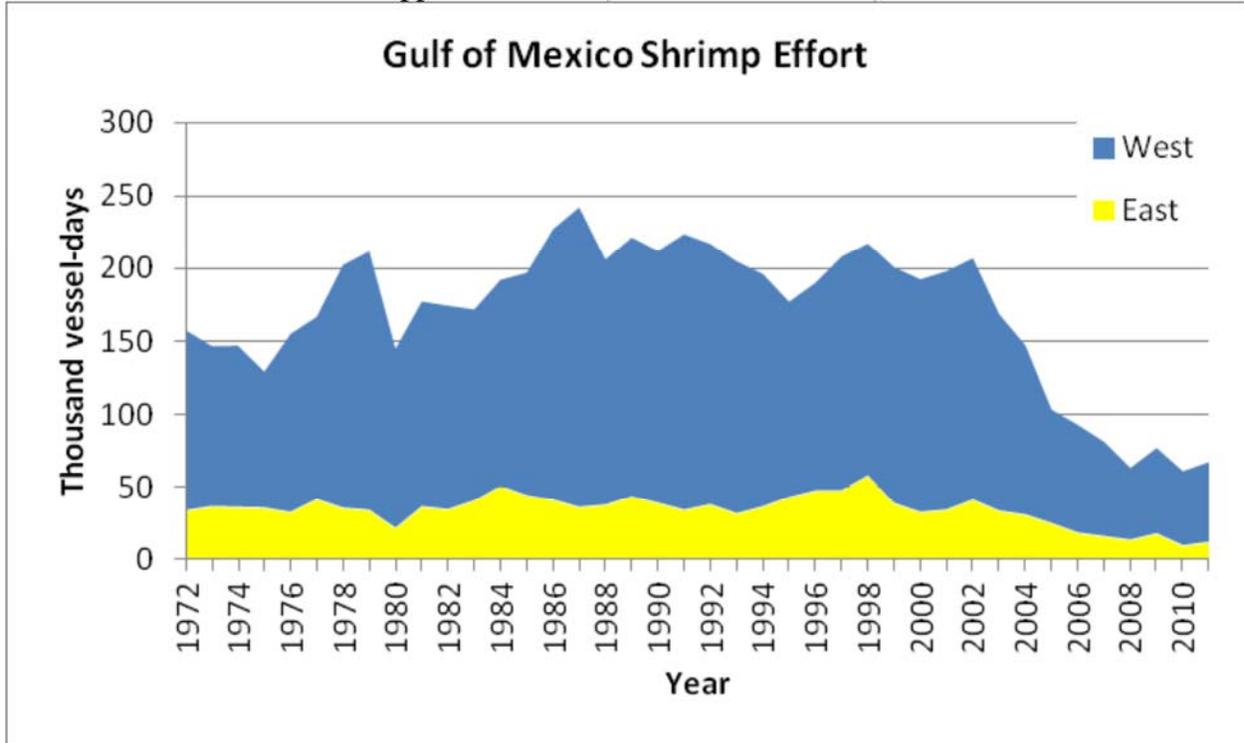


Figure 7.1. Gulf shrimp fishery effort (thousand vessel-days) provided by the National Marine Fisheries Service Galveston Lab. The reported effort does not include the average effort values used to fill empty cells. Source: Linton 2012b.

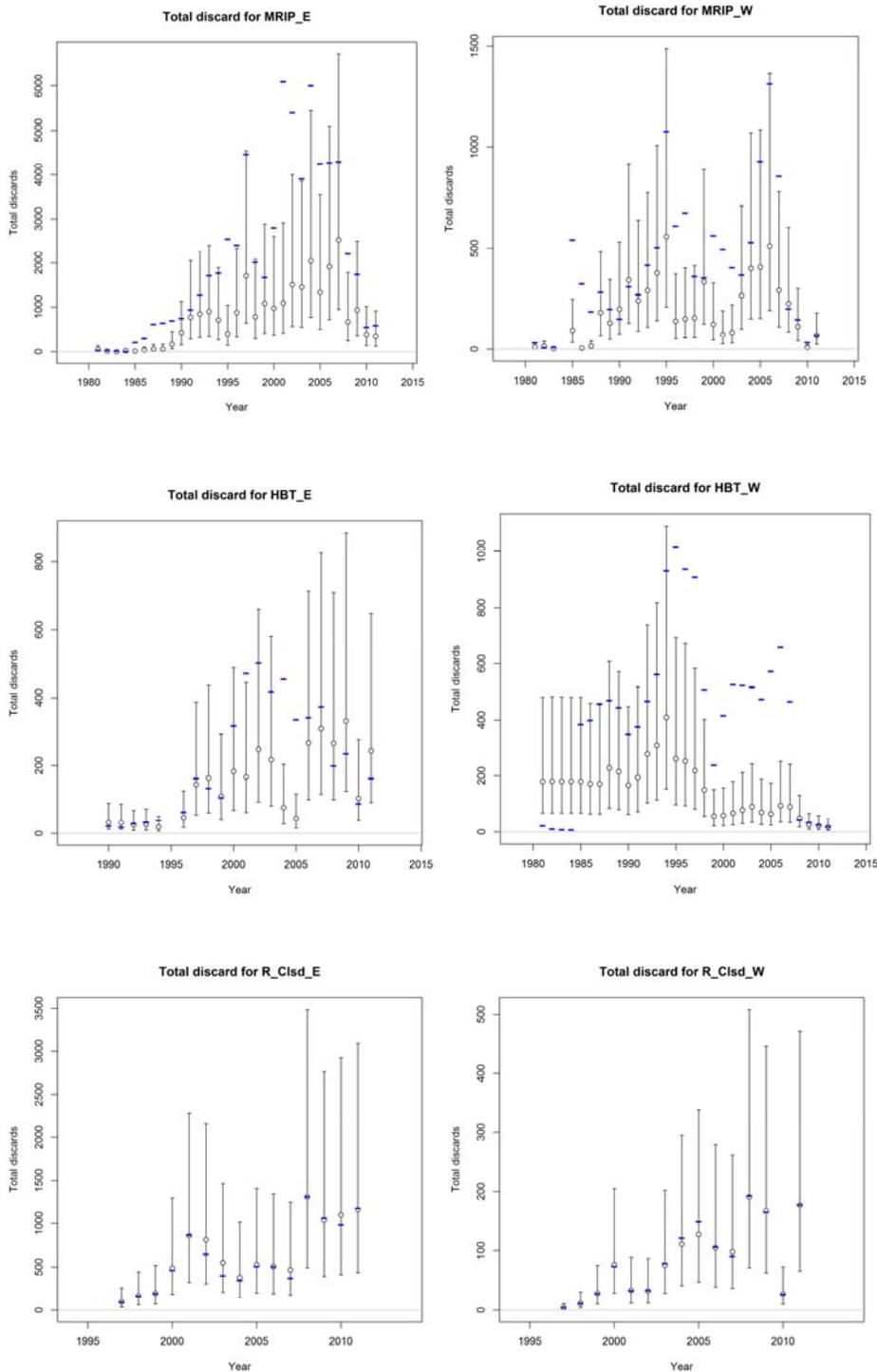


Figure 7.2. Observed (open circles) and predicted total discards (blue dashes) of red snapper from the private angler open season (top), headboat open season (middle), and recreational closed season in the eastern (left) and western (right) Gulf, 1997-2011. Source: SEDAR 31 2013.

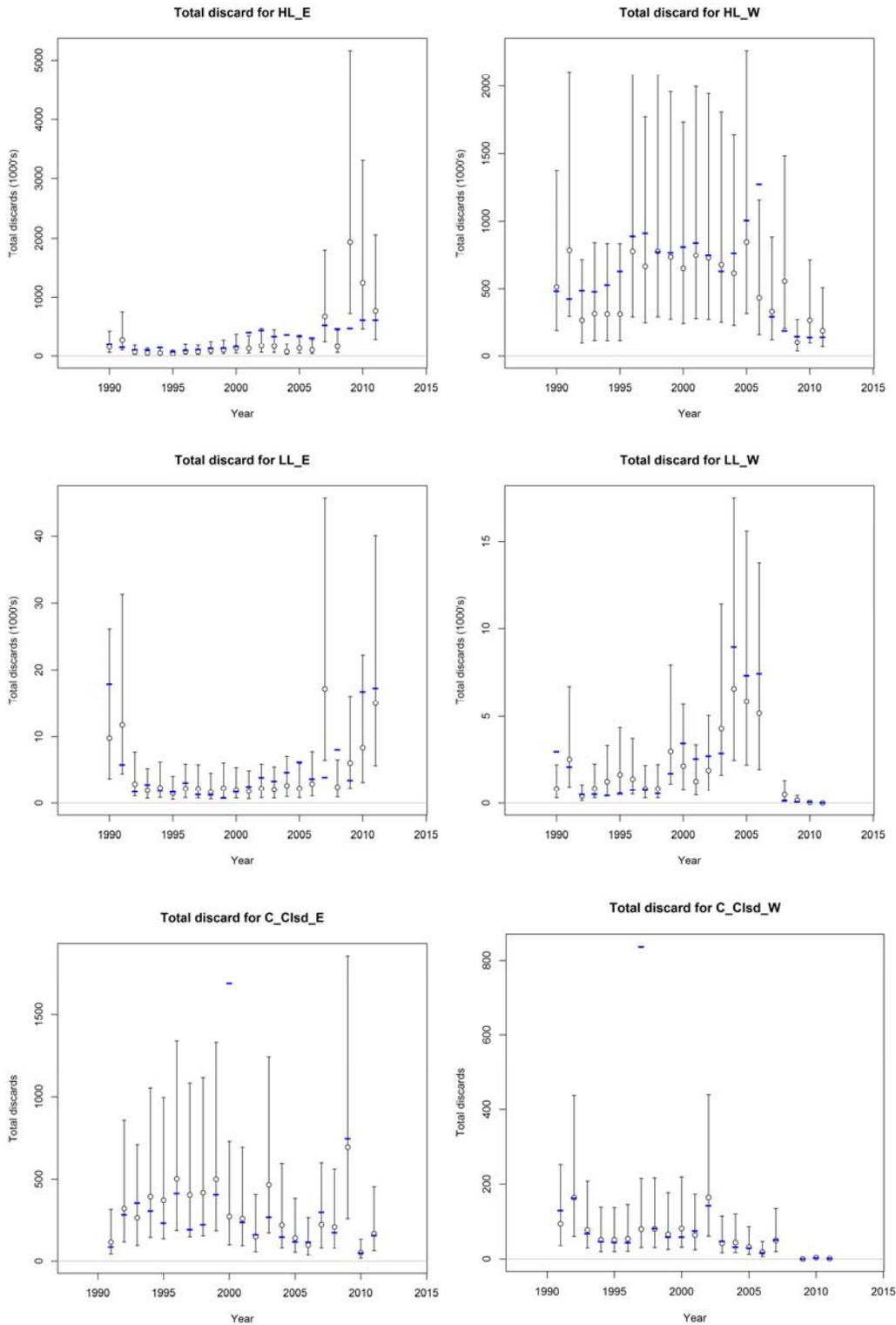


Figure 7.3. Observed (open circles) and predicted total discards (blue dashes) of red snapper from the commercial handline open season (top), longline open season (middle), and commercial closed season in the eastern (left) and western (right) Gulf, 1997-2011. Source: SEDAR 31 2013.

Campbell et al. (2012) identified several causes of red snapper discard mortality in their review of release mortality in the directed reef fish fishery. These included hooking injuries, thermal stress, and barotrauma. Campbell et al. (2012) reviewed 11 studies that listed discard (release) mortality rates ranging from 0 to 79%. They reported that mortality tended to increase with capture depth, increasing water depth, or from some compounding effect of these two factors. Burns et al. (2004) and Burns and Froeschke (2012) examined the feeding behavior of red snapper and found red snapper quickly chew and swallow their prey. As a result, there is less time to set a hook while fishing, resulting in greater probability of hooking related injuries. Burns et al. (2004) concluded hook-related trauma accounted for a greater portion of release mortality than depth, despite catching red snapper at depths ranging from 90 to 140 feet.

Although Campbell et al. (2012) did not specifically address surface interval and predation, these factors were identified in GMFMC (2007) as contributing to release mortality. Burns et al. (2002) found survival of red snapper increased the faster red snapper were returned to the water, thus they considered any reductions in surface interval/handling time an important way to reduce release mortality. Several studies have documented predation on released red snapper. Dolphins and pelicans are the two most commonly observed predators and are known to pursue released fish, as well as fish before they are landed (SEDAR 7 2005). Several studies, which assessed release mortality through surface observations, accounted for predation when estimating release mortality (Patterson et al. 2001; Burns et al. 2004; Wilson et al. 2004).

A variety of release mortality rates have been used in different stock assessment. The 1999 red snapper stock assessment (Schirripa and Legault 1999) assumed release mortality rates of 33 percent for the commercial fishery and 20 percent for the recreational fishery. These release mortality rates were derived from the literature and were determined by the Council’s Reef Fish Stock Assessment Panel to be the best available estimates at the time (RFSAP 1999). During development of the 2005 red snapper stock assessment, the SEDAR 7 data workshop panel (SEDAR 7 2005) reviewed available information on depth of fishing and release mortality by depth to produce fishery specific release mortality rates by region (eastern and western Gulf), season (open and closed), and by sector (commercial and recreational). Estimates of release mortality rates ranged 15% for recreationally caught and released red snapper in the eastern Gulf to 88% for commercially caught and released red snapper in the western Gulf caught during a season closure (Table 7.1).

Table 7.1. Mean/median depth of fishing and corresponding release mortality rates for red snapper by fishery, region, and season.

Fishery	Region	Season	Depth of Capture	Release Mortality
Commercial	East	Open	180 ft (55 m)	71%
	East	Closed	180 ft (55 m)	71%
	West	Open	190 ft (58 m)	82%
	West	Closed	272 ft (83 m)	88%
Recreational	East	Open	65-131 ft (20-40 m)	15%
	East	Closed	65-131 ft (20-40 m)	15%
	West	Open	131 ft (40 m)	40%
	West	Closed	131 ft (40 m)	40%

Source: SEDAR 7 2005.

In the most recent benchmark stock assessment (SEDAR 31, 2013), a meta-analysis was used to estimate red snapper release mortality using the 11 studies reviewed by Campbell et al. (2012). A venting/no venting component was added to account for the requirement to vent reef fish put in place through Amendment 27 (GMFMC 2007) as well as a gear component. For the commercial sector, average depths at which discards occurred for each gear (handline or long line), region (eastern or western Gulf), and season (open or closed) were calculated using commercial observer program data. Consistent with how commercial discards have been treated in other parts of the assessment, discards from trips with IFQ allocation were considered open season discards, while discards from trips with no IFQ allocation were considered closed season discards. For the recreational sector, average depths at which discards occurred for each region (eastern or western Gulf) and season (open or closed) were calculated using self-reported data from the iSnapper program. Estimated release mortality rates ranged from 10 to 95% with commercial release mortality rates greater than recreational release mortality rates (Tables 7.2 and 7.3).

SEDAR 31 (2013) estimated the total number of fish killed (landed and discarded dead) by the commercial and recreational sectors from 1983 to 2011 (Table 7.4). For the recreational sector, the percentage of dead discards to total fish killed has declined since a peak in 2001. However, it was not until 2007 that the number of dead discards was consistently less than the number of landed fish. For the commercial sector, the percentage of dead discards peaked in 2000, but it was not until 2010 that the number of dead discards declined less than 40% of the total fish killed.

Since 1996, more red snapper have been landed in the eastern Gulf than the western Gulf by the recreational sector (Table 7.5). A drop in the percentage of dead discards relative to the total number of fish killed occurred in both regions in 2008. The percentage of dead discards fell from 49.4% to 36.7% between 2007 and 2008 for the eastern Gulf and from 50.0% to 20.3% between 2007 and 2008 in the western Gulf. For the commercial sector, in the eastern Gulf the number of dead discards has generally been above 50% indicating that there are more discards were killed than landed (Table 7.5). In contrast, in the western Gulf there has been a falling off in the percentage of dead discards relative to the total number of killed fish since 2006 to well below 50%.

Table 7.2. Average depths and associated discard mortality rates for commercial discards of red snapper in the Gulf.

Gear	Handline				Longline			
Region	East		West		East		West	
Season	Closed	Open	Closed	Open	Closed	Open	Closed	Open
Average Depth (m)	24	45	84	53	66	62	132	104
Disc Mort - no venting	0.74	0.75	0.87	0.78	0.82	0.81	0.95	0.91
Disc Mort - venting	0.55	0.56	0.74	0.60	0.66	0.64	0.88	0.81

Source: SEDAR 31 2013.

Table 7.3. Average depths and associated discard mortality rates for recreational discards of red snapper in the Gulf.

Gear	Recreational			
Region	East		West	
Season	Open	Closed	Open	Closed
Average Depth (m)	33	34	36	35
Disc Mort - no venting	0.21	0.21	0.22	0.22
Disc Mort - venting	0.10	0.10	0.11	0.10

Source: SEDAR 31 2013.

Table 7.4. Estimates of the total number of red snapper landed, the number of dead discards, and percent dead discards for all killed fish for the recreational and commercial sectors by year in the Gulf.

Year	Recreational			Commercial		
	Landed	Dead Discards	Percent dead discards	Landed	Dead Discard	Percent dead discards
1983	3,314,185	8,599	0.3%	4,559,794	80,758	1.7%
1984	1,232,024	2,699	0.2%	2,775,042	33,579	1.2%
1985	1,427,026	255,716	15.2%	1,234,986	351,105	22.1%
1986	1,265,955	223,079	15.0%	875,494	304,026	25.8%
1987	1,022,844	271,426	21.0%	661,469	277,787	29.6%
1988	1,241,859	302,800	19.6%	950,904	366,876	27.8%
1989	1,060,456	289,201	21.4%	742,388	296,024	28.5%
1990	625,933	270,824	30.2%	703,020	549,250	43.9%
1991	1,060,610	353,327	25.0%	691,943	635,961	47.9%
1992	1,609,040	434,448	21.3%	995,013	817,581	45.1%
1993	2,202,931	581,455	20.9%	1,011,914	781,941	43.6%
1994	1,615,241	695,102	30.1%	869,075	796,390	47.8%
1995	1,384,049	1,008,873	42.2%	698,404	767,187	52.3%
1996	1,180,361	859,431	42.1%	1,011,328	1,120,205	52.6%
1997	1,547,317	1,342,121	46.4%	1,122,447	1,674,115	59.9%
1998	1,235,683	679,689	35.5%	1,167,877	949,481	44.8%
1999	1,031,284	549,708	34.8%	1,190,580	1,063,684	47.2%
2000	1,002,899	985,281	49.6%	1,088,667	2,065,579	65.5%
2001	1,075,115	1,792,155	62.5%	1,030,580	1,214,566	54.1%
2002	1,372,415	1,586,095	53.6%	1,145,169	1,171,069	50.6%
2003	1,224,547	1,204,754	49.6%	1,080,662	996,171	48.0%
2004	1,365,946	1,677,071	55.1%	1,036,860	1,027,510	49.8%
2005	1,024,641	1,433,508	58.3%	973,109	1,170,293	54.6%
2006	1,196,183	1,533,800	56.2%	1,193,134	1,343,644	53.0%
2007	1,397,237	1,370,519	49.5%	851,537	903,242	51.5%
2008	821,804	417,509	33.7%	671,979	481,599	41.7%
2009	979,945	339,988	25.8%	656,148	772,463	54.1%
2010	447,991	170,959	27.6%	833,253	472,930	36.2%
2011	670,910	220,515	24.7%	808,582	533,198	39.7%

Source: Recreational data is from MRIP; headboat and commercial data is from the logbook and SEDAR 31 2013; Jacob Tetzlaff, pers. comm. Southeast Fisheries Science Center, Miami, Florida.

Table 7.5. Estimates of the total number of red snapper landed the number of dead discards, and percent dead discards for all killed fish for the recreational and commercial sectors by year and region of the Gulf.

Year	Recreational						Commercial					
	East			West			East			West		
	Landed	Dead Discard	Percent dead discards	Landed	Dead Discard	Percent dead discards	Landed	Dead Discard	Percent dead discards	Landed	Dead Discard	Percent dead discards
1983	1,055,691	4,455	0.4%	2,258,494	4,144	0.2%	1,851,965	23,983	1.3%	2,707,829	56,775	2.1%
1984	192,098	332	0.2%	1,039,926	2,367	0.2%	1,077,487	5,872	0.5%	1,697,555	27,707	1.6%
1985	482,587	51,497	9.6%	944,439	204,219	17.8%	575,540	109,179	15.9%	659,446	241,926	26.8%
1986	574,495	63,839	10.0%	691,460	159,240	18.7%	237,499	31,193	11.6%	637,996	272,833	30.0%
1987	548,813	129,871	19.1%	474,031	141,555	23.0%	179,088	35,679	16.6%	482,381	242,108	33.4%
1988	524,591	137,182	20.7%	717,268	165,618	18.8%	197,784	72,004	26.7%	753,120	294,872	28.1%
1989	474,670	147,657	23.7%	585,786	141,544	19.5%	166,355	59,518	26.4%	576,033	236,506	29.1%
1990	314,036	161,286	33.9%	311,897	109,538	26.0%	208,799	169,101	44.7%	494,221	380,150	43.5%
1991	548,912	202,238	26.9%	511,698	151,089	22.8%	156,339	187,293	54.5%	535,604	448,669	45.6%
1992	886,594	272,181	23.5%	722,446	162,267	18.3%	155,044	294,315	65.5%	839,969	523,266	38.4%
1993	1,336,961	366,226	21.5%	865,970	215,229	19.9%	160,428	346,349	68.3%	851,486	435,592	33.8%
1994	819,900	379,092	31.6%	795,341	316,010	28.4%	161,842	341,927	67.9%	707,233	454,464	39.1%
1995	664,786	547,997	45.2%	719,263	460,876	39.1%	47,994	234,693	83.0%	650,411	532,493	45.0%
1996	608,817	519,005	46.0%	571,544	340,426	37.3%	66,458	384,466	85.3%	944,870	735,739	43.8%
1997	966,914	992,702	50.7%	580,403	349,419	37.6%	52,616	231,911	81.5%	1,069,832	1,442,204	57.4%
1998	814,811	485,790	37.4%	420,872	193,899	31.5%	112,125	271,377	70.8%	1,055,751	678,104	39.1%
1999	788,097	413,395	34.4%	243,187	136,313	35.9%	148,788	407,417	73.2%	1,041,792	656,267	38.6%
2000	741,378	753,560	50.4%	261,521	231,721	47.0%	169,886	1,375,667	89.0%	918,781	689,912	42.9%
2001	858,210	1,559,948	64.5%	216,905	232,208	51.7%	209,036	487,449	70.0%	821,544	727,118	47.0%
2002	1,137,262	1,374,869	54.7%	235,153	211,226	47.3%	300,706	459,631	60.5%	844,463	711,438	45.7%
2003	956,693	992,640	50.9%	267,854	212,113	44.2%	281,921	459,040	62.0%	798,741	537,130	40.2%
2004	1,128,710	1,429,531	55.9%	237,236	247,540	51.1%	251,425	392,841	61.0%	785,435	634,669	44.7%
2005	759,036	1,071,240	58.5%	265,605	362,268	57.7%	220,412	352,853	61.6%	752,697	817,440	52.1%
2006	839,855	1,076,677	56.2%	356,328	457,123	56.2%	212,766	329,879	60.8%	980,368	1,013,764	50.8%

2007	1,087,060	1,059,975	49.4%	310,177	310,544	50.0%	311,729	626,004	66.8%	539,808	277,238	33.9%
2008	642,570	371,930	36.7%	179,233	45,579	20.3%	284,937	366,341	56.2%	387,042	115,258	22.9%
2009	773,394	303,722	28.2%	206,551	36,266	14.9%	302,568	682,585	69.3%	353,579	89,878	20.3%
2010	360,404	162,119	31.0%	87,587	8,840	9.2%	413,808	384,519	48.2%	419,445	88,411	17.4%
2011	552,878	192,184	25.8%	118,032	28,331	19.4%	423,809	445,771	51.3%	384,773	87,427	18.5%

Source: Recreational data is from MRIP; headboat and commercial data is from the logbook and SEDAR 31 2013; Jacob Tetzlaff, pers. comm. Southeast Fisheries Science Center, Miami, Florida.

Other Bycatch

Species incidentally encountered by the directed red snapper fishery include sea turtles, sea birds, and reef fishes. The primary gears of the Gulf reef fish fishery (longline and vertical line) are classified in the proposed List of Fisheries for 2015 (79 FR 77919) as Category III gear. This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from any fishery is less than or equal to one percent of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock, while allowing that stock to reach or maintain its optimum sustainable population.

The most recent biological opinion for the Reef Fish Fishery Management Plan was completed on September 30, 2011 (NMFS 2011a). The opinion determined the continued authorization of the Gulf reef fish fishery managed under this fishery management plan is not likely to adversely affect Endangered Species Act-listed marine mammals or coral, and would not likely jeopardize the continued existence of sea turtles (loggerhead, Kemp's ridley, green, hawksbill, and leatherback), or smalltooth sawfish. However, in the past, actions have been taken by the Council and NMFS to increase the survival of incidentally caught sea turtle and smalltooth sawfish by the commercial and recreational sectors of the fishery. These include the requirements for permitted vessels to carry specific gear and protocols for the safe release in incidentally caught endangered sea turtle species and smalltooth sawfish (GMFMC 2005) as well as restrictions on the longline portion of the commercial sector. Restrictions for longlines in the reef fish fishery include a season-area closure, an endorsement to use longline gear, and a restriction on the total number of hooks that can be carried on a vessel (GMFMC 2009).

Three primary orders of seabirds are represented in the Gulf, Procellariiformes (petrels, albatrosses, and shearwaters), Pelecaniformes (pelicans, gannets and boobies, cormorants, tropic birds, and frigate birds), and Charadriiformes (phalaropes, gulls, terns, noddies, and skimmers) (Clapp et al., 1982; Harrison, 1983) and several species, including: piping plover, least tern, roseate tern, bald eagle, and brown pelican (the brown pelican is endangered in Mississippi and Louisiana and delisted in Florida and Alabama) are listed by the U.S. Fish and Wildlife Service as either endangered or threatened. Human disturbance of nesting colonies and mortalities from birds being caught on fishhooks and subsequently entangled in monofilament line are primary factors affecting sea birds. Oil or chemical spills, erosion, plant succession, hurricanes, storms, heavy tick infestations, and unpredictable food availability are other threats. There is no evidence that the directed red snapper fishery is adversely affecting seabirds. However, interactions, especially with brown pelicans consuming red snapper discards and fish before they are landed, are known to occur (SEDAR 7 2005).

Other species of reef fish are also incidentally caught when targeting red snapper. In the western Gulf, vermilion snapper and some deep-water groupers are incidentally caught as bycatch when harvesting red snapper. In the eastern Gulf, various species of shallow-water grouper and vermilion snapper are the primary species caught as bycatch when targeting red snapper. Vermilion snapper are not overfished or undergoing overfishing (SEDAR 9 Update 2011a) and bycatch is not expected to jeopardize the status of this stock. Deep-water groupers are caught both in the eastern and western Gulf primarily with longline gear (> 80 percent). The deep-water grouper fishery was managed with a 1.02 million pound quota. From 2004 until the

implementation of the grouper/tilefish IFQ program in 2010 (SERO 2012a), the fishery met their quota and closed no later than July 15 each year. Deep-water grouper closures during this time period may have resulted in some additional discards of grouper by longliners targeting red snapper. Since the IFQ program was implemented, deep-water grouper species are landed year-round by holders of IFQ allocation and the quota has not been exceeded. Longliners account for approximately 5% of the annual commercial red snapper landings since 2000 (SEDAR 31 2013). It is unknown how increases in closed season discards might have affected the status of deep-water grouper stocks or the change to an IFQ managed sector. An updated assessment for yellowedge grouper found the stock was not overfished or undergoing overfishing (SEDAR 22 2011a).

Red grouper and gag are the two most abundant shallow-water grouper species in the Gulf and primarily occur on the west Florida shelf. Gag was recently assessed (SEDAR 10 Update 2009) and determined to be overfished and undergoing overfishing. A rebuilding plan that takes into account gag dead discards was implemented through Amendment 32 (GMFMC 2011c). Red grouper were found not to be in an overfished condition and not undergoing overfishing (SEDAR 12 Update 2009). Within the reef fish fishery, discards represent a large and significant portion of mortality for gag and red grouper. In the past, these species were managed under a shallow-water grouper quota which was met prior to the end of the 2004 and 2005 fishing years. For the recreational sector, shallow-water grouper including gag and red grouper are managed with size limits, bag limits, and season and area closures. The recreational gag season begins July 1 and extends until the catch target is projected to be caught. Since 2010, the commercial harvest of gag, red grouper, and other shallow-water grouper are managed under an IFQ program and the commercial sector has not exceeded its quota under the program. Prior to the IFQ program, quota closures at the end of the year have likely resulted in some additional commercial discards when the red snapper fishery is open. However, most commercial landings of red snapper occur in the western Gulf where gag and red grouper are less abundant or infrequently caught.

Practicability of current management measures in the directed red snapper fishery relative to their impact on bycatch and bycatch mortality.

The bycatch practicability analysis in Amendment 27 (GMFMC 2007) indicated directed fishery bycatch was believed to have a greater effect on red snapper stock recovery than the shrimp fishery. Although shrimp bycatch still accounts for a majority of bycatch, bycatch from the directed fishery is now known to have a greater effect on stock recovery. A quota, 16-inch total length (TL) minimum size limit, 2-fish bag limit, closed season, and gear restrictions are presently used to manage the recreational fishery. The commercial fishery is managed with an IFQ program, a quota, a 13-inch TL minimum size limit, and gear restrictions. Prior to 2007 when the red snapper IFQ program was implemented, the commercial fishery was also managed with closed seasons and trip limits. The following discusses current and historic management measures with respect to their relative impacts on bycatch with particular reference to specific management measures considered in Action 4 - Regional Management Measures.

Closed Seasons

Prior to 1997, the recreational sector was able to fish for red snapper year round. To prevent the recreational quota from being exceeded, recreational fishing for red snapper was closed on November 27, 1997, September 30, 1998, and August 29, 1999. In 2000, an April 21 through October 31 red snapper season was established. This was modified to a June 1 through October 31 season in 2008 by Amendment 27 (GMFMC 2007). Currently, the recreational directed red snapper fishery is closed in the exclusive economic zone from January 1 through May 31 each year through a 2012 framework action. However, since 2008, the sector has been closed early when the quota is projected to be caught. In addition, since 2008, the length of time red snapper fishing has been open has become increasingly shorter such that for 2011, 2012, and 2013, the season length has shrunk to 48, 46, and 42 days, respectively. With these shorter seasons, the number of released fish has decreased during the open season, but the number of releases during the closed season has increased (Figure 2; SEDAR 31 2013). Reflected in this trend is that although the estimated number of dead discards has decreased during the fishing season, the number of dead discards has increased during the longer closed periods (Figure 4). For 2014, the season length was decreased to 9 days. This was in response to a decision by the U.S. District Court for the District of Columbia (Court) in *Guindon v. Pritzker*, 2014 WL 1274076 (D.D.C. Mar. 26, 2014). NMFS, at the request of the Council, took emergency action to implement an in-season accountability measure for the recreational harvest of red snapper in the Gulf. The action set an annual catch target (ACT) equal to 80% of the 5.390 mp quota (ACT = 4.312 mp). The resultant 9-day season was based on the ACT and has only a 15% probability of exceeding the quota.

With the implementation of the IFQ program, there is no closed season for the commercial sector. However, commercial vessels with little or no red snapper allocation cannot land red snapper on most or all their trips. Thus, they effectively operate under closed season conditions. SERO (2013b) indicated most discards were likely due to insufficient allocation, rather than the minimum size limit, especially in the longline fleet. Most of these discards were recorded as released alive.

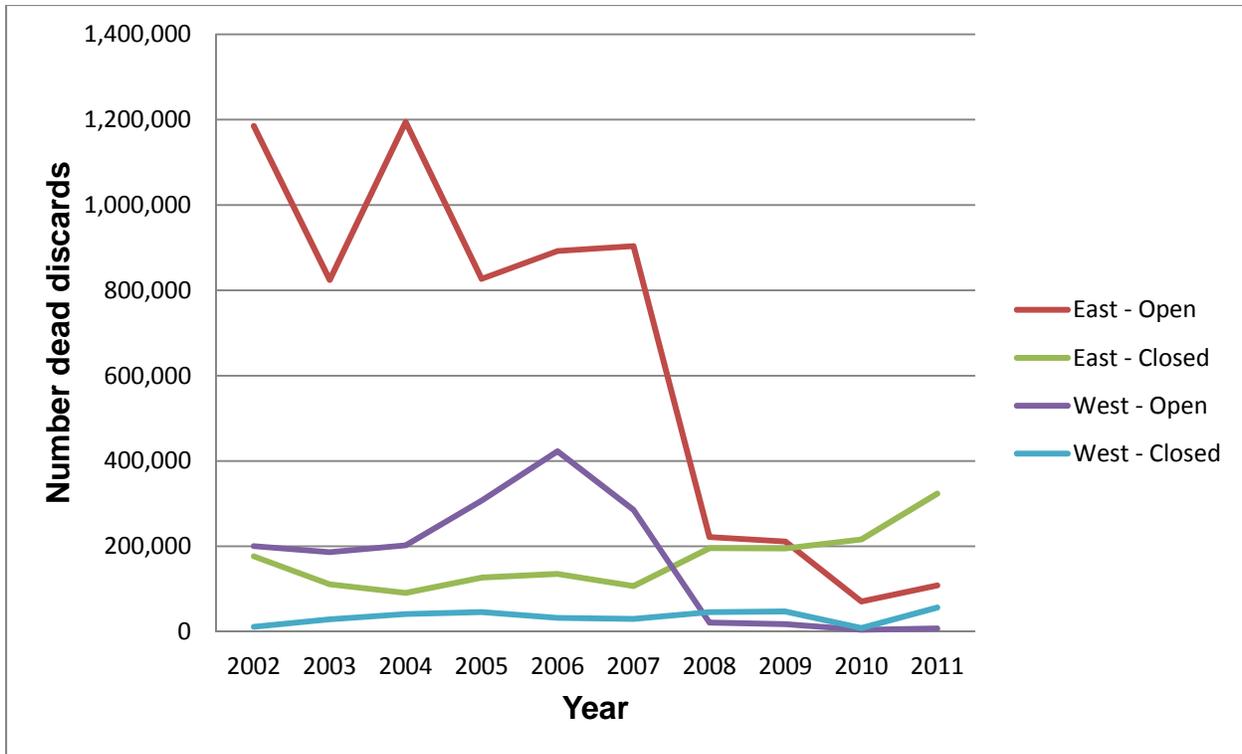


Figure 7.4. The number of Gulf red snapper dead discards from the recreational sector by year and by area. Source: Jakob Tetzlaff., pers. comm. Southeast Fisheries Science Center, Miami, Florida.

Bag Limits

The recreational fishery is regulated by a 2-red snapper daily bag limit per person. Red snapper discards while harvesting the daily bag limit are a result of incidental capture of undersized fish prior to reaching the bag limit and targeting of other reef fish residing in similar habitat as red snapper after bag limits have been reached. SERO (2012c) reported for-hire anglers, on average, landed 1.23 red snapper per trip and private anglers landed 1.58 red snapper per trip when the season is open. Based on average catch rates, the current two red snapper bag limit is not a limiting factor for many trips. Therefore, the release of undersized fish while harvesting the bag limit is still an important factor contributing to discards in addition to the release of legal-sized red snapper after the bag limit is reached.

Size limits

The 16-inch recreational and 13-inch commercial TL minimum size limits are important factors when considering bycatch in the directed fishery. Size limits are intended to protect immature fish and reduce fishing mortality. The recreational minimum size limit is above the size at 50% maturity and the commercial size limit is near the size at 50% maturity. Size-at-maturity varies by region, with 75% of eastern Gulf female red snapper mature by 12 inches TL and 50% of western Gulf red snapper mature by 13-14 inches TL (Fitzhugh et al. 2004).

Several yield-per-recruit (YPR) analyses have previously been conducted to identify the size that balances the benefits of harvesting fish at larger sizes against losses due to natural mortality. Goodyear (1995) concluded YPR was maximized in the red snapper fishery between 18 and 21 inches TL, assuming 20 and 33% release mortality in the recreational and commercial red snapper fisheries, respectively. A subsequent yield per recruit (YPR) analysis by Schirripa and Legault (1997) indicated increasing the minimum size limit above 15 inches TL would result in no gains in yield. Analyses of minimum size limits run for Amendment 27 (GMFMC 2007) indicated red snapper projected recovery rates are slightly faster if the commercial minimum size limit is reduced or eliminated, but increasingly slowed by smaller recreational minimum size limits (Porch 2005). Decreasing the recreational and commercial minimum size limits was projected to increase stock recovery slightly over the short term, but stock recovery would be increasingly slowed if the recreational size limit were lowered over the long term (Porch 2005). However, as discussed in Amendment 27, changes in spawning potential and the rate of stock recovery were found to be negligible for recreational size limits ranging from 13 to 15 inches TL. An YPR analysis conducted by SERO (2006), using current fishery selectivities and release mortality rates from SEDAR 7 (2005) supported Porch's (2005) findings. SERO (2006) examined four commercial minimum size limits (12, 13, 14, and 15 inches TL) and five recreational minimum size limits (6, 13, 14, 15, and 16 inches TL). Based on the range of size limits analyzed, YPR was maximized at 16 inches TL in both the eastern and western Gulf recreational fisheries, 12-inches TL in the western Gulf commercial fishery, and 15-inches TL in the eastern Gulf commercial fishery. However, there was virtually no difference in maximum YPR (< 0.3 percent) for any of the eastern Gulf commercial size limits analyzed. In a study by Wilson et al. (2004) aboard commercial vessels using bandit rigs, 61% of red snapper released were greater than 13 inches and 86% were greater than 12 inches.

For this amendment, an YPR analysis was applied to the recreational sector (SERO 2013). This analysis indicates the Gulf-wide YPR is maximized at a recreational size limit of 15 inches TL. However, there was not much of a change in YPR between lengths of 13 and 18 inches TL. Thus, if the minimum size limit were changed from 16 to 15 inches TL, any gain in YPR would be minimal. SERO (2013) also showed that any increase in the minimum size limit would reduce the number of fish landed. This would probably result in more regulatory discards and an increase in the number of dead discards.

Given the above discussion, a larger recreational minimum size limit is considered to be more effective than a similar sized commercial minimum size limit because of lower release mortality rates in the recreational fishery (Tables 7.2 and 7.3). High release mortality rates in the commercial fishery provide little, if any, protection to the stock because the released fish mostly die rather than contribute to filling the quota. In contrast, the current 16-inch TL minimum recreational size limit was found to afford some protection to the stock, because a greater percentage of discarded fish will survive to spawn and later contribute to the quota as larger animals.

Area closures

Although the Council has not developed area closures specifically for red snapper, the Council has created areas to protect other species. For example, two restricted fishing areas were

developed to specifically protect spawning aggregations of gag in 2000 (GMFMC 1999). The Madison-Swanson and Steamboat Lumps marine restricted fishing areas are located in the northeastern Gulf at a depth of 40 to 60 fathoms. Both areas prohibit bottom fishing. Bottom fishing is also prohibited in the Tortugas North and South marine reserves in the southern Gulf near the Dry Tortugas. Marine reserves and time/area closures benefit fish residing within reserve boundaries by prohibiting their capture during part or all of the year. Within marine reserves, fish that are undersized potentially have an opportunity to grow to legal size and are no longer caught as bycatch. If these fish emigrate from the marine reserve (i.e., spillover effect), then they may be caught as legal fish outside the reserve, thereby reducing bycatch. However, anglers and commercial fishermen may redistribute their effort to areas surrounding the area closure. If fishing pressure in these areas is increased, then any benefits of reduced bycatch of fish in the marine reserve will likely be offset by increases in bycatch of fish residing outside the marine reserve. Within restricted fishing areas or time/area closures, fishing is allowed under restrictions that are intended to protect certain components of the populations within the area (e.g., prohibitions on bottom fishing gear), or to protect populations during a critical phase of their life history, such as during spawning.

The Council did develop a season area closure to reduce bycatch of sea turtles for the longline component of the commercial sector. The use of longlines had been prohibited from waters less than 20 fathoms east of Cape San Blas, Florida, and 50 fathoms west of Cape San Blas; however, due to higher estimates of sea turtles caught in longline gear, measures were put in place through Amendment 31 (GMFMC 2009) to reduce this bycatch. One of these measures was the prohibition of the use of bottom longline gear in the Gulf reef fish fishery, shoreward of a line approximating the 35-fathom contour east of Cape San Blas, Florida from June through August. Most sea turtle takes by longline occur during the summer months.

Allowable gear

Vertical hook-and-line gear (bandit rigs, manual handlines) is the primary gear used in the commercial fishery fishing for red snapper (> 96% of annual landings). Longlines, spears, and fish traps account for a small portion of the commercial harvest (< 5%). Longlines account for only a small fraction of red snapper dead discards as most of the landings come from handline-caught fish (Table 6). In addition, longlines are fished in deeper water, particularly in the west, and select for larger, legal-sized red snapper. Longline vessels east of Cape San Blas, Florida are also restricted to carrying 1,000 hooks onboard (only 750 rigged for fishing at any given time) as part of a suite of measures put in place through Amendment 31 (GMFMC 2009) to reduce sea turtle bycatch.

Rod-and-reel is the primary gear used in the recreational fishery. Recreational anglers also use spears to capture red snapper. Spearfishing does not affect discard mortality since all fish caught are killed. Only undersized red snapper mistakenly killed while spearfishing would contribute to discard mortality. During the red snapper recreational fishing season, discards are primarily due to the recreational size limit; however, allowable gears can affect discard mortality rates.

Fishermen in both the commercial and recreational sectors are required to use non-stainless steel circle hooks, if using natural baits, to reduce discard mortality. The size of circle hooks used in

the fishery varies by manufacturer, gear type, and species targeted (i.e., if targeting vermilion snapper, smaller circle hooks may be used). Although circle hooks may not work as well to reduce red snapper discard mortality, they are effective in reducing mortality in other species such as red grouper (Burns and Froeschke 2012).

In addition to the circle hook requirement, Amendment 27 (GMFMC 2007) also put in place requirements for both commercial and recreational fishermen in the reef fish fishery to carry onboard dehooking devices. These gears are all intended to reduce bycatch and discard mortality. A dehooking device is a tool intended to remove a hook embedded in a fish. It reduces the handling time releasing a fish from a hook and allows a fish to be released with minimum damage.

IFQ program

The commercial sector was previously regulated by 2,000-lb and 200-lb trip limits. With the establishment of the red snapper IFQ program, red snapper discards after a trip limit was reached are no longer a factor. However, reef fish observer data since the IFQ program was implemented indicate a large proportion of legal-sized red snapper continue to be discarded by both the handline and longline fleets (GMFMC 2013). Discard rates do vary by gear. In 2011, 3.5 red snapper were landed for every fish released in the vertical line fleet compared to a 0.5 red snapper landed for each fish released in the longline fleet (SERO 2012b). Discard rates greatly varied by region. In 2011, 87% of observed red snapper caught in the Florida Panhandle were landed, compared to 79% off Louisiana and Texas, and 47% off the Florida Peninsula. There was also a noticeable difference in the size of red snapper caught, with red snapper along the Florida Peninsula (mostly 19-24-inches TL) generally larger than fish caught in other areas of the Gulf (mostly 15-21-inches TL). Most discards were estimated to be released alive, regardless of gear type used. Discards were likely due to insufficient allocation, rather than the minimum size limit, especially in the longline fleet. In a study by Wilson et al. (2004) aboard commercial vessels using bandit rigs, 61% of red snapper released were greater than 13-inches TL, the minimum size limit.

Table 6. Commercial red snapper landings and dead discards in the Gulf by year and area.

Year	Eastern Gulf				Western Gulf			
	Landings		Dead discards		Landings		Dead discards	
	Handline	Longline	Handline	Longline	Handline	Longline	Handline	Longline
1983	1,646,550	205,415	1,587	1,237	2,698,740	9,089	56,690	85
1984	949,341	128,146	309	388	1,625,800	71,755	27,160	547
1985	550,063	25,477	79,906	2,239	608,624	50,822	233,753	8,173
1986	222,738	14,761	21,314	646	564,277	73,719	261,093	11,740
1987	168,788	10,300	20,091	743	412,668	69,713	229,400	12,708
1988	186,924	10,860	51,433	738	686,680	66,440	285,429	9,443
1989	156,071	10,284	32,961	1,714	531,066	44,967	230,318	6,188
1990	198,778	10,021	94,242	4,552	482,224	11,997	377,444	2,706
1991	152,971	3,368	79,800	1,647	527,667	7,937	332,927	1,905
1992	153,940	1,104	54,930	484	837,699	2,270	380,571	460
1993	157,367	3,061	57,447	843	849,065	2,421	375,085	471
1994	160,369	1,473	87,448	568	705,354	1,879	412,546	407
1995	46,528	1,466	54,453	658	648,399	2,012	491,941	501
1996	65,129	1,329	62,736	925	941,768	3,102	695,812	699
1997	51,767	849	79,005	515	1,066,360	3,472	713,290	729
1998	111,068	1,057	99,004	494	1,052,750	3,001	605,570	522
1999	147,499	1,289	102,825	340	1,032,070	9,722	602,380	1,564
2000	168,301	1,585	107,368	556	899,899	18,882	634,841	3,146
2001	207,257	1,779	278,236	894	809,218	12,326	658,252	2,334
2002	297,471	3,235	319,910	1,555	830,146	14,317	584,024	2,481
2003	279,295	2,626	235,502	1,190	782,006	16,735	492,094	2,618
2004	247,833	3,592	251,909	1,633	741,737	43,698	598,933	8,157
2005	216,596	3,816	230,654	2,081	725,819	26,878	785,721	6,686
2006	209,704	3,062	221,631	1,394	955,637	24,731	992,193	6,781
2007	308,237	3,492	949,770	14,520	521,931	17,877	231,164	443
2008	277,716	7,221	660,738	24,096	381,349	5,693	115,150	108
2009	299,480	3,088	748,261	10,548	347,913	5,666	89,641	68
2010	398,806	15,002	1,111,727	53,620	415,081	4,364	85,851	56
2011	408,346	15,463	1,274,735	60,252	382,630	2,143	86,460	18

Source: SEDAR 31 2013; Jacob Tetzlaff, pers. comm. Southeast Fisheries Science Center, Miami, Florida)

Alternatives being considered and bycatch minimization

The actions in this amendment can indirectly affect bycatch in the Gulf reef fish fishery. These actions are administrative and would develop regional management for red snapper recreational fishing. Action 1 would give states or regions the ability to establish what types of measures could be used in regional management to constrain the recreational harvest to a region's allocation. Action 4 would evaluate different federal minimum size limits that would act as a default rather than the current 16-inch minimum size limit. Depending on how these measures are applied, as discussed above, they could either reduce or increase bycatch in the reef fish fishery. The impacts of changing these measures from status quo will need to be evaluated if changed.

Practicability Analysis

Criterion 1: Population effects for the bycatch species

This action establishes a red snapper regional management system for the recreational sector and so does not directly affect bycatch minimization. However, management measures that result from regional management are expected to affect bycatch. These include regional changes to fishing seasons, bag limits, size limits, and area closures. Longer fishing seasons, higher bag limits, smaller minimum size limits, and larger area closures can all minimize bycatch. However, constraining the harvest to a certain regional quota (allocation) could result in measures that work against each other in terms of reducing bycatch (e.g., a higher bag limit would require a shorter fishing season). Therefore, it is difficult to predict how regional management would affect bycatch.

As described above, the Council and NMFS have developed a variety of management measures to reduce red snapper bycatch and these measures are thought to benefit the status of the stock. These include bycatch reduction devices and effort targets in the shrimp fishery, size limit reductions and the IFQ program for the commercial sector, and gear requirements, such as dehooking devices and the use of circle hooks by the reef fish fishery. In addition, any increases in bycatch resulting from proposed management actions are accounted for when reducing directed fishing mortality. Any reductions in bycatch not achieved must be accounted for when setting the annual catch limits; the less bycatch is reduced, the more the annual catch limits must be reduced.

Criterion 2: Ecological effects due to changes in the bycatch of red snapper (effects on other species in the ecosystem)

The relationships among species in marine ecosystems are complex and poorly understood, making the nature and magnitude of ecological effects difficult to predict with any accuracy. The most recent red snapper stock assessment (SEDAR 31 2013) indicated the stock is rebuilding. Consequently, it is possible that forage species and competitor species could decrease in abundance in response to an increase in red snapper abundance. Changes in the bycatch of red snapper are not expected to directly affect other species in the ecosystem. Although birds,

dolphins, and other predators may feed on red snapper discards, there is no evidence that any of these species rely on red snapper discards for food.

Criterion 3: Changes in the bycatch of other species of fish and invertebrates and the resulting population and ecosystem effects

Population and ecosystem effects resulting from changes in the bycatch of other species of fish and invertebrates are difficult to predict. As discussed in Amendment 27 (GMFMC 2007), groupers, snappers, greater amberjack, gray triggerfish and other reef fishes are commonly caught in association with red snapper. Many of these species are in rebuilding plans (gag, gray triggerfish, and greater amberjack) with the stocks improving. Regulatory discards significantly contribute to fishing mortality for all of these reef fish species, with the exceptions of gray triggerfish and vermilion snapper.

No measures are proposed in this amendment to directly reduce the bycatch of other reef fish species. Bycatch minimization measures implemented through Amendment 18A, Amendment 27, and Amendment 31 are expected to benefit reef fish stocks, sea turtles, and smalltooth sawfish. As mentioned, this action establishes a red snapper regional management system for the recreational sector and so would indirectly affect bycatch depending on which management measures are used in specific regions. For species with quotas (greater amberjack, gray triggerfish, red grouper, and gag, this could lead to a shift in fishing effort during red snapper season closures and negatively impact reef fish stocks not currently constrained by annual quotas or IFQ programs. The magnitude of this impact would depend on the size of the particular quota, the length of the closure, and the amount of effort shifting that occurs. Annual catch limits and accountability measures are now in effect for species not considered undergoing overfishing or overfished, thus potential for effort shifting and changes in bycatch may be lessened for these species.

Criterion 4: Effects on marine mammals and birds

The effects of current management measures on marine mammals and birds are described above. Bycatch minimization measures evaluated in this amendment are not expected to significantly affect marine mammals and birds. There is no information to indicate marine mammals and birds rely on red snapper for food, and measures in this amendment are not anticipated to alter the existing prosecution of the fishery, and thus interactions with marine mammals or birds.

Criterion 5: Changes in fishing, processing, disposal, and marketing costs

The proposed management measures in this amendment would not be expected to result in any changes in fishing, processing, disposal, or marketing costs of commercially harvested red snapper because the measures only apply to the harvest of red snapper by the recreational sector. Red snapper that are harvested by the recreational sector in the Gulf may not be sold.

Criterion 6: Changes in fishing practices and behavior of fishermen

It is not possible to determine whether bycatch, including the amount of regulatory discards, will be affected following implementation of this action. The proposed measures of this amendment will enable each Gulf state or region to establish management measures for its assigned portion of the recreational red snapper quota. However, this action does not establish what those management measures will be, which remains unknown. Thus, it also remains unknown how the management measures that will be adopted by the regions will differ from the current regulations for red snapper and thus, how newly established regional regulations will differ from current fishing practices and affect fishermen behavior. It is possible that bycatch could be reduced if a region adopts a recreational red snapper season that is contemporaneous with periods of highest fishing activity. However, it is also likely that fishing activity will continue after the fishing season, and regulatory discards will occur. The amount of red snapper quota to be harvested by each state should theoretically approximate the catch that has been landed in that region, historically. Thus, it is possible that the amount of regulatory discards remains more or less the same.

Criterion 7: Changes in research, administration, and enforcement costs and management effectiveness

Proposed management measures are not expected to significantly impact administrative costs at the federal level, but could increase costs at the regional level. Size limits, bag limits, quotas, and closed seasons are currently used to regulate the recreational sector harvesting red snapper. All of these measures will require additional research to determine the magnitude and extent of impacts to bycatch and bycatch mortality. None of the measures are expected to affect research, administration, or enforcement of the commercial sector.

Criterion 8: Changes in the economic, social, or cultural value of fishing activities and non-consumptive uses of fishery resources

The establishment of a regional management program is not expected to affect the economic, social, or cultural value of red snapper fishing. Red snapper is a highly desirable target species and the proposed measures are intended to support the adoption of fishing regulations that better satisfy the preferences of local constituents. This would be expected to improve fishing opportunities, thereby increasing the economic and social benefits for fishermen and associated coastal businesses and communities. No effects would be expected on the non-consumptive uses of the fishery resources.

Criterion 9: Changes in the distribution of benefits and costs

The net effects of the proposed management measures in this amendment on bycatch are unknown because the resultant management measures that will be enacted by the respective regions are unknown. The proposed management measures would not be expected to affect the amount of red snapper harvest normally harvested by anglers in each region as the allocation of the overall recreational quota should reflect regional harvests. However, the ability of each region to enact management measures that better match the preferences of local constituents would be expected to increase the benefits, and possibly decrease the costs, associated with the

recreational harvest of red snapper. Because the commercial sector is not affected by this action, there should be no change in the distribution of benefits and costs to this sector.

Criterion 10: Social effects

Bycatch is considered wasteful by fishermen and it reduces overall yield obtained from the fishery. Minimizing bycatch to the extent practicable will increase efficiency, reduce waste, and benefit stock recovery, thereby resulting in net social benefits for the recreational sector. It is assumed that if regions establish a red snapper fishing season to coincide with regionally preferred fishing times, the social effects will be positive.

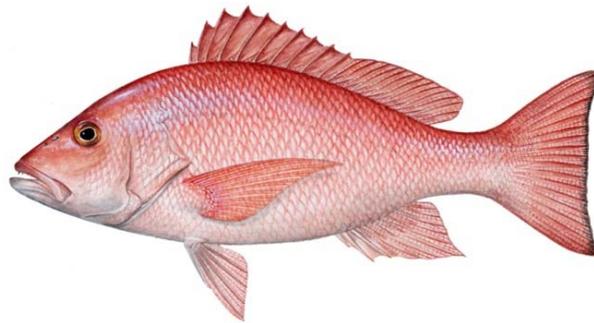
Conclusion

Analysis of the ten bycatch practicability factors indicates there would be positive biological impacts associated with further reducing bycatch and bycatch mortality in the reef fish fishery. The main benefits of reducing red snapper bycatch are less waste and increased yield in the directed fishery. Reducing discards and discard mortality rates would result in less forgone yield.

When determining reductions associated with various management measures, release mortality is factored into the analyses to adjust the estimated reductions for losses due to dead discards. The increases in discards associated with each of these management measures varies and is contingent on assumptions about how fishermen's behavior and fishing practices will change. In this action, establishing a regional recreational red snapper management system would indirectly affect discards and bycatch. Discards and bycatch would be affected depending on the application of regional management measures allowed under Action 1.

The Council needed to consider the practicability of implementing the bycatch minimization measures discussed above with respect to the overall objectives of the Reef Fish Fishery Management Plan and Magnuson-Stevens Fishery Conservation and Management Act. Therefore, given actions in this amendment combined with previous actions, management measures, to the extent practicable, minimize bycatch and to the extent bycatch cannot be avoided, minimize the mortality of that bycatch.

Modifications to the Red Snapper Individual Fishing Quota Program



Scoping Document for Amendment 36 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

March 2015



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ABBREVIATIONS USED IN THIS DOCUMENT

Council	Gulf of Mexico Fishery Management Council
GT-IFQ	grouper-tilefish individual fishing quota (program)
Gulf	Gulf of Mexico
IFQ	individual fishing quota
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MSY	maximum sustainable yield
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OY	optimum yield
PP	public participant
RS-IFQ	red snapper individual fishing quota (program)

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I. INTRODUCTION

Reef Fish Amendment 26¹ (GMFMC 2006) established the red snapper individual fishing quota (RS-IFQ) program in the Gulf of Mexico (Gulf). The objectives of the program were to reduce overcapitalization in the commercial harvest of red snapper, and to the extent possible, the problems associated with the derby fishery. As mandated by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and by Amendment 26, the Gulf of Mexico Fishery Management Council (Council) and National Marine Fisheries Service (NMFS) collaboratively conducted a 5-year review² of the RS-IFQ program (GMFMC and NMFS 2013), which was formally approved at the April 2013 Council meeting. The Council proceeded to appoint an Ad Hoc Red Snapper IFQ Advisory Panel to assist in recommending improvements to the program by identifying potential changes to the RS-IFQ program (Appendix A). The Council discussed a list of issues as potential modifications to the program at its February and April 2014 meetings and made modifications to the list. At its August 2014 meeting, the Council requested development of this scoping document to begin considering potential modifications to improve the performance of the RS-IFQ program.

This Scoping Document aims to:

- Provide an overview of the Red Snapper IFQ Program including its history, the purpose and need, and program objectives.
- Describe a range of potential changes to the Red Snapper IFQ Program.
- Provide questions to facilitate public feedback regarding the potential changes. Feedback may propose a solution, or offer support or opposition for a potential change or issue, and is most useful when accompanied by supporting rationale.

What is Scoping?

Scoping is the initial stage of the regulatory process in which the Council seeks input from other agencies, organizations, and the public on a management issue. Scoping is the first and best opportunity for the public to make suggestions or to raise issues and concerns before the Council begins developing an amendment, and can be thought of as a brainstorming process. At this early stage, the Council intends to identify the scope of issues to be addressed in the plan amendment, and seeks public input on the preliminary scope of issues. Public input is important in identifying potential impacts, reasonable alternatives, and novel solutions which may improve the performance of the RS-IFQ program. After receiving input obtained during the scoping

¹ Reef Fish Amendment 26 to Establish a Red Snapper Individual Fishing Quota Program: <http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Amend26031606FINAL.pdf>

² Red Snapper 5-year Review: <http://www.gulfcouncil.org/docs/amendments/Red%20Snapper%205-year%20Review%20FINAL.pdf> The report's conclusion section is provided in Appendix B.

process, the Council will review and refine the potential actions in the development of management options which focus on the significant issues for further consideration. Following development of the actions and alternatives, the public hearing process will begin and the public will have the opportunity to comment on the actions and alternatives under consideration. Public input will continue to be considered as the Council deliberates and chooses the most appropriate action.

Background on Establishing the Red Snapper IFQ Program

Prior to establishing the RS-IFQ program, the Gulf commercial red snapper fleet was overcapitalized, which means the collective harvest capacity of fishery vessels and participants was in excess of that required to efficiently take their share of the total allowable catch (Agar et al. 2014; Leal et al. 2005; Weninger and Waters 2003). This overcapacity caused commercial red snapper regulations to become increasingly restrictive over time, resulting in derby-type conditions where participants compete with each other to harvest as many fish as possible before the quota is met and the fishery is closed (Weninger and Waters 2003). Solis et al. (2014) estimated that about one-fifth of the existing fleet could harvest the current commercial quota.

Derby fishing creates negative social and economic conditions, which include reducing or eliminating considerations about weather conditions in deciding when to fish, adversely affecting safety at sea; flooding the market with fish, which depresses ex-vessel prices and reduces producer surplus; and increasing competition which exacerbates user conflicts (Waters 2001). Further, derby fishing can unnecessarily adversely affect target and non-target stocks by providing participants less flexibility in deciding when, where, and how to fish.

An IFQ program surfaced as a tool with strong potential for effectively addressing the problems for commercial red snapper fishing. Although originally identifying a license limitation program as the preferred management approach, the Council ultimately voted in favor of an IFQ program. This decision was informed by public comments, and was based on the determination an IFQ program would better resolve or reduce chronic problems related to overcapacity and derby conditions. Per the Magnuson-Stevens Act, the adoption of the RS-IFQ program in the Gulf required two referenda among eligible program participants: an initial referendum before development of the amendment and a final referendum before the amendment was submitted to the Secretary of Commerce.

The IFQ program was intended to help the Council address overfishing by reducing the rate of discard mortality that normally increases with increased fishing effort in overcapitalized fisheries (NRC 1999; Leal et al. 2005). IFQs provide the opportunity to better utilize fishing and handling methods, increase economic efficiency, and reduce bycatch of non-targeted species. Improving catch efficiency may also result in a decrease in regulatory discards of red snapper and other reef fish species by allowing fishermen the choice on when and where to fish. Additionally, the slower paced fishing and transferability of quota under the IFQ program supports consolidation of the fishery, allowing fewer fishermen to operate over a longer season.

Amendment 26 evaluated a wide range of alternatives for various IFQ program components related to: program duration; ownership caps and restrictions; initial eligibility requirements; initial allocation of quota shares; appeals; transfer eligibility requirements; adjustments in

commercial quota; enforcement; and administrative fees. The Council's intent was to design an IFQ program that best balances social, economic, and biological tradeoffs, and improves the fishery's ability to achieve fishery goals and objectives, including optimum yield (OY).

Conclusions from the 5-year Review

The original purpose and need defined in Amendment 26 (GMFMC 2006), reads as follows:

The purpose of the IFQ program proposed in this amendment is to reduce overcapacity in the commercial fishery and to eliminate, to the extent possible, the problems associated with derby fishing, in order to assist the Council in achieving OY.

National Standard 1 of the Magnuson-Stevens Act mandates conservation and management measures prevent overfishing and achieve OY from a fishery. OY is defined as the amount of fish that will provide the greatest overall benefit to the nation, particularly with respect to food production and recreational opportunities. OY must take into account the protection of marine ecosystems and is prescribed based on the maximum sustainable yield (MSY) from the fishery, as reduced by any relevant economic, social, or ecological factors. In practice, the commercial sector's share of the quota is equivalent to the sector's share of OY for the red snapper fishery. Commercial harvests that are equal or very close to the quota without exceeding it would be consistent with the prevention of overfishing and achievement of OY mandated by the Magnuson-Stevens Act.

The RS-IFQ program 5-year review (GMFMC and NMFS 2013) evaluated the progress of the program towards achieving its goals and objectives. The performance of the RS-IFQ program in achieving OY was assessed by measuring its ability to constrain harvest at or below the quota while allowing RS-IFQ participants to harvest as much red snapper as possible. Recommendations from the review have been presented to the Council and incorporated into the potential changes included in this scoping document. As part of the process of considering program modifications, the Council may wish to evaluate modifications to continue progress towards the program's goals and objectives, to improve program performance, participant satisfaction, and to continue assisting the Council in achieving OY.

The conclusions of the RS-IFQ program 5-year review³ are:

Participant Consolidation and Overcapacity

Conclusion 1: The RS-IFQ program has had moderate success reducing overcapacity, however economic analyses indicate that additional reductions in fleet capacity are still necessary.

Achievement (or Harvesting) of Optimum Yield

Conclusion 2: The RS-IFQ program has been successful in reducing quota overages, which is consistent with the achievement of OY. Landings have averaged greater than

³ The full supporting summaries for each conclusion are provided in Appendix B. The entire Red Snapper IFQ Program 5-year review may be accessed at <http://www.gulfcouncil.org/docs/amendments/Red%20Snapper%205-year%20Review%20FINAL.pdf>

95% of the commercial quota; however, many inactive accounts remain and account for as much as 1.5% of the commercial quota.

Mitigating the Race to Fish and Safety at Sea

Conclusion 3: The RS-IFQ program was successful at mitigating the race to fish providing fishermen with the opportunity to harvest and land red snapper year-round. Inflation-adjusted share, allocation, and ex-vessel prices increased, indicating that fishermen were successfully maximizing profits and had increased confidence in the RS-IFQ program. Safety at sea has increased and annual mortalities related to fishing have declined since the RS-IFQ implementation. [According to Boen and Keithly (2012),] medium and large shareholders perceive that the RS-IFQ program has improved safety at sea.

Biological Outcomes

Conclusion 4: The implementation of the RS-IFQ program coupled with revisions to the red snapper rebuilding plan and reductions in quota and the commercial size limit, have all contributed to lower commercial fishing mortality rates and reduced discards. The RS-IFQ system has also prevented commercial quota overruns, which were frequent prior to RS-IFQ implementation. Discards continue to be high in the eastern Gulf where a large percentage of legal-sized red snapper are discarded by fishermen due to a lack of allocation.

Social Impacts

Conclusion 5: Large shareholders and western Gulf shareholders are generally more supportive of the RS-IFQ program than small to medium shareholders and those from the eastern Gulf. Entry and participation in the red snapper fishery is now more difficult and costly due to the increased costs of shares and allocation. Consolidation has resulted in less competition for harvest and higher revenues per trip. Crew sizes are smaller, but the ability to hire and keep stable crews has improved. The increase in the number of shareholders not landing any fish has led to perceptions that many are profiting from the program at the expense of hard-working fishermen.

Enforcement and Program Administration

Conclusion 6: RS-IFQ participants are generally satisfied with the IFQ online system and customer service when contacting NMFS and the 24-hour call service for advance landing notifications. Vessel monitoring systems, notification requirements, and random dockside inspections aid enforcement in monitoring program compliance; however, a variety of enforcement violations have been identified. Compliance has improved since RS-IFQ program implementation but additional enforcement efforts may be necessary to deter violations. IFQ program expenses currently exceed the 3% cost recovery collected for program administration, research, and enforcement.

IFQ Program Basics

- An IFQ **share** is a percentage of the red snapper commercial quota assigned to an IFQ participant, or shareholder. IFQ **allocation** refers to the actual pounds of red snapper represented by the shares that is possessed, landed, or sold during a given calendar year.
- At the beginning of each year, allocation is distributed to shareholders based on the share percentage held by the IFQ shareholder and the annual quota. Shares (percentage of the quota) and allocation (pounds available for the year) can be transferred among IFQ program participants; the transfer of shares equates to a sale of ownership of those shares and the transfer of allocation is a onetime transaction for the right to catch the quantity of pounds sold, often referred to as “leasing” by the public.
- **Appendix A** contains a glossary of terms used in the IFQ program.

Grouper-Tilefish IFQ program

In 2010, the multi-species Grouper-Tilefish IFQ program (GT-IFQ) was established. Although the program was established and IFQ shares distributed independently of the RS-IFQ program, both programs use the same web-based monitoring and reporting system. Therefore, the same shareholder, vessel, and dealer accounts are used to participate in both programs (i.e., a fisherman has one IFQ account that can be used for both the RS-IFQ and GT-IFQ programs). Additionally, shareholder accounts may hold and transfer shares and allocation from both programs, as well as land species in both programs. In 2013, of the 399 accounts with shares in the RS-IFQ program, 71% of those accounts also held shares in the GT-IFQ program. In that same year, of the 599 accounts that held red snapper allocation, 79% also held allocation in the GT-IFQ program; of the 368 vessels landing red snapper, 91% also landed grouper or tilefish. In addition, both programs follow the same regulations for landing notifications, offloading, cost-recovery fees, and account status determinations. Thus, while evaluating modifications to the RS-IFQ program, it will be important to consider the potential effects such changes may have on the GT-IFQ program.

Purpose and Need for Reef Fish Amendment 36

The purpose of this action is to consider modifications to improve the performance of the RS-IFQ program. The need is to prevent overfishing; to achieve, on a continuing basis, the optimum yield from federally managed fish stocks; and to rebuild a stock that has been determined to be overfished.

II. SCOPE OF POTENTIAL ACTIONS

The potential changes to the RS-IFQ program presented in this document were initially compiled from three sources: 1) previous Council discussions, 2) the conclusions and recommendations of the RS-IFQ program 5-year review, and 3) recommendations made by the Ad Hoc Red Snapper IFQ Advisory Panel. Administrative changes suggested to date, including changes proposed by the Ad Hoc Red Snapper IFQ Advisory Panel were omitted from this document because they were considered and included in a recently published rule [79 FR 15287, March 19, 2014⁴]. A summary of the administrative changes was discussed at the April 2014 Council meeting.

Per the Magnuson-Stevens Act, the adoption of the RS-IFQ program in the Gulf required two referenda among eligible program participants: an initial referendum before development of the amendment and a final referendum before the amendment was submitted to the Secretary of Commerce. A list of potential changes to the RS-IFQ program generated from the three sources above was submitted to NOAA General Counsel for evaluation as to whether the changes to be considered would trigger referendum requirements. With the exception of the proposal to collect resource rent through auctions, which has been removed from further consideration in this amendment, NOAA General Counsel has determined that no referendum requirements apply to the development of this amendment.

The Council is considering a variety of potential changes to the RS-IFQ program. Some of the issues and potential changes may require multiple actions for the Council to address. These potential changes are organized in the following sections under eight headings. Each section provides background information on the potential changes and identifies challenges to resolving the identified issues. Next, the **Potential Changes** are provided in a bulleted list with additional discussion, followed by **Scoping Questions** to aid the public in providing the Council with input on the potential actions. Suggestions toward identifying a range of alternatives for a potential action may also be particularly useful. Some general questions to consider include:

- What is the issue or problem to be addressed? How could a solution be designed to achieve the intended goal and minimize any unintended consequences?
- How does the potential change or issue fit with the objectives of the program?
- How does the action improve program performance, participant satisfaction, or the achievement of OY?
- How would a change to the RS-IFQ program affect the GT-IFQ program and its participants?

⁴ <http://www.gpo.gov/fdsys/pkg/FR-2014-03-19/pdf/2014-06065.pdf>

1. Program Eligibility Requirements

Amendment 26 evaluated a range of alternatives concerning eligibility requirements for possessing and transferring RS-IFQ shares and allocation. These alternatives ranged from limiting IFQ share and allocation transfers to only commercial reef fish permit holders, to allowing the transfer of RS-IFQ shares and allocation to any U.S. citizen or permanent resident alien. The Council ultimately decided to allow any U.S. citizen or permanent resident alien to participate in the RS-IFQ program after the first five years (January 1, 2012). Only commercial reef fish permit holders could obtain shares and allocation during the first five years of the program giving them the first opportunity to buy shares while initial consolidation occurred.

When the RS-IFQ program began in 2007, and for the first five years of the program, only those entities that possessed a valid Gulf commercial reef fish permit were eligible to participate in the program under the shareholder role. A shareholder account is a RS-IFQ account that may hold shares and/or allocation, and includes accounts that only hold allocation. A shareholder account, vessel account, and valid commercial reef fish permit are needed to harvest red snapper. During those first five years, shareholder accounts that no longer had a valid Gulf commercial reef fish permit could maintain or decrease their shares or allocation, but could not obtain additional shares or allocation, nor harvest red snapper.

Beginning January 1, 2012, all U.S. citizens and permanent resident aliens were eligible to obtain a RS-IFQ shareholder account. At this point, all shareholder accounts can increase their share and allocation holdings, but only those with an associated Gulf commercial reef fish permit can harvest red snapper. Public participant (PP) accounts for the purpose of this document are accounts that do not have an associated Gulf commercial reef fish permit while holding red snapper shares or allocation. These accounts can be divided into two categories: those that participated in the program prior to 2012 (i.e., accounts that previously held Gulf commercial reef fish permits) and those that were created on or after January 1, 2012.

Analysis of public participation

The RS-IFQ database was queried on February 10, 2015 for the current information about PP accounts. At that time, there were 384 accounts with red snapper shares, of which 140 were PP accounts (32%). There were 126 PP accounts created prior to 2012 and 14 PP accounts created after 2012 that subsequently obtained red snapper shares. Of these 140 accounts, only 75 accounts had an active status, 16 had a suspended status (i.e., have not completed an IFQ online account application renewal or renewed their reef fish permit to certify U.S. citizenship), and 49 had an initial status.⁵ The 140 PP accounts with shares collectively held 27.79% red snapper shares. The majority of shares resided in PP accounts that were created before 2012 and had an active status (Tables 1 and 2).

There were 257 allocation transactions from 52 PP accounts from January 1, 2014 through September 11, 2014. PP accounts transferred 1,342,479 lbs of red snapper. Many shareholders

⁵ *Active status* is defined as an account that has been accessed by the account holder and the account holder has certified U.S. citizenship within two years. Accounts are *suspended* if citizenship has not been certified within two years. Accounts with an *initial status* have never been accessed; holders must provide citizenship certification before the account can be accessed.

have multiple accounts and may keep shares in one account without a permit, but transfer quota allocation to accounts with a permit that they fish. All transactions were investigated to find the number of unique account to account transfers. There were 96 unique account transfer pairs, some of which made multiple transactions between the account pair. All unique account transfer pairs were investigated for arms-length transactions. Arms-length transactions, as used here, are defined as transactions where the parties in the transaction are independent of each other (e.g. not being a relative or having an entity in common). To determine arms-length transactions, each account was broken down to the lowest known entity level (e.g. shareholders in a corporation), and then entities were compared between accounts. If any name was in common within the unique pair transaction, the transaction was not considered unique. Judgment calls were made on accounts with similar surnames, but were otherwise different. Of the 96 pairs, 77 pairs were considered arms-length transactions, and these accounted for a majority of pounds transferred (Table 3).

Table 1. Number of PP accounts by type with the associated share percentages.

	Type	Accounts	Shares
Account Creation	Pre-2012	126	24.45%
	2012+	14	3.34%
Account Status	Active	75	25.36%
	Suspended	16	1.97%
	Initial	49	0.46%

Table 2. RS-IFQ shareholdings by entities with and without a commercial reef fish permit.

Year	# of Accounts		% of Shares	
	No Permit	Permit	No Permit	Permit
2007	76	421	14.29	85.72
2008	120	354	12.75	87.26
2009	120	319	13.83	86.18
2010	121	304	15.24	84.77
2011	120	298	18.14	81.87
2012	119	288	21.07	78.94
2013	126	273	24.36	75.65

Table 3. Transactions by arms-length status.

	Between Arms-length Pairs	Between Related pairs
Number of pairs	77	19
Number of transactions	191	66
Total Pounds transferred	969,089 lbs	373,390 lbs

Potential Changes

Two potential changes have been suggested to modify the eligibility requirements for owning shares and landing allocation. These options are compared in Table 4. These options would have opposite effects on the eligibility requirements. **Option a** would restrict those who may purchase RS-IFQ shares, and **Option b** would expand the eligibility requirements of those who may land RS-IFQ shares. **Option a** would require the recipient of future transfers of RS-IFQ shares to possess a commercial reef fish permit. This would end the public sale of shares which began on January 1, 2012. This does not restrict the transfer of allocation which could still be received by any public participant; a commercial reef fish permit would continue to be required to harvest RS-IFQ allocation. At the request of the Council, NMFS published a control date in the *Federal Register* notifying program participants that the requirements for participation may be modified in the future (76 FR 74038, November 30, 2011). A comparable control date was published in the *Federal Register* notifying grouper-tilefish IFQ program participants that participation requirements may be modified in the future (79 FR 72566, December 8, 2014). **Option b** would further expand public participation in the program, by allowing entities without a commercial reef fish permit to land RS-IFQ allocation. Commercial reef fish permits are limited access and under moratorium, thus adoption of this option would require restructuring the commercial sector. Furthermore, this option may conflict with the Council’s intent to not pursue intersector trading at this time.

- **Option a:** Restrict the future transfer of shares to only shareholder accounts that hold a valid commercial reef fish permit.
- **Option b:** Allow accounts with shares but without a commercial reef fish permit to harvest the allocation associated with those shares.

Table 4. Comparison of two potential changes (Options a and b) to program eligibility concerning the requirement to possess a commercial reef fish permit. The highlighted cells note the change from status quo.

	Need a commercial reef fish permit?			
	Pre-2012	Status Quo (2012+)	Potential Action	
			Option a	Option b
Hold Shares	No	No	No	No
Receive Shares	Yes	No	Yes	No
Hold Allocation	No	No	No	No
Receive Allocation	Yes	No	No	No
Land Allocation	Yes	Yes	Yes	No

An additional modification related to program eligibility was suggested for consideration:

- Restrict the ability for shareholders not actively engaged in fishing to transfer their shares and allocation to other shareholders.

This option was suggested in response to the reported practice of shareholders who do not actively fish, but transfer the annual allocation from the shares they hold to other accounts, often for a monetary gain (“leasing”). Shareholders are a unique entity that may be comprised of any

of the following: an individual(s), a business entity, a fish house (dealer/processor), or most recently, a member of the general public who may or may not be associated with the fishery. If the Council pursues addressing this option, it may be difficult to enact the intended policy change given the complexity of the relationships among shareholder accounts (e.g. related accounts, arms-length accounts). As stated above, at this time there is no clear method to distinguish related accounts within the IFQ system.

Scoping Questions

- Should the Council restrict or expand the eligibility requirements for obtaining shares, obtaining allocation, and landing allocation in the RS-IFQ program? How would this affect current participants in the IFQ program?
- How would modifying the eligibility requirements affect progress toward the program objectives (reducing overcapacity and reducing the problems with the derby fishery)?
- Is there a need to address impacts from the recent availability of RS-IFQ shares to the general public?
- Given the multiple participation roles in the RS-IFQ program, how could a regulation be designed to restrict shareholders who are not actively fishing from transferring their allocation?
- Will restricting shareholders who are not actively fishing from transferring their allocation disproportionately affect small shareholders who do not receive enough allocation from shares to effectively harvest their allocation (e.g., a share that results in 5-lbs of red snapper allocation)?
- Will restricting shareholders who are not actively fishing from transferring their allocation change market conditions or reduce the amount of allocation available to participants without shares?

2. Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

Allocation is the annual poundage of red snapper that corresponds with the proportion of shares held by a shareholder. At the end of each year, there may be un-harvested allocation remaining in shareholders' accounts. An IFQ account is considered active if the account landed, sold, and/or bought allocation in that year.

During the first year of the RS-IFQ program (2007), 29% of accounts (173 accounts) were inactive; these accounts contained 2.6% (78,543 lbs) of the quota. The number of inactive accounts has decreased each year. In 2012, 94 inactive accounts remained containing 2.0% of the quota. More than half of inactive accounts at present are initial accounts that have never been accessed by the user (Table 5).

One of the RS-IFQ 5-year review's conclusions noted the unused allocation in inactive IFQ accounts totaled approximately 1.5% of the quota. In 2014, this amount of unused allocation has decreased, as shareholders have been actively locating the holders of inactive accounts and buying their shares. By early October 2014, 85 inactive accounts remained, in which less than 1% of the quota is held (J. Stephen, SERO, pers. comm.). Resolving these remaining inactive accounts could improve the commercial IFQ program participants' ability to achieve optimum yield, and potentially to address regulatory discards.

Table 5. Accounts with remaining allocation by account status (active or inactive).

Year	Total Accounts			Active Accounts		Inactive Accounts	
	# Accounts	Remaining quota (lbs)	% Quota	No. of Accounts	Remaining quota (lbs)	No. of Accounts	Remaining quota (lbs)
2007	327 (55%)	122,311	4.10%	154	43,768	173	78,543
2008	292 (53%)	59,515	2.70%	124	9,177	168	50,338
2009	242 (46%)	61,318	2.80%	105	19,638	137	41,680
2010	306 (51%)	132,450	4.20%	184	79,299	122	53,151
2011	236 (40%)	62,147	1.90%	134	11,404	102	50,743
2012	216 (36%)	75,626	2.00%	122	20,352	94	55,274
2013	258 (43%)	148,867	2.95%	162	69,057	96	79,810

Note: EOY = end of year. Source: NMFS 2014, Table 16.

Potential Changes

- Allow closure of accounts and redistribution of shares in accounts that have never been activated in the current system, if the accounts are not active by a specified date.
- Redistribute shares from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards.

- Redistribute shares from inactive accounts to address reduction of regulatory discards through permit banks or NMFS administration (particularly for eastern Gulf shareholders and vessels).
- In the event of future increases to the commercial red snapper quota, consider alternatives to redistribute the quota increases to new entrants and small shareholders.

Scoping Questions

- Should inactive accounts be closed if not activated by a specified date? What date or years should be used to identify inactive shares? Must those years be consecutive?
- What should be done with the shares from inactive accounts? If they should be distributed to new entrants and small shareholders, how could this be accomplished in a fair and equitable manner?
- How should a new entrant be defined? For example, those without shares, or someone who has never established an IFQ account, or someone who has never held a commercial reef fish permit before?
- How could shares held in inactive accounts be redistributed to address regulatory discards? What are the benefits or weaknesses to using a permit bank or NMFS administration for the distribution?
- In the event of future increases to the commercial red snapper quota, should part of this additional quota be retained and redistributed to small shareholders and new entrants? How and to whom should this quota be distributed? What should be the baseline quota above which a redistribution would occur?
- How could quota redistribution be accomplished to reduce regulatory discards in the commercial fishery?

3. Full Retention Requirement to Address Regulatory Discards

As red snapper continue expanding into the eastern Gulf, attention to the issue of regulatory discards (bycatch) has been renewed. Possible options to address regulatory discards include requiring the retention of all commercially caught red snapper and eliminating the minimum size limit. A full retention provision would require commercial fishermen to keep all red snapper they catch. Because there is a finite amount of annual red snapper allocation, this option would require establishing a mechanism by which quota could be obtained to account for these fish. This option would rely on fishermen's compliance, could require electronic monitoring, and could pose challenges for law enforcement. Modifying, or eliminating the minimum size for commercially caught red snapper could potentially reduce the number of regulatory discards, but could create implications for the rebuilding plan. Furthermore, fishermen would still need to obtain available quota as many fish currently discarded are not due to the minimum size limit, but due to a lack of allocation.

Potential Changes

- Eliminate the commercial red snapper minimum size limit.
- Consider the full retention of commercially caught red snapper.

Scoping Questions

- How would fishing behavior change as a result of removing the minimum size limit, or requiring the full retention of all red snapper landed?
- What regulatory and monitoring requirements would be necessary for a full retention provision to be adopted and enforced?
- How would a requirement for full retention of red snapper affect the ability of the fleet to fish year round?
- How could red snapper allocation be made available to cover the full retention of red snapper?
- What are other possible solutions to reduce regulatory discards of red snapper?

4. Caps on the use or possession of IFQ Shares and Allocation

This issue addresses the consolidation of shares within the RS-IFQ program and considers whether upper limits should be imposed on the amount of IFQ allocation an entity may possess, or the amount of IFQ allocation a vessel may land. Although there is a cap on the amount of shares that may be held by a single entity, there is no cap to the amount of RS-IFQ allocation that may be held or used by an individual or entity, or the amount of allocation that may be harvested by an individual vessel. Although the purchase of RS-IFQ shares has been available to any U.S. citizen or permanent resident alien since January 1, 2012, red snapper allocation may only be harvested by a vessel with a commercial reef fish permit.

Reducing overcapacity was a primary goal of the RS-IFQ program. As noted in Amendment 26, eliminating the derby-like fishing conditions and reducing overcapacity was anticipated to result in slower paced fishing activity, supporting fewer fishermen, operating over a longer season (GMFMC 2006). Consolidation of shareholdings has occurred, with nearly a 25% reduction in the number of accounts holding shares since the start of the program. Since 2007, the number of shareholder accounts holding large (>1.5%) and medium (0.1-1.5%) amounts of shares has remained similar, whereas the number of small shareholder accounts has been greatly reduced (Table 6; GMFMC and NMFS 2013).

The structure of the RS-IFQ program has allowed for the emergence of a new participation role of brokers, who buy and sell allocation but do not land red snapper. The number of individuals in this category has increased since the implementation of the program, resulting in an apparent shift in how people participate. Annually, between 20-27% of all accounts only trade allocation and do not land allocation; however, many of these accounts are related (i.e., same permit holders) to other IFQ accounts that do land red snapper.

Table 6. Number of accounts by shareholding size.

Year	Small <0.05%	Medium 0.05- 1.4999%	Large ≥ 1.5%	Total
Initial	415	125	14	554
2007	368	112	17	497
2008	346	111	17	474
2009	313	108	18	439
2010	297	109	19	425
2011	284	116	18	418
2012	273	117	17	407
2013	261	120	18	399

Note: Except for the Initial row, all numbers were based on the last day of the year. “Initial” numbers were at the start of the program (1/1/2007). Source: Table 1 in NMFS 2014.

The Boen and Keithly (2012) survey found the RS-IFQ program had a reported positive impact on the financial position by large and medium shareholders, whereas those with small shareholdings expressed the opposite opinion. Most shareholders agreed that the RS-IFQ

program made it more difficult for others to enter the fishery. Share consolidation and an increase in the number of shareholders not landing any fish have led to the perception that many people are profiting simply by transferring (“leasing”) allocation and not fishing. The costs to go fishing have also increased for some fishermen because shareholders are now charging captains and crew costs associated with the purchase of allocation.

National Standard 4 specifies that “if it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be ... carried out in such manner that no particular...entity acquires an excessive share of such privileges.” Limiting the amount of shares an individual or entity may own is intended to limit share consolidation, as the concentration of share holdings by a relatively small number of entities could result in market power.

Amendment 26 addressed ownership caps and restrictions on IFQ share certificates. The preferred alternative established an ownership cap such that no person shall own IFQ shares in excess of the maximum percentage issued to a recipient at the time of the initial apportionment of IFQ shares. This resulted in an IFQ share ownership cap set at 6.0203% of the commercial quota.

In the GT-IFQ program, share caps were established for each of the five categories of shares, based on the maximum shares issued to an entity for each category at the time of initial apportionment. These range from a share cap of 2.5% of gag grouper shares, to 14.7% of deep-water grouper shares. Unlike the RS-IFQ program, the GT-IFQ program established an allocation cap that is set annually equal to the combined sum of the maximum allocations associated with the five share caps.

Potential Changes

- Establish a cap on the amount of RS-IFQ allocation that may be held by an entity.
- Establish a cap on the amount of RS-IFQ allocation that can be landed by a single vessel.
- Limit the amount of shares/allocation non-permitted IFQ accounts may possess.

Scoping Questions

- Should non-permitted IFQ accounts have different caps (shares and/or allocation) than accounts with reef fish permits?
- Does establishing a vessel account landing cap disproportionately affect shareholders who have one vessel versus multiple vessels associated with their account?
- Would an allocation cap be based on the amount an account (shareholder or vessel) can hold cumulatively over the year, or at one point in time?
- Should an allocation cap be larger than the equivalent share cap?
- For participating vessels, would a landing cap be more applicable than an allocation cap for addressing consolidation concerns?

5. Requirements for the Use of Shares and Allocation

Use-it or lose-it provisions are a type of restriction on the sale or transfer of IFQ allocation or shares, which may be crafted to address a particular objective or issue. For example, restrictions could require a shareholder to harvest the allocation distributed to the account to ensure that OY is achieved. Amendment 26 (GMFMC 2006) evaluated alternatives for use-it or lose-it provisions that would have revoked and redistributed shares from accounts using less than 30%, or 50%, of the allotted RS-IFQ shares, over a 3-year, or 5-year, moving average period. Ultimately, the Council selected no action and did not adopt this use-it or lose-it provision.

Other requirements for the use of shares and allocation could be put in place to restrict some aspect of participants' behavior. For example, RS-IFQ shares and allocation are transferable. Some RS-IFQ share and allocation holders do not fish and have limited their participation in the programs to trading IFQ shares and annual allocations or are completely inactive in the program. In public testimony, complaints have been made about such use of IFQ shares and allocation by those who do not actively fish. Alternately, requirements for the use of shares and allocation could be broadened to provide additional flexibility to shareholders, such as in the event of personal hardships, by allowing unused allocation to carry over and be used in the following fishing year.

Even if a requirement for the use of shares or allocation is intended to address a particular issue, IFQ participants may act in a variety of ways that may confound new requirements for the use of shares and allocation. Identification of those who only transfer but do not use IFQ allocation is complex because many entities hold multiple accounts within the IFQ system. For example, many participants hold IFQ shares and allocation in one account that does not have a reef fish permit, and transfer allocation to other associated accounts with a reef fish permit that land red snapper. Likewise, a participant may be a part of multiple accounts (e.g. sole owner, partnership, part of a business that owns an account, etc.). Multiple accounts may confound the issue as participants may use one or more account to hold the shares, while another account harvests the allocation. Some participants may use the multiple accounts in a way to separate their assets (e.g. shares separate from vessels; incorporation of each vessel owned), while others may use it as a means of adding a spouse/partner to an asset that remains separate from the day to day business of fishing. In addition, some dealers also obtain a shareholder account to obtain shares or allocation to be used for vessels that land with that dealer. New requirements for the use of shares and allocation would need to be designed with these multiple types of participation in mind.

The Council has included for consideration a "lease-to-own" provision which would enable fishermen who regularly buy allocation ("leasing") but cannot afford to purchase shares, to earn credit toward owning IFQ shares. IFQ allocation may be transferred multiple times among accounts and is not tracked as individual units in the system. Thus, at the time of landing, it may not be possible to identify the original shareholder who initially transferred that allocation to another account. This inability to track IFQ allocation would confound the ability to credit fishermen who regularly buy allocation. To design such a "lease-to-own" provision would require changes to the online reporting system to track the individual units of allocation for the current quota of 5.04 million pounds.

Potential Changes

- Establish use-it or lose-it provisions.
- Consider placing restrictions on the sale of IFQ allocations and shares.
- Consider adopting a roll-over provision for unused IFQ allocation.
- Consider adopting a lease-to-own provision, such that an entity leasing allocation earns some credit toward ownership of IFQ shares.

Scoping questions

- Should the Council reconsider use-it or lose-it provisions?
- How could a use-it or lose-it provision be enacted given the different types of shareholders (owner-operators, fleet owners, dealers, business entities)?
- What should be the minimum annual percentage (or amount) of a participant's IFQ shares or allocation required to be fished to maintain possession of the corresponding shares?
- Would this disproportionately affect small shareholders who receive a minimum amount of allocation from shares? Should small shareholders be exempted from this requirement? If so, would should be the maximum amount of exempt quota shares?
- If a use-it or lose-it provision is adopted, what time frame should be used?
- How would a lease-to-own provision be tracked, as individual units of allocation are not identified in the system?

6. Mid-Year Quota Changes

Although the red snapper quota has been increasing in recent years, it is possible that a quota decrease could occur at some time, such as following a stock assessment. Because RS-IFQ allocation is distributed at the beginning of the year, it would not be possible to reduce the amount of allocation distributed later in the year, should the need for a mid-season quota reduction occur. Because most IFQ program participants use their quota throughout the year, withholding some predetermined proportion would not prevent fishermen from beginning harvest. On the other hand, not knowing whether the remainder of a shareholder's quota will be released during the year could introduce seasonal inefficiencies in fishing operations.

Potential Changes

- Withhold distribution of some portion of a shareholder's allocation at the beginning of the year if a mid-year quota reduction is expected.

Scoping Questions

- Should the Council consider delaying the full distribution of an IFQ participant's allocation at the beginning of the year if a mid-year quota reduction is expected?
- Would a quota withholding be annual, or only during prescribed conditions, such as while the stock is under a rebuilding plan, or if preliminary results of a stock assessment are expected to result in a quota decrease?
- What proportion of a shareholder's allocation should be withheld at the beginning of the year? Would this disproportionately affect small, medium, or large shareholders? Should allocation only be withheld from accounts that hold a certain amount of shares or pounds of allocation? How would this amount be determined?
- How would a late release of quota affect the industry (derby-like conditions, effect on market value, etc.)? What would be the economic impact on prices should additional allocation be released later in the year?

7. Enforcement of all Reef Fish Landings

The use of vessel monitoring systems (VMS) for all commercial reef fish trips became mandatory on May 6, 2007, shortly after implementation of the RS-IFQ program. Hail-in requirements, VMS, and random dockside enforcement are used to ensure compliance with IFQ program regulations. Regulations are jointly enforced by NOAA Office of Law Enforcement, the U.S. Coast Guard, and state enforcement agents through joint enforcement agreements.

When harvesting red snapper and other IFQ species, vessels are required to have a Gulf commercial reef fish permit and to notify NMFS before leaving port (“hail out”). While at-sea, vessels are monitored using the VMS. When returning to port, vessels landing IFQ species must “hail-in”, and provide an advance landing notification (3-12 hours prior to landing)⁶ indicating the landing time and location, the intended dealer, and the estimated pounds landed. The hail-out is accomplished through the VMS, while the hail-in may be completed through the VMS, phone, or internet. Landing may occur at any time but fish may not be offloaded between 6 p.m. and 6 a.m., local time. A landing transaction report is completed by the IFQ dealer and validated by the fisherman. The landing transaction includes the date, time, and location of transaction; weight and actual ex-vessel value of fish landed and sold; and the identities of the shareholder account, vessel, and dealer. All landings data are updated on a real-time basis as landing transactions are processed.

Although compliance has improved since RS-IFQ program implementation, one of the Red Snapper 5-year review conclusions noted additional enforcement efforts may be necessary to deter violations. In discussions, it has been suggested to extend the hail-in requirement to all commercial reef fish trips, in addition to those landing IFQ species. By extending the requirement to all commercial reef fish trips, law enforcement and port agents can be alerted in advance of trips returning to port and can meet vessels to inspect landings. Such a provision would also reduce illegal harvest of IFQ species that may not be reported or reported as another species (e.g., vermilion snapper). Based on fisherman surveys in 2011, Porter et al. (2013) concluded compliance had improved under catch share management, but increased enforcement efforts may be justified to ensure compliance benefits continue. IFQ program staff have made several enhancements to auditing of landing notifications and transactions in the past several years to aid enforcement and enhance compliance with reporting (GMFMC and NMFS 2013). Requiring all commercial reef fish vessels to hail-in prior to landing would be expected to improve the enforcement of IFQ species.

Potential Changes

- Require all vessels with a commercial reef fish permit to hail-in prior to landing, even if they are not in possession of IFQ species.

Scoping questions:

- Should the hail-in requirement be extended to all commercial vessels landing any reef fish species?

⁶ As of October 27, 2014, this landings notification will be extended to 3-24 hours prior to landing.

- What options or alternatives should be evaluated and considered regarding a VMS hail-in for all commercial reef fish trips?
- What would be the potential benefits or impacts of requiring all commercial vessels landing reef fish to hail-in?

8. Additional Issues to Address

The potential changes addressed in this scoping document are preliminary. Through the Council process, some will likely be removed or modified, and others added. Potential changes could address any aspect of the RS-IFQ program, including but not limited to program functioning, administration, social conflicts, and participant satisfaction.

The 5-year review of the GTF-IFQ program is currently underway. Although this scoping document addresses the RS-IFQ program specifically, public comment is welcome with regard to potential improvements to the GTF-IFQ program. It is important to note that both the RS-IFQ and GT-IFQ programs are managed under a common reporting system. This means that changes made to one program could affect the other program. It is possible that future IFQ program reviews could be combined to evaluate all reef fish species managed under IFQs.

Scoping Questions

- Are there additional issues to address to improve the functioning and performance of the RS-IFQ program?
- Are there proposed actions for the RS-IFQ program that should be applied to the G-TF IFQ program?

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APPENDIX A. INDIVIDUAL FISHING QUOTA PROGRAM GLOSSARY

Active Account –An account, in which the allocation holder has landed, bought, and/or sold allocation within that year. Accounts activity status changes yearly based on the actions taken by the account.

Advance Landing Notification - A required 3-12 hour advanced landing notification stating the vessel identification, approved landing location, dealer’s business name, time of arrival, and estimated pounds to be landed in each IFQ share category. Landing notifications can be submitted using either a vessel’s VMS unit, through an IFQ entity’s on-line account, or through the IFQ call service. The landing notification is intended to provide law enforcement officers the opportunity to be present at the point of landing so they can monitor and enforce IFQ requirements dockside. For the purpose of these regulations, the term landing means to arrive at the dock, berth, beach, seawall, or ramp. (The advanced landing notification window was expanded to 3-24 hours on October 27, 2014.)

Allocation – Allocation is the actual poundage of red snapper by which an account holder is ensured the opportunity to possess, land, or sell, during a given calendar year. IFQ allocation will be distributed to each IFQ shareholder at the beginning of each calendar year, and expire at the end of each calendar year. Annual IFQ allocation is determined by the amount of the shareholder’s IFQ share and the amount of the annual commercial red snapper quota. Dealer accounts may not possess allocation.

Allocation Transfer – A transfer of allocation (pounds) from one shareholder account to another shareholder account. Through January 1, 2012, allocation can be transferred only to an entity that holds a valid Gulf commercial reef fish permit.

Arms-length Transaction – Transactions where the parties in the transaction are independent of each other (e.g. not being a relative or having an entity in common).

Entity – An individual, business, or association participating in the IFQ program. Each IFQ account is owned by a unique entity.

Gulf of Mexico Commercial Reef Fish Permit Holder – An entity that possesses a valid Gulf commercial reef fish permit and therefore, is eligible to be exempt from bag limits, to fish under a quota, or to sell Gulf reef fish in or from the Gulf Exclusive Economic Zone. There is an eligibility requirement and an annual fee associated with the permit.

IFQ Dealer Endorsement – The IFQ dealer endorsement is a document that a dealer must possess in order to receive Gulf of Mexico red snapper. The dealer endorsement can be downloaded free of charge from the IFQ dealer’s online account.

Inactive Account – An account, in which the allocation holder has neither landed, bought, nor sold allocation within that year, including those who never logged into their account. Accounts activity status changes yearly based on the actions taken by the account.

Initial Account - An account which was never logged into by the account's owner(s) in the current online system, which began in 2010.

Landing Transaction – A landing transaction report that is completed by an IFQ dealer using the online IFQ system. This report includes the date, time, and location of transaction; weight and actual ex-vessel price of red snapper fish landed and sold; and information necessary to identify the fisherman, vessel, and dealer involved in the transaction. The fisherman landing IFQ species must validate the dealer transaction report by entering his unique vessel's personal identification number when the transaction report is submitted. After the dealer submits the report and the information has been verified, the website will send a transaction approval code to the dealer and the allocation holder.

Participant - An individual, business, or other entity that is part of an IFQ entity. For example, John Smith, the participant, may belong to multiple accounts such as John Smith, John and Jane Smith, and ABC Company. Share and allocation caps are tracked at the IFQ participant level and not the IFQ entity level.

Public Participant – A shareholder account that was opened after January 1, 2012, that does not have a permit associated with the account. Public participants may own and trade shares and allocation, but cannot harvest red snapper.

Share – A share is the percentage of the commercial quota assigned to a shareholder account that results in allocation (pounds) equivalent to the share percentage of the quota. Shares are permanent until subsequently transferred. Dealer accounts may not possess shares.

Share Cap – The maximum share allowed to be held by a person, business, or other entity. The share cap prevents one or more IFQ shareholders or entities from purchasing an excessive amount of IFQ shares and monopolizing the red snapper commercial sector.

Share Transfer – A transfer of shares from one shareholder account to another account. A shareholder must initiate the share transfer and the receiver must accept the transfer by using the online IFQ. Through January 1, 2012, shares can be transferred only to an entity that holds a valid Gulf commercial reef fish permit.

Shareholder – An account that holds a percentage of the commercial red snapper quota.

Shareholder Account – A type of IFQ account that may hold shares and/or allocation. This includes accounts that only hold allocation.

APPENDIX B. AD HOC RED SNAPPER IFQ ADVISORY PANEL SUMMARY

Red Snapper IFQ Advisory Panel Meeting Summary Gulf Council Office Tampa, FL November 5-6, 2013

In attendance

Tom Adams
Billy Archer
Buddy Bradham
Jason DeLaCruz
Bob Gill
John Graham
Scott Hickman
Chris Horton
David Krebs
Seth Macinko
Jerry Rouyea
Bob Spaeth
Bill Tucker
David Walker
Mike Whitfield
Troy Williamson
Jim Zubrick

Council and Staff

Doug Boyd
Assane Diagne
Ava Lasseter
Karen Hoak
Carrie Simmons
Steven Atran

Other attendees

Jim Clements
Sue Gerhart
Cathy Gill
Buddy Guindon
Stephen Holiman
Peter Hood
Mike Jepson
Tony Lamberte
Mara Levy
Kristen McConnell
Christina Package
Jessica Stephen
Melissa Thompson
Donny Waters
Wayne Werner

The meeting convened at 9 a.m. The AP appointed Bob Gill as Chair and Scott Hickman as Vice-chair. Assane Diagne reviewed the actions and preferred alternatives from Amendment 26, which established the Red Snapper IFQ program. Jessica Stephen summarized the IFQ program's 5-year review conclusions.

The AP then commented on the 5-year review. Overall, members felt that the program is working well and achieving its goals. The AP discussed whether the program goals should be modified or refined, and whether it is desirable to further reduce overcapacity. It was noted that fewer vessels than the existing fleet can harvest the entire commercial quota, but maximizing economic efficiency is not the goal of the fishery. Other potential goals could address new entrants to replace retiring fishermen, and minimizing discards.

The AP also discussed the 3% recovery fee, with some members wanting IFQ program participants to pay more, and other members pointing out that 3% is the maximum allowable under the Magnuson-Stevens Act, and that the recovery fee was never intended to pay for the program.

Jessica Stephen reviewed the administrative changes NMFS is making to the IFQ programs and gave an overview of the IFQ program structure, to provide context and background information for members of the AP who are not familiar with the program. The AP then reviewed each of the actions from Reef Fish Amendment 26, which established the red snapper IFQ program.

The AP discussed the IFQ program duration and review requirements. Because red snapper is part of a multi-species fishery, members felt the red snapper IFQ program review should be aligned with other IFQ managed species, and passed the following motion:

Motion: That consideration be given to the future consolidation of the red snapper and the grouper/tilefish IFQ program reviews.

Addressing ownership caps, AP members who are IFQ program participants explained that the existing 6% cap reflected the landings of a fleet owner, not an individual fisherman. There was discussion about IFQ shareholders who sell allocation but no longer fish, and concern that putting controls on the market-based system would affect the functioning of the program.

Concerning the eligibility requirements for the transfer of IFQ shares, the AP discussed IFQ shareowners who do not possess a reef fish permit. Some members felt it was important to distinguish the IFQ program as a tool to support the commercial industry rather than being an investment tool. The AP passed the following motion.

Motion: To restrict the future transfer of shares to only those individuals possessing a valid commercial reef fish permit.

Mara Levy reviewed the legal issues and referendum requirements in the Magnuson-Stevens Act which pertain to IFQ programs. It would be necessary to define who would be included in any future referendum.

Following review of the amendment's actions, the AP discussed the conclusions from the red snapper IFQ program 5-year review. The AP noted that discards have decreased in some parts of the Gulf and increased in others. The AP expressed that a full retention fishery is ultimately the direction they need to go in the future, even though the transition has been painful in other regions and it may not be popular in the Gulf. The AP passed the following motion.

Motion: To recommend that the Council consider a regulatory full retention red snapper fishery, with no size limits.

The AP then discussed whether enforcement should be increased at landing sites, and whether the number of approved landing sites should be decreased. No additional recommendations to the 5-year review were made.

The AP reviewed the objectives of the IFQ program. Members discussed the objective to reduce overcapacity, and what vessel capacity the industry should aim for. There has been redirected effort toward other reef fish species, and most vessels target multiple species, not red snapper alone. The AP discussed capping the price at which allocation could be leased, but expressed

concerns that shareowners would modify their behavior and use of allocation in ways unintended by the lease price cap. The AP discussed red snapper discards on vessels without sufficient allocation, and passed the following motion.

Motion: That the Council consider alternatives to allow a fisherman that does not have sufficient allocation to cover bycatch, to acquire the needed allocation prior to taking their next trip.

Next, the AP discussed shares held in accounts that have never been activated, alongside the issue of how to procure quota to provide for discards and new entrants to the fishery. The AP considered developing a type of quota set-aside, and expressed the need for the industry to further discuss these issues. The following motions resulted from the discussion.

Motion: Allow redistribution of shares in accounts that have never been activated since 2010, if the accounts are not active by December 31, 2014.

Motion: That the Council establish a quota bank using the shares from the inactive accounts from the previous motion.

Motion: That the shares from the previous motion be utilized for new entrants, to address discards, and to reduce bycatch.

Motion: The Council should develop a new ad hoc Advisory Panel, primarily of commercial red snapper stakeholders, to develop a plan to address new entrants' participation and bycatch, using future red snapper quota increases.

The AP then reviewed the presentation on administrative changes to the IFQ program. The issues raised here mainly concerned the timing and feasibility of landings and required notifications. Currently, a vessel is required to land within a declared 30 minute window, which some members of the AP felt is too short. Recognizing that modifying the landing time window affects how long enforcement officials must wait at the landing site, the AP passed the following motion.

Motion: 1 hour window to land (e.g., if landing at 5 pm, could land any time between 5-6 pm).

Another issue pertained to the required time limit for dealers to report landing transactions. Some members reported that the time requirement is too restrictive around holiday weekends. Jessica Stephen noted that even if the time period for the transaction was to be extended, fish may not be moved until the dealer submits the landing transaction. The AP then passed the following motion.

Motion: Offloading and landing transaction must occur within 72 hours of landing, excluding holidays and Sundays.

Finally, the issue of offloading after hours was discussed, and the AP passed the following motion.

Motion: If offloading has begun prior to 6 pm, offloading may continue after 6pm if law enforcement authorizes offload after hours

Other issues discussed included support for prohibiting deduction of ice and water weight when completing a landing transaction, and reviewing the number of approved landing locations. The AP then discussed other items outside of their charge.

The AP discussed the potential collection of a resource rent on the commercial red snapper quota but the motion recommending to the Council to consider imposing a resource rent failed. AP members indicated that rents were collected for oil and minerals and that the public should be compensated. It was also indicated that rent collections were not the norm in fisheries and that collections should not be limited to the commercial sector but include all users of the red snapper resource.

A member raised the issue of dual-permitted vessels having a crew size limit when fishing commercially, stating that the rule prohibits these vessels from taking family members fishing. Another member noted that eliminating the crew size restriction would give those with dual-permitted vessels with IFQ shares an unfair advantage. The AP passed the following motion.

Motion: To eliminate the crew size limit for dual permitted vessels fishing under the commercial IFQ system.

The AP then discussed putting additional reef fish species into IFQ programs, noting that effort had been redirected from those species now managed under IFQs, toward these other species. Members felt an IFQ program was important as an effort control for these species. The AP passed the following motion.

Motion: That the Council consider reopening Amendment 33, adding in all applicable reef fish to the IFQ program.

Finally, the AP discussed the concept of “dude fishing”, where passengers pay to experience commercial fishing. There was discussion as to whether this would be considered commercial or charter fishing, as well as safety issues. The AP passed the following motion.

Motion: Request that the Council ask staff to develop a discussion paper on an option for commercial dude trips in the Gulf. A commercial dude trip is where a member of the recreational public goes out on a commercial fishing experience.

The meeting adjourned shortly before noon.

**Summary of Scoping Workshops on
Reef Fish Amendment 36:
Modifications to the Red Snapper Individual Fishing Quota Program
March 10-24, 2015**

Section 1: Scoping workshops were held at the following locations:

Tuesday - March 10, 2015
Courtyard Marriott
142 Library Drive
Houma, LA 70360

Tuesday - March 17, 2015
Hawthorn Suites by Wyndham
501 East Goodnight Avenue
Aransas Pass, TX 78336

Thursday - March 12, 2015
Hilton Garden Inn
6703 Denny Avenue
Pascagoula, MS 39567

Wed - March 18, 2015
Hilton Garden Inn
1101 US Highway 231
Panama City, FL 32405

Monday - March 16, 2015
Hilton Galveston Island Hotel
5400 Seawall Boulevard
Galveston Island, TX 77551

Tuesday - March 24, 2015
Hilton St. Petersburg
950 Lake Carillon Drive
St. Petersburg, FL 33716

Tuesday - March 17, 2015
Renaissance Mobile
64 South Water Street
Mobile, AL 36602

**Houma, Louisiana
March 10, 2015**

Program Eligibility Requirements

- **Should accounts with shares but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

We still feel like were overcapitalized so, expanding eligibility seems like a slippery slope. The requirement to have a reef fish permit to harvest fish needs to stay.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

- **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

The Council should consider coming up with some type of financing program. New entrants can't afford to buy shares and the banks won't back loans for boating startups. Bankers don't understand it. Some kind of government run loan process could help new entrants more than gifting them small shares. It seems like redistributing them to the guys that are already in the fishery is more reasonable. Finance the new entrants rather than gift them.

Full retention requirements to address regulatory discards

➤ **Should the full retention of all commercially caught red snapper be required?**

Full retention is a great goal. Some of the people targeting vermilion or grouper are pulling up lots of red snapper and killing them. Full retention would force those fishermen to make the effort to get allocation. There might need to be quota banks to help with this, and you may need to give them extra to get the necessary allocation if you require full retention. We can sell a fish that are big enough to bite the hook, there will be a market for the fish smaller than 13 inches. Full retention will be a lot harder on some of the guys than on others but we should throw fish in the box rather than throw them back dead if we catch them.

Caps on the Use or Possession of IFQ Shares and Allocation

➤ **Should caps on the amount of IFQ allocation held by and entity be established?**

The cap's example are difficult to handle and we are not so sure that it's harmed anyone. There hasn't been a mega corporation that's tried to buy everyone out.

Requirements for the Use of Shares and Allocation

➤ **Should use-it or lose-it provisions be established?**

The broker situation takes care of itself. In the derby days or even pre derby, as people got older, they hired captains to run their boats. The current use of the IFQ program is no different. Some of the active shareholders do the same as we've always done. They have someone run their boat or just sell their allocation. Whenever you make some guy retain fish on his boat, you force him to continue fishing rather than allow him to lease fish, which could be used to help prevent by catch in another area of the fishery.

Here in Louisiana we're in a pure red snapper environment. Forcing me to stay on my boat rather than sell my allocation or hire a captain would exacerbate the by catch issue. Captains would continue fishing rather than lease to people in the south east who don't have snapper quota, but are catching snapper because the population is expanding.

➤ **Should a "lease-to-own" provision be considered?**

Lease to own sounds neat but may cause fishermen who are selling allocation to an individual go back to fishing rather than give someone else 'credit' for his harvest. It would promote owners to keep harvesting their own allocation rather than let others earn credit for something that isn't

theirs. A credit towards ownership arrangement should be done on an individual level rather than at the agency level.

Enforcement of all Reef Fish Landings

- **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

Hail in and out for all reef fishermen is a good idea. It's a great enforcement tool and it gives law enforcement a better heads up. They don't have to check every landing but it is good information to know.

Council member and staff:

Myron Fischer
Emily Muehlstein
Bernie Roy

2 people attended:
Steve Tomeny
Twyla Herrington

**Pascagoula, LA
March 12, 2015**

Program Eligibility Requirements

- **Should the future transfer of shares to only shareholder accounts that hold a valid commercial reef fish permit?**

It's fine how it is.

- **Should accounts with shares but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

Allowing shareholders/allocation holders to harvest without a reef fish permit goes against the goal of the program and would promote overcapitalization.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

- **Should the closure of accounts and redistribution of shares in accounts that have never been activated in the current system be allowed if the accounts are not active by a specified date?**

1% is a great margin for any program. Leave it like it is. Those people know they have shares and they should be allowed to sell it when they want to.

To achieve optimum yield the Council may want consider allowing the allocation in inactive accounts to rollover and be distributed amongst active accounts.

➤ **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

People in the program today have suffered the pains of the program. Therefore, they should reap the benefits of the program rather than being penalized by losing additional shares. People who have been actively fishing should be given first opportunity for ownership.

It would be difficult to decide who qualifies as new entrants or small shareholders. Additionally, new entrants can get in to the program, plenty of new entrants have bought in. It was understood when the program was initiated that this would happen. Shares would have a high value and the fishery would consolidate, making it difficult for new entrants.

Full retention requirements to address regulatory discards

➤ **Should the full retention of all commercially caught red snapper be required?**

It's probably not legal and it definitely would not work to require full retention. You cannot make someone keep what they catch and it seems difficult to enforce.

Typically, commercial fishermen aren't going to hang around and catch the wrong size or species of fish. They are already policing themselves.

The market value of the different sizes of fish will be an issue. Fishermen won't want to use their allocation on the less valued fish.

There isn't data to justify worrying about regulatory discard on the commercial side. The snapper population has exploded, so it's obviously not a biological issue.

Caps on the Use or Possession of IFQ Shares and Allocation

➤ **Should caps on the amount of IFQ allocation held by an entity be established?**

There is already a cap on shares and that was initiated when the program was put in place. The current share caps are fine.

➤ **Should caps on the amount of IFQ allocation landed by a single vessel be established?**

You shouldn't limit what a vessel can harvest that is like directly capping what a person can make. A vessel can only catch so much a year anyhow, so there is no need to put a limit on it.

➤ **Should a cap on the amount of shares or allocation a non-reef fish permitted shareholder may possess be established?**

The program was established to be traded and there is no need to undo the system. The only reason the program sold initially was because of the flexibility it allowed. It doesn't make sense to socialize the program and keep everyone at some artificial level.

Requirements for the Use of Shares and Allocation

➤ **Should unused IFQ allocation be allowed to roll-over for use in the following year?**

There are a lot of reasons the fish aren't caught in a year; weather, engine failure, personal reasons, etc. Unharvested allocation should be rolled over so people can catch their fish the next year.

➤ **Should a "lease-to-own" provision be considered?**

Lease-to-own is an interesting approach and people would have demonstrated through trip tickets that they've fished should be given priority if a situation arises where new shares become available.

Mid-Year Quota Changes

➤ **Should a portion of shareholders' allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

Would it be more practical to handle the quota reduction in the following year rather than mid-year? Don't be conservative and hold back, rather, reduce the share of the individual fishermen who have already caught their allocation in the following year.

During the mid-year quota increase derby-like conditions were created and the market value of red snapper dropped. If there was a large increase late in the year the Council should consider adding the extra in the following year.

Enforcement of all Reef Fish Landings

➤ **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

No. If they have VMS we know where there are so it's not necessary. If violations happen it's a small problem.

Council member and staff:

Leann Bosarge
Emily Muehlstein
Bernie Roy

Attendees included:

Travis Williams
John Bullock
Phil Horn

Galveston, Texas
March 16, 2015

Program Eligibility Requirements

- **Should the future transfer of shares to only shareholder accounts that hold a valid commercial reef fish permit?**

The IFQ program is achieving its intended goals as is. Red snapper is a public resource, and the public should be able to participate in the IFQ program if they wish.

- **Should accounts with shares but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

The fishery is still overcapitalized, but it is currently under refinement to a smaller number of participants. If they were to allow people without a reef fish permit to harvest then the progress we've made to reduce overcapitalization would be reversed. Allowing anyone with IFQ to fish would definitely increase overcapitalization.

- **Should shareholders not actively engaged in fishing be allowed to transfer their shares and allocation to other shareholders?**

Transferability of shares should be market driven. Members of the public should be allowed to buy and sell shares and allocation.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

- **Should the closure of accounts and redistribution of shares in accounts that have never been activated in the current system be allowed if the accounts are not active by a specified date?**

IFQ account holders should be contacted about their inactive accounts. The agency needs to do their due diligence and let people know that they have inactive shares.

Inactivity may be caused by displacement or disaster so share owners should be given time and warning before accounts are closed.

- **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

The fish in inactive accounts need to be harvested. A quota bank could be used to address the issue of dead discards. The allocation could be distributed to all reef fish permit holders, not just IFQ share owners.

If shares are redistributed they should be given to active shareholders. Allowing new entrants goes against the goal of reducing overcapitalization in the fishery. The program was set up to be

market driven, you can be a new entrant by buying from current shareholders. Use the market based system, it's already in place and there is no need to start a new program.

New entrants to the program should be considered. Some qualification of what defines a new entrant would be necessary.

Full retention requirements to address regulatory discards

➤ **Should the full retention of all commercially caught red snapper be required?**

Actions that can prevent fish from being thrown back dead should be considered, on the recreational side also. Throwing back perfectly good fish dead makes no sense.

Eliminating the minimum size limit and implementing full retention will allow the market-based system to work to its full potential. It will teach fishermen to fish smarter and more efficiently. Making fishermen keep everything they catch will make them behave more conscientiously.

Caps on the Use or Possession of IFQ Shares and Allocation

➤ **Should caps on the amount of IFQ allocation held by and entity be established?**

Leave it just like it is. It works as a market based system for economic efficiency and changing the amount an individual can own would not necessarily change economic efficiency of the program. Reducing the share cap may increase overcapacity. No one voiced any desire for caps to be put into place.

➤ **Should caps on the amount of IFQ allocation landed by a single vessel be established?**

Putting restrictions on an entity who has the capability of harvesting a large amount of fish will hurt the effort of reducing overcapacity.

Requirements for the Use of Shares and Allocation

➤ **Should use-it or lose-it provisions be established?**

Leave it alone, the current framework is working fine. The beauty of the system is that it is flexible. One fisher's boat breaks down, another fisherman can use quota. Exclusion is a problem for those on the outside, but not for those on the inside of the IFQ program. By restricting brokering, you would be closing the door of opportunity for others. There is no market advantage or biological advantage to do so.

➤ **Should restrictions be placed on the sale of IFQ allocation and shares?**

Some people are long-term fishermen who are leasing their fish out to others for various personal reasons, and are not brokers per se. It would be difficult to separate the different users and restrict them.

Fishermen find quota if they need it; leasing and brokering when practicable to assist one another. If someone wants to buy quota, they can and, local fishermen help other fishers get quota to use for bycatch. Fishermen that have available quota can capitalize on those fishermen out on the water and have them bring in fish for them as dealers to fill orders. Dealers hire fishermen to fish and can provide them quota if they don't have enough in their IFQ account. Fishermen can change behavior to avoid bycatch when no allocation is available.

➤ **Should a “lease-to-own” provision be considered?**

Eliminate the problems for new entrants by offering a loan program. The federally backed loan program for new entrants that was suggested by the AP should move forward. Consider making a place in the Federal Registry where fishermen can register their right to harvest; they can use that as collateral to get loans. Banks need something to collateralize. New guys can come into the system by buying shares and creating history. If an entity buys allocation, then they could be entered into a sort of lottery program, or some sort of lease to own program to help new entrants transition in to the program. At some point, new entrants will need to be considered so those fishermen need to be considered now. Current fishermen are getting older.

Mid-Year Quota Changes

➤ **Should a portion of shareholders' allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

Withholding quota would either create a shortage or a potential end of year glut. Mid-year changes up or down are not good for businesses. Business plans are made at the beginning of the year. Midyear increases causes a market glut. With a higher percentage of fish, you have to find a higher percentage of customers. Fluctuations are not desirable for operating a business and create market inequities and instability. Make end of year quota increases available the next year on Jan 1st to avoid derby fishing conditions. For the best benefit of the country, the fishermen need to know when they can fish.

Get the Council and the stock assessment process in line to set quota at the beginning of the year rather than allow mid-year quota changes. Move data assessments to an earlier time and obtain real time reporting so managers can make decisions early on in the year, rather than making mid-year adjustments.

Council process is inefficient, small shareholders needs the fish as soon as they are available. Mid-season or not, a small shareholder will take fish whenever they can get them. A business plan is not as important to small operations.

Enforcement of all Reef Fish Landings

➤ **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

Yes, hailing in for all would give proper notification to law enforcement and get rid of violators. Everybody with federal reef fish permits should have VMS on board and follow a hail-in/hail-out requirement. It would increase expenses for law enforcement.

Additional Issues

The 5-year review program should include people with a vested interest.

A water weight percentage should be brought back (ice weight). Ice and slime weight gain that causes variances between weight when the fish is being offloaded and weight at the fish house (about 3%) needs to be considered.

Council member and staff:

Robin Riechers
Emily Muehlstein
Karen Hoak

Buddy Guindon
Scott Hickman
Darrell Hingle
Mike Jennings
Garrett King
James Plaag
Mariak SanMiguel
John Walker
Johnny Williams
Shannon Williams

Attendees included:

Dylan Atkins
KP Burnett
Nicholas Butierrez
Shane Cantrell
Derrick Guetierrez

**Aransas Pass, TX
March 17, 2015**

Program Eligibility Requirements

- **Should the future transfer of shares to only shareholder accounts that hold a valid commercial reef fish permit?**

Commercial quota is there to be fished and should be caught to achieve optimum yield. The only fear is that someone could buy up quota with no intention of fishing it; protections should be put in place to prevent that.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

- **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

Shares from inactive accounts should be available for public purchase or distributed to small entities rather than large current shareholders. Inactive shares could be purchased at market price from a quota bank

Inactive shares should be put into a quota bank. They could be used to manage the program more efficiently, like for discard mortality and better conservation of the resource. Also, they could be made available for use in pilot programs (i.e., commercial/recreational hybrid programs and research).

➤ **Should future increases to commercial red snapper quota be redistributed to new entrants or small shareholders?**

Increases in quota should benefit current shareholders. The industry already rebuilt the fishery taking on VMS and other burdens, and eventually benefited from those changes making them fully accountable, self-policing, etc. Non-accountable sectors should not benefit with the efforts from those who were and are accountable.

People who were granted fish benefited from being granted fish, and commercial fishermen are not the only folks who should benefit from a rebuilding fishery.

Full retention requirements to address regulatory discards

➤ **Should the commercial red snapper minimum size limit be removed, requiring commercial fishermen to retain all caught red snapper?**

Remove minimum size limit for the commercial fishery based on the fact that smaller fish are targeted. When they fish by size selection, they use smaller weaker hooks which target smaller fish, and then dead discards become an issue. By removing the size limit, they can use smaller hooks leaving the larger breeding stock in the water.

➤ **Should the full retention of all commercially caught red snapper be required?**

Full retention seems good as long as it's good for the fish population. Breeding fish may be left in the water which would be good. Throwing back small fish dead is not beneficial.

Full retention may be a bad idea. On the west coast entire fisheries have been completely shut down because of choke species. If there is a species or sub-allocation of a species in a full retention fishery, and all the allocation gets used up, if you interact with that species, all fishing stops. Full retention program would require you to fully retain the species whose fishery is completely closed because of the full retention policy. One bad move in one day can cause a huge problem for everybody making it unlawful to fish at all, as in rockfish in California.

A full retention program would have to be thoroughly vetted, phased in with a sun-set. The Council might consider making full retention only effective while the commercial season is open for the specific species is open.

Caps on the Use or Possession of IFQ Shares and Allocation

➤ **Should caps on the amount of IFQ allocation held by and entity be established?**

The 6% ownership cap put in place represented the largest harvester at the onset of the program. Social engineering by regulators will not provide better management than the free market already has.

Requirements for the Use of Shares and Allocation

➤ **Should use-it or lose-it provisions be established?**

Shares and allocations should remain in the hands of fishermen, but we should not have 5 or 6 entities owning the whole fishery in a monopoly situation.

➤ **Should unused IFQ allocation be allowed to roll-over for use in the following year?**

Rollover, if done well, would serve the primary program goals well. Roll-over should be permitted when a commercial shareholder has issues that make it impossible for fishing to occur. The Council will have to constrain what would constitute an emergency, or restrict the number of times a person could roll-over allocation. The roll-over should allow fishermen to catch their fish but not artificially manipulate the market by withholding quota into the following year. A derby at the end of the year could be avoided by reducing the roll-over quota by a certain percentage, rather than allowing the entire allocation amount to roll-over.

➤ **Should a “lease-to-own” provision be considered?**

The guy buying allocation should get credit. He should not have to be dependent on the seller indefinitely. Sooner or later, he should get credit for being the fisherman catching the fish. There should be a time limit for selling your allocation – meaning you can sell your allocation for so many years before you have to sell the shares or harvest them yourself.

Use-it or lose-it, it goes back to regulators being involved in social engineering. Fishermen should negotiate deals with the share owners, not have the government mandating when a person should achieve benefits. These are private transactions, not governmental regulations.

Mid-Year Quota Changes

➤ **Should a portion of shareholders’ allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

Instead of withholding every year to adjust for catastrophic events, take out quota at the beginning of the next year; that will meet the program goals far better than an in-season closure and the loss will be distributed better across all participants. If there is a stock assessment coming up and people are concerned about a reduction mid-year, there may be a race to fish in the beginning of the year.

Enforcement of all Reef Fish Landings

- **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

If hail in/hail out would solve the problem, it should be required. Operators following the rules would not have a problem with the new requirement. Operators fishing for other species legally would not likely have a problem with it either. The only people that would object to the new requirement are likely to be those doing illegal things.

Only permit holders should weigh in on this issue; others' opinions shouldn't matter.

Additional Issues

Inter-sector trading should not be allowed.

Red snapper is rebuilding by using the IFQ program. It is effective and meeting its goals of reducing overcapacity, minimizing derby conditions, and rebuilding the resource. The program does not need wholesale changes to add in efficiencies and complications. Overharvesting has not been occurring. Improvements should promote accountability, assist in achieving OY, and collaboration between user groups. New entrants can buy into the program as is, and management is best left in the hands of the shareholders.

Council member and staff:

Greg Stunz
Emily Muehlstein
Karen Hoak

Brad Stanford
Cliff Strain
Mike Nugent
Tim Scott

Attendees included:

Mike Hurst

Doug Stanford
Mike Miglini

Mobile, AL
March 17, 2015

Program Eligibility Requirements

- **Should the future transfer of shares be restricted to only shareholder accounts that hold a valid commercial reef fish permit?**

No: Fishermen have invested in shares, and need the flexibility, such as in the event of accidents and other incidents.

Yes: Only if you have a commercial reef fish permit should you be able to buy shares, catch, and land fish.

- **Should accounts with shares but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

No:

- Commercial reef fish permit is needed for landing because they would have VMS and follow landing procedures. Need enforcement to sanction poaching vessels.
 - This would allow more commercial fishing participants, and commercial reef fish permits are under a moratorium.
 - This would open the commercial fishery to recreational participation.
- **Should shareholders not actively engaged in fishing be allowed to transfer their shares and allocation to other shareholders?**

Yes: Support for a use-it or lose-it provision. [Use referred to not withholding allocation from being landed.] Must use the shares you have, or a percentage of the shares you have. Catching optimum yield is the goal, so allocation needs to be used.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

- **Should the closure of accounts and redistribution of shares in accounts that have never been activated in the current system be allowed if the accounts are not active by a specified date?**

Yes:

- But, there is a difference between accounts that have never been active and accounts not being used for a year or two. Those accounts that have never been active should have shares redistributed.
 - Notice should be given now that shares in accounts that have never been active will be redistributed at the 10-year anniversary of the program.
 - Only for accounts that have never been active or inactive for a decade should redistribution be considered.
- **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

No:

- Redistributed shares should not just be given away. Shareholders earned their fish by landings history or they have invested in buying shares. Supports redistribution for discards.
- If additional fees are considered for the commercial sector, consider using value from the shares to be redistributed from inactive accounts.
- For redistribution have NMFS establish quota banks to sell allocations to increase cost recovery funds for law enforcement.
- Providing for new entrants is not a concern at this time.
- Distribute shares in equal amounts or according to their share percentage, but only among snapper IFQ shareholders. Providing allocation for red snapper discards in one area means less allocation and more discards in other areas. It may be possible to exchange allocation between species.
- Shares should stay within the red snapper fishery.

Full retention requirements to address regulatory discards

- **Should the commercial red snapper minimum size limit be removed, requiring commercial fishermen to retain all caught red snapper?**

No:

- There may not be a market for smaller fish.
- Non-IFQ commercial fishermen catch red snapper, too. So, there would not be sufficient allocation.

Yes: There is a market for small fish and good prices for them, so support for eliminating minimum size limit, but not full retention.

- **Should the full retention of all commercially caught red snapper be required?**

No:

- Should be fishermen's choice for what kind of fish they want to keep.
- People may not be willing to sell their allocation(s).

Yes: Support for the idea but difficult to do.

Caps on the Use or Possession of IFQ Shares and Allocation

- **Should caps on the amount of IFQ allocation held by and entity or landed by a single vessel be established?**

No: Opposed to caps on annual allocation for vessels or a single entity.

- **Should a cap on the amount of shares or allocation a non-reef fish permitted shareholder may possess be established?**

No: This would affect investment in the fishery among related accounts.

Requirements for the Use of Shares and Allocation

Should restrictions be placed on the sale of IFQ allocation and shares?

No:

- Selling allocation should be allowed.
- Selling allocation means the fish still get caught. What does it matter who catches them?

Mid-Year Quota Changes

- **Should a portion of shareholders' allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

No:

- Quota increases and decreases should only happen at the beginning of the year. Do not allow a mid-year quota increase or decrease, for either the commercial or recreational sectors. Distribution of quota at the beginning of the year only brings stability to the market.
- Another person agreed, but felt quota changes should occur at the beginning of the year for the commercial sector, only.

Enforcement of all Reef Fish Landings

➤ **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

Yes:

- Provided the IFQ participants are not charged for it.
- This would protect IFQ program participants.
- But, this could burden law enforcement resources, so their funding needs to be increased.

Additional Issues

General comments

- Happy with current program, so why change it?
- The discard problem is because of too many red snapper in certain areas of the Eastern Gulf.
- None of the proposed changes will help with the program or the recovery of the fishery.
- To do many of these changes NMFS would need to identify related accounts who are actively involved in fishing and who are investors.

Council member and staff:

David Walker
Ava Lasseter
Charlotte Schiaffo

Miranda Eubanks
Roy Howard
Larry Huntley
Tommy Land
Tom Steber
Brian Swindle
Carolyn Wood

10 people attended including:

Randy Boggs
Susan Boggs

**Panama City, FL
March 18, 2015**

Program Eligibility Requirements

➤ **Should the future transfer of shares be restricted to only shareholder accounts that hold a valid commercial reef fish permit?**

No:

- Everyone should have a chance to enter the program.
- Once you let the public buy shares, no restrictions should be put on their ability to receive full compensation for the use of their shares.
- Should require a commercial reef fish permit, except could impact fish houses' ability to keep allocation on hand for vessels that offload.
- Requiring shareholders to have a commercial reef fish permit will keep the fish in the fishery, but that would result in fishermen selling their boats and keeping their permits, resulting in a de facto fleet reduction.
- The program is working well, so why change it?

Yes:

- The program is working great, but there are issues that need to be addressed on permit eligibility.
- Support the requirement to have a reef fish permit; reducing overcapacity is a goal of the program, so fleet reduction would be beneficial.

➤ **Should accounts with shares, but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

No: Attendees do not support this suggestion.

➤ **Should shareholders not actively engaged in fishing be allowed to transfer their shares and allocation to other shareholders?**

Yes:

- There was support because fish houses need fish for bycatch and small shareholders, and it would benefit retiring fishermen.
- Leasing helps reduce discards, helps other fishermen, and those who do not hold shares.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

➤ **Should the closure of accounts and redistribution of shares in accounts that have never been activated in the current system be allowed if the accounts are not active by a specified date?**

Yes: Attendees support this suggestion.

➤ **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

No:

- Does not support giving new entrants shares in the red snapper IFQ program. If going to give away shares, put a moratorium on selling shares to anyone.
- Historical participants should be considered for the distribution of shares from inactive accounts.

Yes:

- It would help new entrants and small shareholders. There is a need for small shareholders to obtain more shares.
- Support redistribution of shares for small shareholders to account for regulatory discards.
- To do so, set up a pool of fish with the quota from inactive accounts, from which small shareholders and new entrants can buy shares. (Based on the Pacific Northwest federal fishery program.)
- Qualifiers for small shareholders and new entrants would be used for a federal IFQ bank.
- Some form of cap needs to be considered on the amount financed to new entrants and small shareholders.

Suggested criteria of a new entrant or small shareholder:

- Must have a reef fish permit and would not be allowed to lease fish.

- Don't prohibit a new entrant or small shareholder to lease their quota.
- New entrants and small shareholders are those who own shares equal to or less than 2,500 lbs.
- Own or lease a fishing vessel, and actively engage in reef fishing for a minimum of 24 months.

Full retention requirements to address regulatory discards

- **Should the commercial red snapper minimum size limit be removed, requiring commercial fishermen to retain all caught red snapper?**

No:

- Sounds like a good idea, but hard to execute and impractical.
- Discard mortality is a by-product of not having enough allocation.

Yes:

- Eliminate it; there is no biological reason to have a 13" size limit.
- Create a quota bank for fishermen to use for smaller fish that would now be retained, which would offset and reduce the dead discard uncertainty buffer [that is built into the red snapper quota].

- **Should the full retention of all commercially caught red snapper be required?**

No:

- There would be no way to stay within the available allocation. Discard mortality is a by-product of not having enough allocation.
- Have tried this in trawling, when fishermen have no control of what is coming over the rail.
- Would not be possible if had a choke species closure, where capture of another species is prohibited.

Yes: Full retention could work if increase the quota substantially (to 18mp).

Caps on the Use or Possession of IFQ Shares and Allocation

- **Should caps on the amount of IFQ allocation held by and entity or landed by a single vessel be established?**

No:

- This would negatively affect the market.
- Allocation caps would be detrimental to the industry because wholesalers need a reliable, steady supply of product.
- Caps can be circumvented.

- **Should a cap on the amount of shares or allocation a non-reef fish permitted shareholder may possess be established?**

No: Not necessary at this time. Such a provision could be needed in future, and if so would be addressed then.

Requirements for the Use of Shares and Allocation

➤ **Should use-it or lose-it provisions be established?**

No: Unless distributed allocation is not being harvested, this is not needed.

➤ **Should restrictions be placed on the sale of IFQ allocation and shares?**

No.

➤ **Should unused IFQ allocation be allowed to roll-over for use in the following year?**

No:

- This could complicate the process and harm the market.
- For conservation reasons, it's okay to leave a little extra fish in the water at the end of the year.
- This could affect the quota for the following year.

Yes: Could establish a provision for people who buy allocation ("lease fish") to have a buffer of 10% of their on-board poundage. Those accounts would start with a negative balance at the beginning of the next year.

➤ **Should a "lease-to-own" provision be considered?**

No:

- Concern that shareholders would be forced to give up their shares.
- Could reduce availability of quota to new entrants and small shareholders because shareholders don't want to give up shares.
- Some of this may already be going on among private entities. NMFS should not be a part of these private business transactions.

Yes: If we could track new entrants or small shareholders leasing allocation, give those who regularly buy allocation priority access to any new or unused fish that become available.

Mid-Year Quota Changes

➤ **Should a portion of shareholders' allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

No:

- This could hurt small fishermen.
- If a quota decrease occurs, deduct it from the following year's quota.

Enforcement of all Reef Fish Landings

➤ **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

No: Recreational sector does not have such a requirement.

Yes:

- But, don't require reef fish vessels not carrying IFQ species to land at approved locations. Do require them to declare the landing sites.
- Require a simple landing notification without species information, and then do random checks instead. This keeps honest people honest and less honest people a little less dishonest.

Additional Issues

General comments

The IFQ program has stabilized the fishery.

The current IFQ program is working for now.

No need for Amendment 36, program is working fine.

There would be negative consequences in further micromanaging the fishery.

Price caps on selling allocation

- Establish a cap to the price of allocation ("lease price") of not more than 50% (or some other value) of the ex-vessel price. The rationale is it would possibly slow down the people (brokers) who are buying allocation strictly to resell the allocation to others.
 - Could have a problem because you don't always know the ex-vessel price.
- Opposes putting caps on the sale of allocation ("lease prices") because the system is based on the free market and the prices could only be supported by whatever the leasee is willing to pay.
- It hurts everyone if a cap is put on allocation price because it hurts the supply.
- Price controls established by the government have never worked.
- Price controls can be easily circumvented.

Grace period for acquiring allocation

- If bringing in red snapper without allocation, allow vessels to obtain the allocation to cover the poundage within a 30-day time limit with a maximum amount of 200 lbs. If can't obtain allocation, the value of the fish is forfeit and turned over to NMFS. Limit the frequency this provision could be used. Or, prohibit a vessel from returning to fish until allocation has been acquired to cover fish caught on a previous trip.

Council member and staff:

Pamella Dana
 Ava Lasseter
 Charlotte Schiaffo

Frank Gomez
 Chuck Guilford
 John Harris
 H.R. Hough
 Gary Jarvis
 Bart Niquet
 Chris Niquet
 Michelle Sempsrott
 Russell Underwood
 Mike Whitfield

21 people attended including:

Greg Abrams
 Walter Akins
 Jerry Anderson
 Dean Cox
 Mike Eller

St. Petersburg, FL
March 24, 2015

Program Eligibility Requirements

- **Should the future transfer of shares be restricted to only shareholder accounts that hold a valid commercial reef fish permit?**

No:

- This item originated from a previous concern for a problem that has not materialized. Fishermen were concerned that shareholders would “sit on” and not fish distributed allocation.
- Realization the fishermen are aging, and after 5 years the fishery opened up, without issue. Changing things around now will add an element of uncertainty into the program.
- Status quo adds stability to the program.
- Program is a market-based fishery and is currently reducing overcapitalization. The program is working as it should.
- The fishermen are seeing problems (bycatch in the eastern gulf) and fixing the problems themselves. They are being proactive (i.e., industry-sponsored quota banks have been established for bycatch).
- As long as the shares are available on the open market, it is acceptable. It does not matter who owns the shares.

- **Should accounts with shares but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

No:

- Allowing someone without a reef fish permit to land allocation makes no sense. It would be hard to enforce. They would need to have VMS, and all other fishing requirements. It would disassemble the whole program. Too confusing. To land commercial fish, they would be required to have everything the commercial fishermen need to have.
- Promotes overcapitalization.
- Does not align with the goals of the program.
- Does not align with the purpose and need of Amendment 36.
- Provisions are already in place that define a commercial fishing boat.
- Reef fish permits are under moratorium for a good reason.

- **Should shareholders not actively engaged in fishing be allowed to transfer their shares and allocation to other shareholders?**

Yes:

- It promotes flexibility in the program and helps people who do not have allocation to be able to buy it for bycatch purposes.
- Fishermen depend on people with allocation who are not fishing to support other fishermen’s fishing and bycatch.
- Fishermen need to be able to buy allocation (“lease”) from someone who has some.
- If someone is required to fish their allocation, they will do so. Then, others will no longer be able to buy that allocation (“lease”) from them, which will increase dead discards.

- Businesses have built stable business plans, and if you start to restrict one component of it, then you hurt the business plan.

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

- **Should the closure of accounts and redistribution of shares in accounts that have never been activated in the current system be allowed if the accounts are not active by a specified date?**

Yes:

- Close accounts after a reasonable period of time. In the interim, distribute the allocation among the current shareholders proportionately. Shareholders of the inactive accounts would be notified, but in the meantime, the allocation would not be wasted. Distributing the allocation would make people take action in activating their accounts.
- Notify inactive account shareholders that shares or allocation will be redistributed to established industry quota banks.

- **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

No:

- If we are going to define a new entrant, use definition from the loan program.
- New entrants should not be given preferential treatment. Redistribute shares from inactive accounts proportionately among the grouper IFQ shareholders (assists with bycatch).

Full retention requirements to address regulatory discards

- **Should the commercial red snapper minimum size limit be removed and commercial fishermen be required to retain all caught red snapper?**

No:

- Keep status quo.
- Full retention could create problems with SPR.
- If you want to decrease discards, you must promote the transferring of allocation (leasing).
- The fishermen are using allocation sparingly. They are using it for bycatch (eastern gulf), and not for targeting red snapper. They are managing the bycatch.

Yes:

- Doing both of these together would reduce discards. Of all the suggestions in the document, these are the only two that reduce discards. If this could reduce discards substantially, it could increase allowable yield by reducing the discard assumption in the assessment process.
- For those who want electronic monitoring, full retention should speed up the implementation process.
- To get rid of discards, every fish caught needs to be landed and sold. Fish caught above allocation should be kept and sold with the money from the sale of the fish going into a government account. The fisherman has 30 days to find allocation with no fine/penalty. If he can't cover the allocation, the government gets the funds which go towards the costs of the program or improvements in the program.

Caps on the Use or Possession of IFQ Shares and Allocation

➤ **Should new caps on the use or possession of IFQ shares and allocation be established?**

No:

- No caps should be established. All allocation should be available for sale to fishermen and get fished. Don't muck up the system.
- Caps do not promote conservation.

Requirements for the Use of Shares and Allocation

➤ **Should use-it or lose-it provisions be established?**

No:

- Supports being able to use the allocation distributed from one's shares, or to sell it (allocation) to other fishermen that have a reef fish permit.
- Every year, some allocation is left on the table, and they don't want to lose it through additional restrictions.

➤ **Should restrictions be placed on the sale of IFQ allocation and shares?**

No:

- Investment in the program has been heavy by fishermen. Why should they have restrictions imposed on them?
- It does not help conservation.
- It would restrict new entrants and those who are retiring and getting out of the fishery.
- A person might have more than one account, and restrictions would prevent him from transferring allocation between accounts.
- It does not align with the goals of the IFQ program.
- Recent discussions of restricting allocation have resulted in people fishing their allocation instead of selling it ("leasing") because they are afraid of losing their shares if they don't fish them.

➤ **Should unused IFQ allocation be allowed to roll-over for use in the following year?**

No:

- Allocation must be used by the end of the year or you lose it. Keep status quo.
- Unused allocation builds the stock for the following year, which increases the quota. It's a good conservation method for the future.

Yes: Banking and borrowing may be an appropriate use for rollover of unused allocation, for the individual or the fleet as a whole.

➤ **Should a "lease-to-own" provision be considered?**

No:

- If a person was forced to sell their shares after selling their allocation ("leasing"), they would stop selling allocation in order to keep their shares.
- The government should not be involved in telling individuals they have to participate in a lease-to-own provision. The decision should be between the business partners as a private negotiation.
- An IFQ is an economic and conservation tool. This proposal does not promote conservation and it devalues allocation and shares.

- New entrants have to buy allocation (“lease”). New entrants do not need the government to intervene for them. No welfare program is needed. Government loan program would be acceptable for fishermen or new entrant to invest in the fishery.

Mid-Year Quota Changes

- **Should a portion of shareholders’ allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

No:

- This would promote instability in the fishery and in business operations.
- NMFS needs to be accountable for making quota changes before the start of the fishing year.

Enforcement of all Reef Fish Landings

- **Should all commercial reef fish vessels be required to hail-in, even if they are not landing IFQ species?**

Yes.

Additional Issues

General comments

- Add more species to the IFQ program to generate more cost recovery fees.
- Raise the crew size requirement for dually permitted vessels.
- Implement a federally backed program for IFQ share purchases.
- Establish some type of centralized management account (through a fish house or some umbrella entity) to hold allocation, and a fisherman can access it to get allocation through the fish house or entity.
- The Gulf Council should maintain management of the IFQ system and should vehemently oppose any scheme to take this authority away from them.
- Why fix something if it isn’t broken? Reef Fish Amendment 36 should be scrapped.

Accounts and allocation

- Allocation needs to be in the account before the 3 hour notice. There are problems in the system where fish are being confiscated and fines levied because allocation is being transferred after they have given their 3-hour notice of hailing-in. There needs to be help with these issues.
- Develop a provision to allow fishermen to purchase allocation after landing to cover fish already caught. For example, establish a grace period to find allocation needed for their catch. (3 days proposed.) This would provide needed flexibility.

Council member and staff:

John Sanchez
Doug Gregory
Karen Hoak
Ava Lasseter

Steve Maisel
Jim Clements
Eric Brazer

Brad Gorst
Brian Lewis
Frank Chivas
Joseph Abdo
Cody Chivas

12 people attended including:

Glen Brooks
Bill Tucker

Section 2: Synthesis of scoping summaries. All comments for each question or issue have been compiled from each meeting location. The location of the scoping workshop at which each comment was made is identified within parentheses, using the following codes:

AP = Aransas Pass, TX
GV = Galveston, TX
PG = Pascagoula, MS
HM = Houma, LA

PC = Panama City, FL
SP = St Petersburg, FL
MB = Mobile, AL

Program Eligibility Requirements

➤ **Should the future transfer of shares be restricted to only those shareholder accounts that hold a valid commercial reef fish permit?**

No:

- Originated from a previous concern for a problem that has not materialized. Fishermen were concerned that shareholders would “sit on” and not fish distributed allocation, preventing attainment of optimum yield. (AP, SP)
- The program is working well and achieving its goals. Status quo adds stability to the program. (PG, GV, PC, SP)
- Red snapper is a public resource, and the public should be able to participate in the IFQ program without additional restrictions. (GV, PC, SP)
- Requiring shareholders to have a commercial reef fish permit could result in fishermen selling their boats and keeping their permits, resulting in a de facto fleet reduction. (PC)

Yes:

- Only if you have a commercial reef fish permit should you be able to buy shares, catch, and land fish. (MB) The requirement to have a reef fish permit will help to reduce overcapacity, a goal of the program, so fleet reduction would be beneficial. (PC)

➤ **Should accounts with shares but without a commercial reef fish permit be allowed to harvest the allocation associated with those shares?**

No: (PC)

- This would allow more commercial fishing participants while commercial reef fish permits are under a moratorium and the fishery is still reducing overcapitalization. (MB, GV, HM, PG, GV, SP)
- Provisions are in place that define a commercial fishing boat. They would need to have VMS, and all other fishing requirements. It would disassemble the IFQ program. To land commercial fish, everyone should be required to have everything the commercial fishermen need to have. (MB, SP)
- This would complicate enforcement. (MB, PG, GV)
- Does not align with goals of the program or the purpose and need of Amendment 36. (PG, SP)

➤ **Should shareholders not actively engaged in fishing be allowed to transfer their shares and allocation to other shareholders?**

Yes:

- Fish houses need to secure allocation for bycatch and small shareholders, and allowing this practice benefits retiring fishermen. (PC)
- If someone is required to fish their allocation, they will do so. Then, others will no longer be able to buy that allocation (“lease”) from them, which will increase dead discards. (SP)
- Businesses have built stable business plans, and if you start to restrict one component of it, then you hurt the business plan. (SP)

Inactive Accounts and Redistribution of IFQ Shares to Address Regulatory Discards

➤ **Should the closure of accounts and redistribution of shares in accounts that have never been activated in the current system be allowed if the accounts are not active by a specified date?**

No: 1% is a great margin for any program. Leave it like it is. (PG)

Yes: Redistribution should only be considered for accounts that have never been active or inactive for a decade. (MB)

➤ **Should shares be redistributed from inactive accounts to those with no or small shares or to new entrants to reduce regulatory discards?**

- No. Redistribute shares from inactive accounts to:
 - people in the program today. (PC)
 - historical participants. (PC)
 - people who have been actively fishing. (PG)
 - only among red snapper IFQ shareholders. (MB, GV)
 - grouper-tilefish IFQ shareholders, to assist with bycatch. (SP)
 - NMFS quota bank to sell the allocation associated with inactive shares. (MB)
- Yes. Shares from inactive accounts should be made available for public purchase or distributed to small entities rather than large current shareholders.

Increasing access for small shareholders and new entrants

- Redistributed shares should not just be given away. New entrants can buy shares from current shareholders. (MB, GV, PG)
- Implement a federally backed loan program for IFQ share purchases, e.g., the Pacific Northwest federal fishery program. (HM, PC, SP) Consider a cap on the amount financed to new entrants and small shareholders. (PC)
- Inactive shares could be purchased at market price from a quota bank. (AP, PC)

➤ **Should shares from inactive accounts be redistributed to address the reduction of regulatory discards through quota banks or NMFS administration?**

- Establish some type of centralized management account (through a fish house or some umbrella entity) to hold allocation, and a fisherman can access it to get allocation through the fish house or entity. (SP)
- Providing allocation for red snapper discards in one area means less allocation and more discards in other areas. It may be possible to exchange allocation between species. (MB)
- The fish in inactive accounts need to be harvested. A quota bank could be used to address the issue of dead discards. The allocation could be distributed to all reef fish permit holders, not just IFQ share owners. (GV)
- Allow the allocation in inactive accounts to rollover and be distributed among active accounts. (PG) Shareholders of the inactive accounts would be notified, but in the meantime, the allocation would not be wasted. (SP)
- Shares or allocation should be redistributed through established industry quota banks. (SP)
- Inactive shares should be put into a quota bank. They could be used to manage the program more efficiently, like for discard mortality and better conservation of the resource. Also, they could be made available for use in pilot programs (i.e., commercial/recreational hybrid programs and research). (AP)
- Use the value from inactive shares to cover any additional fees under consideration for the commercial sector, or for law enforcement. (MB)

➤ **In the event of future increases to the commercial red snapper quota, should the quota increase be distributed to new entrants and small shareholders?**

No. Increases in quota should benefit current shareholders. (AP)

Full retention requirements to address regulatory discards

- **Should the commercial red snapper minimum size limit be removed, requiring commercial fishermen to retain all caught red snapper?**
- **Should the full retention of all commercially caught red snapper be required?**

No: (SP)

- Non-IFQ commercial fishermen catch red snapper, too, and fishermen may not be willing to transfer their allocation. There would be no way to stay within the available allocation unless it is increased substantially. Discard mortality is a by-product of not having enough allocation. (MB, PC)
- Sounds like a good idea, but hard to execute, enforce, and is impractical. (PG, PC, MB)
- There may not be a market for smaller fish. (MB)
- Should be fishermen's choice for what kind of fish they want to keep. (MB)
- If there is a species or sub-allocation of a species in a full retention fishery, and all the allocation gets used up, if you interact with that species, all fishing stops. A full retention program would require you to fully retain the species whose fishery is completely closed because of the full retention policy. (AP, PC)

Yes:

- Eliminating the minimum size limit and implementing full retention will allow the market-based system to work to its full potential. It will teach fishermen to fish smarter and more efficiently. Making fishermen keep everything they catch will make them behave more conscientiously. (GV)
- Doing both of these together would reduce discards. (SP)
- There is a market for small fish and good prices for them, and fishermen target smaller hooks, leaving the breeding stock in the water, so support for eliminating minimum size limit, but not full retention. (MB, AP)
- Create a quota bank for fishermen to use for smaller fish that would now be retained, which would offset and reduce the dead discard uncertainty buffer [that is built into the red snapper quota]. (PC, HM, SP)
- To get rid of discards, every fish caught needs to be landed and sold. Fish caught above allocation should be kept and sold with the money from the sale of the fish going into a government account. The fisherman has 30 days to find allocation with no fine/penalty. If he can't cover the allocation, the government gets the funds which go towards the costs of the program or improvements in the program. (SP)

Not a problem worth addressing:

- Typically, commercial fishermen aren't going to hang around and catch the wrong size or species of fish. They are already policing themselves. (PG)
- There isn't data to justify worrying about regulatory discard on the commercial side. The snapper population has exploded, so it's obviously not a biological issue. (PG)

Caps on the Use or Possession of IFQ Shares and Allocation

- **Should caps on the amount of IFQ allocation held by and entity be established?**
- **Should caps on the amount of IFQ allocation landed by a single vessel be established?**
- **Should a cap on the amount of shares or allocation a non-reef fish permitted shareholder may possess be established?**
- No support for caps or limits caps on annual allocation for vessels or a single entity. (MB, SP)
- Current share caps is working fine. Adopting new caps would not necessarily change economic efficiency of the program and would affect investment in the fishery among related accounts. (PG, AP, MB)
- Would hurt the effort of reducing overcapacity (GV) and would limit what a vessel can harvest, directly capping what a person can make. (PG)
- Caps can be circumvented. (PC)
- Caps do not promote conservation. (SP)
- Different caps should not be established dependent on whether a shareholder has a commercial permit.

Requirements for the Use of Shares and Allocation

➤ **Should use-it or lose-it provisions be established?**

No:

- The broker situation takes care of itself. In the derby days or even pre derby, as people got older, they hired captains to run their boats. The current use of the IFQ program is no different. Some of the active shareholders do the same as we've always done. They have someone run their boat or just sell their allocation. (HM)
- Here in Louisiana we're in a pure red snapper environment. Forcing me to stay on my boat rather than sell my allocation or hire a captain would exacerbate the by catch issue. Captains would continue fishing rather than lease to people in the south east who don't have snapper quota, but are catching snapper because the population is expanding. (HM)
- Leave it alone, the current framework is working fine. The beauty of the system is that it is flexible. One fisher's boat breaks down, another fisherman can use quota. Exclusion is a problem for those on the outside, but not for those on the inside of the IFQ program. By restricting brokering, you would be closing the door of opportunity for others. There is no market advantage or biological advantage to do so. (GV)
- Unless distributed allocation is not being harvested, this is not needed. (PC)
- Supports being able to use the allocation distributed from one's shares, or to sell it (allocation) to other fishermen that have a reef fish permit. (SP)
- Every year, some allocation is left on the table, and they don't want to lose it through additional restrictions. (SP)

➤ **Should restrictions be placed on the sale of IFQ allocation and shares?**

No: (PC)

- Some people are long-term fishermen who are leasing their fish out to others for various personal reasons, and are not brokers per se. It would be difficult to separate the different users and restrict them. (GV)
- Fishermen find quota if they need it; leasing and brokering when practicable to assist one another. If someone wants to buy quota, they can and, local fishermen help other fishers get quota to use for bycatch. Fishermen that have available quota can capitalize on those fishermen out on the water and have them bring in fish for them as dealers to fill orders. Dealers hire fishermen to fish and can provide them quota if they don't have enough in their IFQ account. Fishermen can change behavior to avoid bycatch when no allocation is available. (GV)
- Selling allocation means the fish still get caught. What does it matter who catches them? (MB)

- Investment in the program has been heavy by fishermen. Why should they have restrictions imposed on them? (SP)
- It does not help conservation. (SP)
- It would restrict new entrants and those who are retiring and getting out of the fishery. (SP)
- A person might have more than one account, and restrictions would prevent him from transferring allocation between accounts. (SP)
- It does not align with the goals of the IFQ program. (SP)
- Recent discussions of restricting allocation have resulted in people fishing their allocation instead of selling it (“leasing”) because they are afraid of losing their shares if they don’t fish them. (SP)

➤ **Should unused IFQ allocation be allowed to roll-over for use in the following year?**

No:

- This could complicate the process, harm the market, and could affect the quota the following year. (PC)
- Unused allocation builds the stock for the following year, which increases the quota. It’s a good conservation method for the future. (SP, PC)
- Allocation must be used by the end of the year or you lose it. Keep status quo. (SP)

Yes:

- Rollover, if done well, would serve the primary program goals well. Roll-over should be permitted when a commercial shareholder has issues that make it impossible for fishing to occur. Council will have to constrain what would constitute an emergency, or restrict the frequency a person could roll-over allocation. The roll-over should allow fishermen to catch their fish but not artificially manipulate the market by withholding quota into the following year. A derby at the end of the year could be avoided by reducing the roll-over quota by a certain percentage, rather than allowing the entire allocation amount to roll-over. (AP)
- Could establish a provision for people who buy allocation (“lease fish”) to have a buffer of 10% of their on-board poundage. Those accounts would start with a negative balance at the beginning of the next year. (PC)
- Banking and borrowing may be an appropriate use for rollover of unused allocation, for the individual or the fleet as a whole. (SP)
- There are a lot of reasons the fish aren’t caught in a year; weather, engine failure, personal reasons, etc. Unharvested allocation should be rolled over so people can catch their fish the next year. (PG)

➤ **Should a “lease-to-own” provision be considered?**

No:

- Could reduce availability of quota to new entrants and small shareholders because shareholders would stop selling allocation because they don’t want to give up shares. A credit towards ownership arrangement should be done on an individual level rather than at the agency level. (HM, PC, SP)
- Some of this may already be going on among private entities. NMFS should not be a part of these private business transactions. (PC, SP)

- Concern that shareholders would be forced to give up their shares. (PC)
- An IFQ is an economic and conservation tool. This proposal does not promote conservation and it devalues allocation and shares. (SP)
- New entrants have to buy allocation (“lease”). New entrants do not need the government to intervene for them. No welfare program is needed. Government loan program would be acceptable for fishermen or new entrant to invest in the fishery. (SP)

Yes:

- The guy buying allocation should get credit. He should not have to be dependent on the seller indefinitely. Sooner or later, he should get credit for being the fisherman catching the fish. There should be a time limit for selling your allocation – meaning you can sell your allocation so many years before you have to sell the shares or harvest them yourself. (AP)
- People who have demonstrated through trip tickets that they’ve fished should be given priority if a situation arises where new shares become available. (PG)
- If we could track new entrants or small shareholders leasing allocation, give those who regularly buy allocation priority access to any new or unused fish that become available. (PC)

Alternatives to a Lease-to-own

- Eliminate the problems for new entrants by offering a loan program. The federally backed loan program for new entrants that was suggested by the AP should move forward. Consider making a place in the Federal Registry where fishermen can register their right to harvest; they can use that as collateral to get loans. Banks need something to collateralize. New guys can come into the system by buying shares and creating history. If an entity buys allocation, then they could be entered into a sort of lottery program, or some sort of lease to own program to help new entrants transition in to the program. At some point, new entrants will need to be considered so those fishermen need to be considered now. Current fishermen are getting older. (GV)
- Use it or lose it, it goes back to regulators being involved in social engineering. Fishermen should negotiate deals with the share owners, not have the government mandating when a person should achieve benefits. These are private transactions, not governmental regulations. (AP)

Mid-Year Quota Changes

- **Should a portion of shareholders’ allocation be withheld at the beginning of the year if a mid-year quota reduction is expected?**

No:

- NMFS should ensure that quota increases and decreases only happen at the beginning of the year, which brings stability to the market. (MB, GV, SP) Get the Council and the stock assessment process in line to set quota at the beginning of the year rather than allow mid-year quota changes. Move data assessments to an earlier time and obtain real time reporting so managers can make decisions early on in the year, rather than making mid-year adjustments. (GV)

- Do not allow a mid-year quota increase or decrease, for either the commercial or recreational sectors. (MB)
- Another person agreed, but felt quota changes should occur at the beginning of the year for the commercial sector, only. (MB)
- If a quota decrease occurs, deduct it from the following year's quota. (PG, PC)_Could reduce the share of the individual fishermen who have already caught their allocation in the following year. (PG)
- This could hurt small fishermen. (PC)

Comments on Changes to the Quota

During the mid-year quota increase derby-like conditions were created and the market value of red snapper dropped. If there was a large increase late in the year the Council should consider adding the extra in the following year. (PG)

Enforcement of all Reef Fish Landings

➤ **Require all commercial reef fish vessels to hail-in, even if they are not landing IFQ species?**

No:

- If they have VMS we know where they are so it's not necessary. If violations happen it's a small problem. (PG)
- Recreational sector does not have such a requirement. (PC)

Yes: (SP)

- Hail-in and out for all reef fish fishermen is a good enforcement tool and it gives law enforcement a better heads up. But, this could burden law enforcement resources, so their funding needs to be increased. (MB, GV, HM)
- Provided the IFQ participants are not charged for it, this would protect program participants. (MB)
- But, don't require reef fish vessels not carrying IFQ species to land at approved locations. Do require them to declare the landing sites. (PC)
- Require a simple landing notification without species information, and then do random checks instead. This keeps honest people honest and less honest people a little less dishonest. (PC)
- The only people that would object to the new requirement are likely to be those doing illegal things. (AP)

Additional Issues

Price caps on selling allocation (PC)

- Establish a cap to the price of allocation ("lease price") of not more than 50% (or some other value) of the ex-vessel price. The rationale is it would possibly slow down the people (brokers) who are buying allocation strictly to resell the allocation to others. (PC)
 - Could have a problem because you don't always know the ex-vessel price. (PC)

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- Opposes putting caps on the sale of allocation (“lease prices”) because the system is based on the free market and the prices could only be supported by whatever the leasee is willing to pay. (PC)
- It hurts everyone if a cap is put on the allocation price because it hurts the supply. (PC)
- Price controls established by the government have never worked. (PC)
- Price controls can be easily circumvented. (PC)

Grace period for acquiring allocation

- If bringing in red snapper without allocation, allow vessels to obtain the allocation to cover the poundage within a 30-day time limit with a maximum amount of 200 lbs. If can’t obtain allocation, the value of the fish is forfeit and turned over to NMFS. Limit the frequency this provision could be used. Or, prohibit a vessel from returning to fish until allocation has been acquired to cover fish caught on a previous trip. (PC)
- Develop a provision to allow fishermen to purchase allocation after landing to cover fish already caught. For example, establish a grace period to find allocation needed for their catch. (3 days proposed.) This would provide needed flexibility. (SP)

General comments and suggestions

- Happy with current program, it’s working and does not need to be changed. (MB, AP, PC)
None of the proposed changes will help with the program or the recovery of the fishery. (MB) The IFQ program has stabilized the fishery. (PC)
- The discard problem is because of too many red snapper in certain areas of the Eastern Gulf. (MB)
- To do many of these changes NMFS would need to identify related accounts who are actively involved in fishing and who are investors. (MB)
- There would be negative consequences in further micromanaging the fishery. (PC)
- Add more species to the IFQ program to generate more cost recovery fees. (SP)
- Raise the crew size requirement for dually permitted vessels. (SP)
- The Gulf Council should maintain management of the IFQ system and should vehemently oppose any scheme to take this authority away from them. (SP)
- A water weight percentage should be brought back (ice weight). Ice and slime weight gain that causes variances between weight when the fish is being offloaded and weight at the fish house (about 3%) needs to be considered. (GV)
- Inter-sector trading should not be allowed. (AP)

**Ad Hoc Red Snapper Charter For-Hire Advisory Panel Summary
May 13, 2015
Gulf Council Conference Room
Tampa, Florida**

AP members present:

Jim Green, Chair	Troy Frady	Mike Nugent
Tom Steber, Jr., V Chair	Chuck Guilford	Rene Rice
Gary Bryant	Gary Jarvis	Scott Robson
Shane Cantrell	Mark Kelley	Ed Walker
Mike Eller	Tom Marvel, Jr.	Troy Williamson, II

Council Member & Staff:

Johnny Greene
Ava Lasseter
Karen Hoak
Bernie Roy
Assane Diagne
Carrie Simmons
Doug Gregory

Others:

Steve Branstetter
Andy Strelcheck
Jessica Stephen
Cynthia Meyer
Bob and Cathy Gill
Kristen McConnell
Tom Wheatley
Jeff Barger
Betty H. (Guilford)

The Ad Hoc Red Snapper Charter For-Hire Advisory Panel (AP) meeting was convened at 8:30 a.m. on Wednesday, May 13, 2015. Jim Green was elected Chair, and Tom Steber was elected Vice Chair.

Staff reviewed the charge to the AP, which was to make recommendations to the Council relative to the design and implementation of flexible measures for the management of red snapper for the for-hire sector. AP members began discussing data collection for the charter fleet including the status of the Joint Generic Charter Vessel Reporting Amendment and passed the following motions:

- **To recommend that the Council review the current data collection programs. If current data collection methods are not sufficient to support a flexible and accountable system, we urge the Council to develop data collection and monitoring needs for these programs to be successful.**
- **Ask the Council to implement electronic log books for the Gulf charter for-hire reef fish permit holders, including validation tools, no later than June 2016.**

- **To recommend that the Council do a feasibility study for the gulf charter-for-hire reef fish permit holders to see about the practicality of incorporating the for-hire data collection into the headboat program.**

Panel members noted the work they are doing to develop a management plan for the charter fleet at this meeting, and they expressed the need for more time to develop, implement, and then evaluate the effects of any new management plan. They want to provide recreational anglers the opportunity to experience a new management plan before the sunset occurs, too. The AP passed the following motions:

- **To recommend that the Council extend the sunset of Amendment 40 for two years.**
- **Recommend the Council remove the charter for-hire component from Amendment 39.**

AP members discussed management approaches and focused on allocation-based management. The concept of permit fishing quotas, or PFQs, was introduced and discussed. In contrast with individual fishing quotas (IFQs), the quota under PFQs would be attached to the federal permit and could not be transferred in any way from the permit. AP members noted that the transferability of IFQ shares and allocation in the commercial red snapper program was not a desirable program feature for allocation-based management of the charter fleet. AP members expressed opposition to the transferability of any kind of quota under an allocation-based management approach.

Tags were discussed as a desirable tool to help the charter fleet remain within its quota and aid in enforcement. AP members stated the tags should not be able to be separated from the charter permit and vessel. That is, tags could be used, or not used, by the permitted vessel to which they were assigned, but they could not be “leased” or sold. AP members then passed the following motions:

- **To recommend the Council develop a plan for allocation-based management for the charter-for-hire component that can include but not be limited to such items as PFQs (permit fishing quotas), tags, cooperatives, and AMOs (angler management organizations).**
- **To define PFQs (permit fishing quotas) as presented to the Council:**
 - **Reef fish permit-based allotment that remains attached to the permit not the individual**
 - **No transferability, leasing, or selling of the allocation**
 - **Fish must be landed by the vessel that the permit is attached to**
 - **Annual opt-in to participate in the federal red snapper fishery**

Jessica Stephen noted that PFQs are used in the Pacific bluefin tuna longline fleet. The quotas are assigned to a permit based on its vessel landings history, and are permanently attached to the permit. The allocation can be transferred under some conditions.

The AP discussed the potential progress of their recommended management plan, and staff noted that the Council has initiated development of Amendment 41 to address red snapper management for the charter for-hire component. AP members then passed the following motion:

- **To recommend that the Council specify that Amendment 41 be reviewed five years after implementation to assess the extent to which it is meeting its goals.**

Speaking to the accountability measure that set a 20% buffer on the red snapper quota, AP members expressed that if the fleet could adopt a management plan that enables them to demonstrate the ability to remain within the quota, the 20% buffer could potentially be decreased or even eliminated. A member noted that a goal for the fleet was to have the possibility of a year round fishery that is totally accountable. The AP then passed the following motion.

- **To recommend to the Council that the purpose of Amendment 41 is to increase flexibility for permit holders, to decrease management uncertainty, and increase accountability to catch limits. A long term goal to have a year round fishery that is totally accountable.**

AP members began to discuss qualifications for participating in a new charter for-hire management plan. AP members discussed a series of participation qualifiers, by which vessels intending to participate in the charter red snapper management plan could be identified and separated out from latent charter permits, and from vessels in regions where red snapper are infrequently encountered. AP members passed the following motions:

- **To recommend that the management plan be open to all federal charter-for-hire reef fish permit holders.**
- **To recommend to the Council that the plan be structured so that permit holders who intend to participate in an allocation-based management plan, annually opt-in to the program for the purpose of identifying the user group for that year.**
- **To recommend the Council consider how the cost of any new program will be shared between the charter for-hire industry and NMFS, under an opt-in scenario.**

The use of tags by participating vessels was discussed as a way to validate all fish caught under the management plan. AP members noted how tags are used in the Headboat Collaborative program. A Collaborative participant stated that tags helped identify that the fish were caught legally. For example, if headboat passengers take their red snapper catch to cleaning stations in public places, law enforcement would be able to determine easily that the fish were caught legally. Concerns about the use of tags included how they would be distributed, or allocated, and the physical properties of tags so as to avoid tampering. The AP then passed the following motion:

- **To recommend all participating vessels in the management plan use carcass tags that could be validated for law enforcement which will be distributed at the beginning of the year. Tags will expire at the end of the year, to validate all fish harvested under this plan.**

There was discussion concerning the use of an independent body such as the Harte Institute for administration of the chosen plan. However, AP members and NMFS staff noted the additional complexity, as such administration would still require NMFS to be involved, in addition to requiring a federal contract, which would increase costs compared with in-house administration by NMFS.

Next, AP members discussed options for distributing allocation fairly among federal charter for-hire permit holders and noted their intent not to exclude anyone. They noted that defining fair and equitable depends on where you are in the Gulf and it can be defined in different ways. Without vessel catch histories, one member noted that dividing the quota up evenly was the only way to be fair, while another member questioned this method as red snapper is not accessible to charter boats in all areas of the Gulf. Further discussion addressed the use of electronic logbooks. The AP passed the following motions.

- **To recommend the Council pursue allocation options that include all federal charter-for-hire reef fish permit holders.**
- **To recommend to the Council that all participants in the management plan report using electronic log books with dockside validation.**

Continuing the discussion on landings validation, an AP member noted that currently, a charter captain can refuse to participate in dockside intercept surveys and this should not be permitted in a new management plan. The AP members want enforcement measures to require compliance with the new charter management plan, including modifying NOAA law enforcements' penalty schedule, if at all possible, and requiring charter operators to participate in dockside intercept surveys. The AP then passed the following motion:

- **To recommend to the Council that opt-in participants are subject to dockside intercepts and validated landings by local or federal law enforcement at any time. Any vessel found in violation would be subject to NOAA law enforcement sanctions.**

AP members further discussed potential qualifiers for participation in the charter for-hire red snapper management plan. The idea of qualifiers was proposed as a way to identify active versus latent permits, and vessels that actively fish for red snapper versus those charter vessels that do not. For example, a federally permitted vessel that does not have the corresponding state licenses to be actively charter fishing, could be considered inactive in red snapper fishing. However, it was noted that the Gulf States have different requirements for federally permitted charter vessels, which could complicate identifying latent permits Gulf-wide. AP members passed the following motion:

- **As a qualifier to participate, the participant must meet all licensing requirements for his/her state of operation.**

The AP discussed the use of quota on dual-permitted (charter and commercial) vessels under an allocation-based management plan, and passed the following motions:

- **After implementation of the plan, that there be no inter-sector (commercial and recreational) trading permitted.**
- **That any allocation granted to a permitted vessel may only be used during charter-for-hire trips.**

Next, the AP discussed allocating quota among charter vessels and passed the following motions:

- **To recommend that the allocation tier level be based on permit capacity but no greater than approved passenger capacity.**
- **To recommend that the Council consider the following allocation scenario to divide the quota among participating vessels:**
 - **6 passenger vessels = 1 allocation/share**
 - **Multi passenger COI vessels with permit capacity of 7 to 24 = 2 allocations/shares**
 - **Multi passenger COI vessels with permit capacity of 25 or more = 3 allocations/shares**
- **To recommend to the Council that for apportioning the quota between charterboats and headboats, to use the time frame formula from Amendment 40 (50% 1986-2013 + 50% 2006-2013 excluding landings from 2010).**

AP members expressed their preference not to hold an AP meeting from June through August 20, due to the busy fishing season, and passed the following motion.

- **To recommend that the Council reconvene this panel to provide further advice on charter-for-hire program development as soon as possible.**

The AP returned to discuss other allocation-based management approaches including AMOs and cooperatives. One member liked AMOs because they would involve management at a more local level, while another expressed concern with having an individual manager of each AMO decide how quota should be divided up. AP members reiterated support for tags and PFQs, and passed the following motion:

- **To recommend to the Council to adopt as the preferred management plan the use of PFQs with tags.**

AP members discussed the issue of “stacking” or “marrying” reef fish permits as undesirable for the charter management program. They also discussed that not all charter operators who opt-in may want or be able to use the amount of quota that may be allocated to their vessel, especially if the vessel is homeported in an area without abundant red snapper. The AP passed the following motions:

- **To recommend the Council not allow stacking or consolidating of reef fish permits.**
 - **Stacking of charter permits is defined as putting multiple permits on one vessel**
 - **Consolidation of charter permits is defined as consolidating two or more permits to one permit which contains the catch history of both permits**

- **To recommend to the Council, to allow the participant in the program to opt-in at the level of allocation the participant chooses, up to the maximum amount of the participant's allocation.**

Following review of their recommendations, the AP meeting was adjourned at 3:00 pm.

Failed motions:

Motion: To recommend the Council consider using an independent body, such as the Harte Institute for administration of the chosen plan.

Motion failed with one in support.

**Summary for the Ad Hoc
Headboat Reef Fish Advisory Panel
New Orleans, LA
May 19, 2015**

Panel Members

Pam Anderson
Randy Boggs
Clifton Cox
Jim Green
Chad Haggert
Mark Hubbard

Council and Staff

Myron Fischer
Assane Diagne
Ava Lasseter
Karen Hoak

Panel Members cont'd

Kelly Owens
Charles Paprocki
Tom Steber
Skipper Thierry
Dustin Trochesset
John Williams

Attendance-Others

Jeff Barger
Kristen McConnell
Jessica Stephen
Shane Cantrell
Ken Brennan
J.P. Brooker
Tim Hobbs
Elbert Whorton

The meeting was convened at 8:30 a.m. The AP elected Randy Boggs as Chair and Mark Hubbard as Vice-Chair. The Chair read the charge to the AP, which is to make recommendations to the Council relative to the design and implementation of flexible measures for the management of reef fish for the headboat component of the for-hire sector.

Ken Brennan gave a presentation on the geographical distribution of headboats participating in the Southeast survey and their reef fish landings. AP members discussed how to differentiate charter boats and headboats and staff added that for the purpose of a management plan, headboats would be defined as those participation in the Southeast Headboat Survey (HBS).

AP members discussed the species to include in a management plan for the headboat fleet. Staff noted the reef fish species for which sector allocations currently exist and the AP passed the following motion:

- **To investigate the possibility of managing all 6 major reef fish species in this management plan (red snapper, gag, red grouper, greater amberjack, gray triggerfish, and black grouper).**

AP members discussed whether headboats should be managed as a stand-alone component and the benefits and obstacles of different management approaches. Staff noted that headboats

participating in the HBS had recorded landings histories, while charter boats do not. An AP member expressed concern with further dividing the recreational sector, stating the sector will be stronger if they do not separate into subgroups, which diminishes their collective voice. The AP member added that aiming toward a year-round fishery would require catch shares, but providing flexibility for different fishing seasons could be accomplished under regional management. Other AP members preferred to be managed separately, citing the increased access provided to passengers fishing under the headboat collaborative and the flexibility of the allocation-based headboat collaborative which allows operators to decide when to fish and use quota. The AP passed the following motions:

- **That headboats be acknowledged as a stand-alone component of the recreational sector. This would include all vessels with federal for-hire reef fish permits that participate in the Southeast Region Headboat Survey (Beaufort survey).**
- **To recommend to the Council to develop a management approach that provides year round fishing opportunities for headboat businesses and anglers, stability in business plans, safety at sea, improved data collection, reduced discards, and accountability to catch limits.**
- **To recommend to the Council that the headboat management plan be allocation based on reported landings by the Beaufort headboat survey (HBS).**

AP members discussed enforcement and validation tools, such as vessel monitoring systems (VMS) or fish tags. Those opposed to VMS felt it was expensive and unnecessary for hailing out and hailing in, especially for headboats which follow tight, predictable schedules, and that other options were available. Other AP members responded to those concerns, noting the reliability of the VMS units and flexibility to use other options for hailing in. The AP passed the following motion:

- **To recommend to Council that enforcement tools for monitoring are:**
 - **VMS used for hail-out/hail-in on all trips, landings notification on fishing trips**
 - **Tags used to improve enforcement**
 - **Electronic logbooks submitted to the Beaufort survey on the same day as each fishing trip.**

AP members discussed the transferability of allocation under an allocation-based management system. Concern was expressed that transferability could result in increased costs for passengers to retain fish, and that allocated fish should not be purchasable by other vessels, but be returned and be redistributed fairly. Those in support of transferability argued it allowed for flexibility in the management plan. The AP also discussed management costs of a new headboat management plan. The AP passed the following motions:

- **The advisory panel supports transferability of headboat allocations among participants in the headboat component, consistent with MSA guidelines on transferability, but without inter-sector trading.**

- **To recommend to the Council to consider how management costs can be shared between the NMFS and the headboat component of the fishery.**

Staff noted that both the Ad Hoc Charter AP and this Ad Hoc Headboat AP passed motions recommending separate management of charter boats and headboats. To accomplish separate management, the for-hire component's quota would need to be divided between charter boats and headboats. Headboats that participate in the HBS have landings histories which could be used as the basis for allocating between the for-hire components and an AP member stated that headboats have accounted for 32 to 36% of red snapper landings. The AP passed the following motions:

- **To recommend to the Council that the headboat component become a subsector of the for-hire sector/component, and that allocation based fisheries be deemed from our historical Beaufort headboat survey data, using the formula from Amendment 40.**
- **To recommend to the Council that this panel reconvenes as soon as possible to continue advising on the headboat component for the reef fish fishery.**

Continuing to manage headboats with bag limits, size limits, and seasons was discussed, but those opposed stated that traditional management approaches have not worked. Additional discussion concerned identifying data needs and improving accountability for the fleet, with the goal of reducing uncertainty and removing the 20% buffer to the recreational quota. AP members asked headboat collaborative participants about the program, including customer perceptions, use of tags, and bag limits. An AP member noted that one of the challenges of the program was that more people could not participate. The AP passed the following motion:

- **To recommend to the Council that the key components of the headboat EFP be considered for allocation-based management of headboats.**

Following review of their recommendations, the AP meeting was adjourned at 3:30 pm.

All meeting motions including substitute and failed motions:

Motion: That red snapper and gag grouper be the primary species that this management plan encompasses.

Substitute motion: To investigate the possibility of managing all 6 major reef fish species in this management plan (red snapper, gag, red grouper, greater amberjack, gray triggerfish, and black grouper)

Substitute Motion carried 8 to 3

Motion: That headboats be acknowledged as a stand-alone component of the recreational sector. This would include all vessels with federal for-hire reef fish permits that participate in the Southeast Region Headboat Survey (Beaufort survey).

Motion carried 11 to 1

Motion: To recommend to the Council to develop a management approach that provides year round fishing opportunities for headboat businesses and anglers, stability in business plans, safety at sea, improved data collection, reduced discards, and accountability to catch limits.

Motion carried 11 to 1

Motion: To recommend to the Council that the headboat management plan be allocation based on reported landings by the Beaufort headboat survey (HBS).

Motion carried 10 to 2

Motion: To recommend to Council that enforcement tools for monitoring are:

- VMS used for hail-out/hail-in on all trips, landings notification on fishing trips
- Tags used to improve enforcement
- Electronic logbooks submitted to the Beaufort survey on the same day as each fishing trip

Motion carried 8 to 4

Substitute motion: To recommend to the Council that enforcement tools, an app, or a traditional logbooks be used, with a call-in/call-out component that do not require VMS.

Motion failed 4 to 7

Second substitute motion: To use an allocation based management system, that a VMS system will be required. With a traditional management system (size limits, bag limits, seasons, etc.) that VMS not be required.

Motion failed for lack of a second

Motion: The advisory panel supports transferability of headboat allocations among participants in the headboat component, consistent with MSA guidelines on transferability, but without inter-sector trading.

Motion carried 11 to 1

Substitute motion: That if the Council chooses to move towards an allocation based management system, that there will not be a monetary value assigned to the allocation for transferability.

Motion failed 10 to 2

Motion: To recommend to the Council to consider how management costs can be shared between the NMFS and the headboat component of the fishery.

Motion carried 9 to 2

Motion: To recommend to the Council that the headboat component become a subsector of the for-hire sector/component, and that allocation based fisheries be deemed from our historical Beaufort headboat survey data, using the formula from Amendment 40.

Motion carried 11 to 1

Motion: To recommend to the Council that this panel reconvenes as soon as possible to continue advising on the headboat component for the reef fish fishery.

Motion carried with no opposition

Motion: To recommend to the Council to manage the headboat fleet with seasons, bag limits, and size limits along with additional appropriate accountability measures, allowing scientists to determine what data they need, and applying that request of data to the current headboat survey.
Motion failed 2 to 9

Motion: To recommend to Council that a management plan for the headboat sector be designed closely mirroring the headboat EFP.
Motion carried 10 to 2

Motion: to reconsider prior motion
Motion carried 7 to 3

Substitute Motion: To recommend to the Council that the key components of the headboat EFP be considered for allocation-based management of headboats.
Revised Substitute Motion carried 8 to 3

Science, Service, Stewardship

Back to Agenda

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Five-Year Review of the Grouper-Tilefish IFQ Program

**NOAA
FISHERIES
SERVICE**

<https://ifq.sero.nmfs.noaa.gov/ifqgt/>



Purpose

Gulf of Mexico Grouper-Tilefish IFQ
program has completed it's fifth year
Mandatory 5-year process has begun

Overview:

- Guidance for 5-year reviews
- Data collection to date



Guidance document

Office of Sustainable Fisheries is finalizing a guidance document for 5/7 yr reviews of catch share programs

- Identifies key components of review process, review document, and questions/issues to be addressed
- Will be seeking input from Councils on guidance

Guidance references:

- MSA sections 301, 303, and 303A,
- NOAA Catch Share Policy,
- Design and Use of Limited Access Programs (Anderson/Holliday Tech Memo),
- Completed, ongoing, and interim reviews/reports



Process

Review Plan

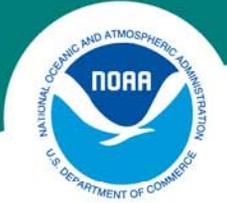
- Plan established before the end of the 5th year.
Council review before finalized and starting significant work.

Review Team

- Representatives from the Council, Regional Office, Science Center, and Office of Law Enforcement

Interim Reports

- Annual or biennial reports
- Help to identify gaps in available data and analyses



Process

Review team responsible for compiling data, conducting analyses, and writing report

Drafts of report made available to Council and advisory groups (e.g. SSC, Advisory Panels)

Feedback incorporated into report

Review Final Report

—Council, Regional Office, Science Center, Office of Law Enforcement, and General Counsel approve review before considered final



General Approach and Scope

Purpose: to describe and analyze the effects that have taken place *since* the baseline time period (pre-implementation or implementation) or last review

Incorporate by reference and summarize other relevant findings when possible, but no length restriction

Use standardized indicators when possible

Consistent with other guidance and legal mandates

Holistic approach. For e.g., if two or more programs found to have significant interdependencies, joint reviews may be completed after the initial reviews.



Structure

- Purpose and Need of review
- Goals and Objectives of the program, FMP, CS Policy, and MSA
- History of Management
- Description of biological, ecological, social, and administrative effects
- Evaluation of above effects with respect to goals and objectives
- Summary of conclusions
- Recommendations regarding potential changes



Analysis Components

Goals and Objectives

Examine existing allocations within or related to program

Eligibility requirements

Transferability

ACL/AM/Quota Performance

Accumulation limits/caps

Cost Recovery

Data collection



Analysis Components

Monitoring and Enforcement

Duration

New Entrants

Auctions/Royalties

Consideration of Fishery, Species, and Gears

In depth presentation of Guidance
document at a future Council meeting

**NOAA
FISHERIES
SERVICE**



Grouper-Tilefish IFQ 5-year Review



Goals and Objectives

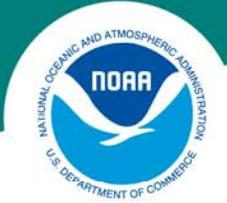
Reduce overcapacity of the fishing fleet

Increase harvest efficiency and profitability

Mitigate or prevent race to fish

Anticipated benefits:

- Increased market stability
- Elimination of quota closures
- Improved safety at sea
- Balance social, economic, and biological benefits
- Reduce bycatch and associated bycatch mortality



GT-IFQ program species

- 5 Share categories
 - 13-18 species (5 species removed in 2012)
- Flexibility measures
 - Red grouper multi-use
 - Gag multi-use
 - SWG – DWG flexibility
 - SWG scamp landed under DWG
 - DWG Warsaw grouper and speckled hind landed under SWG
 - 10% overage for accounts with shares
 - Once per year per share category



Goals and Objectives Analyses

- Changes in Fleet Technical Capacity
 - Addresses overcapacity and derby fishing
 - Employ stochastic distance frontier framework
 - Distance function measures efficiency by distance from frontier
 - Stochastic framework better represents reality than deterministic models (DEA)
 - Results include measures of fishing capacity, capacity utilization, overcapacity and technical efficiency before and after IFQ



Examine Allocation and Eligibility

- Survey IFQ participants
 - Perceptions of allocation distribution
 - Perceptions of eligibility
- Empirically estimate the structural multiple species/gear targeting technology – LL/VL
- Model of fishing behavior across space, time and depth
 - Incorporate properties of reef fish stock with abundances that vary across space and time
 - Individual efficient shares of reef fish stock are estimated using observed behavior of fishers



Transferability

- Description of share and allocation transactions
- Model of fishing behavior across space, time and depth
 - Individual efficient shares/allocation are estimated using observed behavior of fishers



ACL/AM/Quota Performance

- Summation of landings and quota
- Are the flexibility provisions written into the GT-IFQ Program effective in meeting the stated goals of reducing bycatch mortality and discards in the GT commercial fishery component?
- Model of fishing behavior across space, time and depth
 - Description of reef fish ecology and identifies costly targeting for discard avoidance



Accumulation Caps

- Summation of data collection to determine caps
- Changes in market power
 - Entity-level analysis
 - Monopoly/Oligopoly
 - Monopsony
 - Sharecropping
- Technical efficiency in relation to share and allocation caps



Cost Recovery

- Summation of collected cost recovery feeds
- Analyze cost recovery fees
 - Is 3% appropriate?
 - Does it cover NMFS's incremental costs?
- Analyze compliance with respect to cost recovery fees



Monitoring and Enforcement

- Summation of seizures
- Types of non-compliance
- Rates of compliance



Fishery, Species, and Gears

- Policy simulations to assess fishing behavioral responses and economic B&C ^{JAS6} associated with flexibility provisions
- Feasibility of merging with red snapper IFQ Program
- Addition or subtraction of species to the program
- Analyze interdependency with other fisheries

Back to Agenda

Tab B, No. 11(b)

Five-Year Review of the Grouper-Tilefish IFQ Program

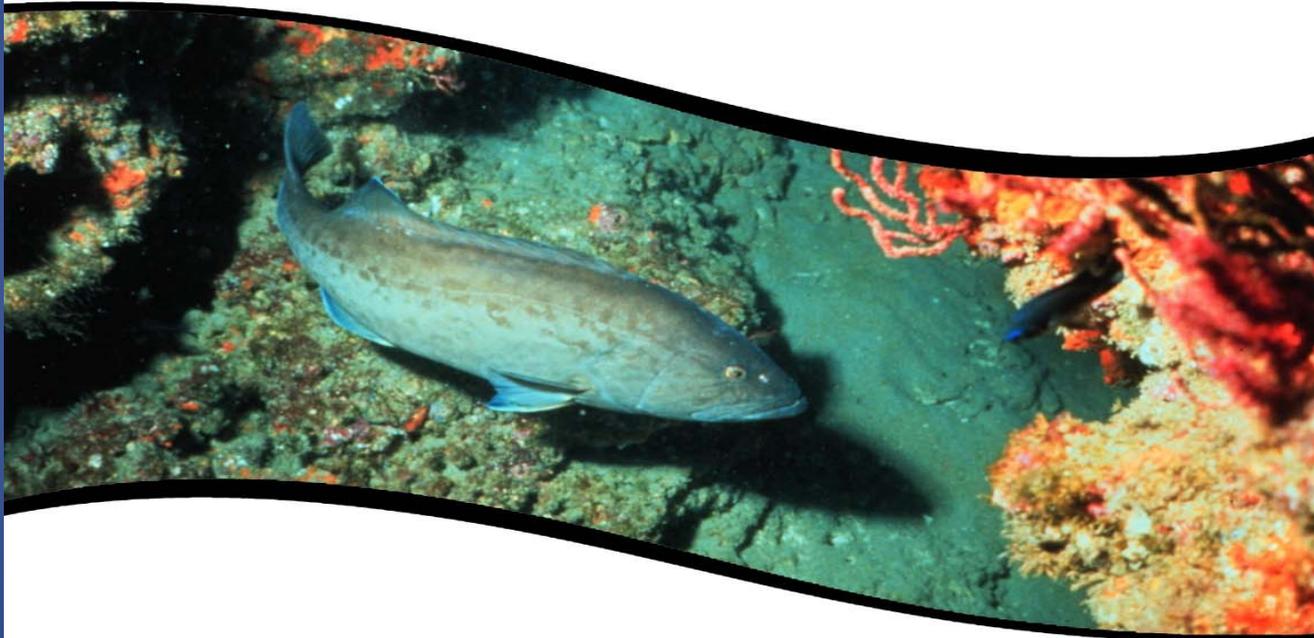
Walter R. Keithly
Resource Economist
Louisiana State University



One Aspect of the Five-Year Review: Three Surveys

- Participants survey;
- Dealer/processor survey;
- Labor survey.

Survey of Participants in the Gulf of Mexico Grouper-Tilefish Individual Fishing Quota Program - 2014



QuanTech
Quantitative Technologies for Research and Analysis

GT-IFQ Participant Survey: Six Sections

- **Section 1:** Background Information;
- **Section 2:** Attitudes and Perceptions Concerning the GT-IFQ Program;
- **Section 3:** Socioeconomic Assessment of the GT-IFQ Program;
- **Section 4:** Transfer of GT-IFQ Allocation or Shares;
- **Section 5:** Social Well-Being and Demographic Information;
- **Section 6:** Other Information.

Participant Survey: Response Rate

Survey Status	Number	Percent
Paper Survey Complete	199	19.96
Web Survey Complete	132	13.24
Deceased	4	0.40
Returned Mail No New Address	40	4.01
Ineligible	7	0.70
No Response	522	52.36
Refused	93	9.33
All	997	100.00

Participant Survey: Voting in GT-IFQ Referendum

Did you vote in the GT-IFQ referendum?	Number	Percent
Yes	112	42.42
No	152	57.58
All	264	100.00

Participant Survey: Initial Support for GT-IFQ Program

Did you support the GT-IFQ Program at the time of its implementation on January 1, 2010?	Number	Percent
Yes	101	37.83
No	117	43.82
Undecided	32	11.99
Not Applicable	17	6.37
All	267	100.00

Participant Survey: Current Support for GT-IFQ Program

Do you support the GT-IFQ Program NOW?	Number	Percent
Yes	121	45.32
No	107	40.07
Undecided	39	14.61
All	267	100.00

Participant Survey: Satisfaction With GT-IFQ Program

Overall, how satisfied are you with the GT-IFQ Program?	Number	Percent
Highly Unsatisfied	89	33.21
Unsatisfied	41	15.30
Neutral	22	8.21
Satisfied	54	20.15
Highly Satisfied	51	19.03
N/A	11	4.10
All	268	100.00

Dealer and Labor Sector Surveys

- The purpose of this task is to collect economic and attitudinal data from the dealer and labor sectors regarding the performance of the GT-IFQ Program five years after its implementation. These data will be used to estimate the effects of the GT-IFQ Program on these stakeholders for the mandatory five-year program review. The population targeted by the economic survey shall be all federally licensed dealers and captain and crew that participate in the Gulf of Mexico reef fish fishery

The GT-IFQ Dealer Survey: Five Sections

- ***Section 1:*** Background Information;
- ***Section 2:*** Pre and Post GT-IFQ Operations;
- ***Section 3:*** Pre and Post GT-IFQ Infrastructure and Equipment;
- ***Section 4:*** GT-IFQ Share in Business Operations;
- ***Section 5:*** Opinions Regarding the GT-IFQ Program.

The GT-IFQ Labor Survey

This survey is designed to identify how catch shares in the Gulf of Mexico Grouper-Tilefish (G-T) fishery have affected outcomes for crew. We are interested in crew who fish G-T and other species at any point before and after implementation of the catch share or “IFQ” fishery management program. We are interested in the opinions of those that still fish G-T and those that have left the fishery.

THANK YOU

Questions?

Hogfish:
East Florida/Florida Keys
Stock

Decision Document

(5/27/15)

**JOINT SAFMC/GMFMC MEETING
JUNE 11, 2015
KEY WEST, FLORIDA**

Why are the Councils Considering Action?

The Florida Fish and Wildlife Conservation Commission completed a stock assessment for hogfish in 2014. The South Atlantic Council’s SSC reviewed the assessment and provided fishing level recommendations in October 2014. The South Atlantic Council received their SSC’s recommendations at their December 2014 meeting. Based on genetic evidence, the SSC supported treating hogfish in the South Atlantic as two stocks: Georgia-North Carolina (GA-NC) and East Florida-Florida Keys. Each assessment was then evaluated with regard to fishing level recommendations. The South Atlantic SSC recommended that catch level recommendations for the GA-NC stock be developed using the Only Reliable Catch Stocks (ORCS) approach, as outlined in Level 4 of the South Atlantic Council’s ABC (Acceptable Biological Catch) control rule. The ABC for the GA-NC stock, as recommended by the South Atlantic Council’s SSC, is 28,161 pounds whole weight (lbs ww).

For the East Florida-Florida Keys stock, the South Atlantic Council’s SSC considered the benchmark assessment to represent the best available science and recommended it for use in management. The Southeast Fisheries Science Center (SEFSC) concurred with this determination. The assessment results indicated the East Florida-Florida Keys stock is undergoing overfishing and is overfished. The South Atlantic Council’s SSC then applied the South Atlantic Council’s ABC Control Rule and recommended a P^* of 27.5%, and a $P_{REBUILD}$ of 72.5% for that stock (**Table 1**). For rebuilding stocks, the South Atlantic Council’s SSC recommends ABC equal to the yield provided by the rebuilding plan chosen by the South Atlantic Council. Rebuilding provisions are specified by the Magnuson-Stevens Act (MSA), and since projections indicate the stock can rebuild in 10 years, the MSA allows the Council to specify a rebuilding period from 0 to 10 years. While the actual ABCs can be only determined once the South Atlantic Council specifies the rebuilding period and approach, the ABC values cannot exceed what is in Table 1. The South Atlantic Council’s SSC reviewed a range of alternatives based on various rebuilding times and success probabilities. The overfishing limit (OFL) is the yield at F_{msy} . The Gulf Council’s SSC passed a motion at their May 2015 meeting concurring with this methodology and the values shown in **Table 1**.

Table 1. Overfishing limit (OFL) and acceptable biological catch (ABC) projections in pounds whole weight (lbs ww) for the East Florida/Florida Keys hogfish stock approved by both Councils’ SSCs.

Year	F	OFL (pounds ww)	ABC (pounds ww)
2016	0.089	127,490	81,610
2017	0.087	146,850	96,230
2018	0.086	166,560	111,800
2019	0.085	185,930	127,900
2020	0.084	204,610	144,210
2021	0.083	222,310	160,440
2022	0.083	238,830	176,310
2023	0.082	253,990	191,560
2024	0.082	267,700	206,010
2025	0.081	279,930	219,520

Source: South Atlantic Council Amendment 37.

Part of the modification to the management unit of hogfish is to identify the geographic range of the three hogfish stocks and establish management boundaries between the East Florida-Florida Keys stock, managed by the South Atlantic Council, and the Gulf of Mexico stock, managed by the Gulf Council. This demarcation is needed to aid in enforcing regulations and for proper tracking of the ACLs for each stock. An action is included in South Atlantic Council Snapper Grouper Amendment 37 that presents options for specifying a management boundary line. However, these proposals from the South Atlantic Council need the concurrence of the Gulf Council on how they would like to proceed.

This Decision Document is structured to provide the opportunity for the two Councils to reach agreement on how to proceed with management of the East Florida-Florida Keys hogfish stock. The percentage of the East Florida-Florida Keys Stock that has been harvested from Gulf jurisdiction has ranged from 4.3%-13.3% based on landings from 2004-2012. This seems too high to ignore from a biological perspective, especially for a stock that needs a rebuilding plan.

Options for management authority:

1. **SAFMC true lead with SA Amendment** – would only manage in SAFMC area and miss 4.3-13.3% of landings. In an overfished stock that requires a rebuilding plan this would be an unacceptable amount of landings that are not subject to the rebuilding plan and could result in the rebuilding plan not achieving its target.
2. **Gulf Council delegate management of hogfish in the Gulf Council’s area of Monroe County to the SAFMC** – Gulf Council may have concerns and this would require a plan amendment on their part to do this. However, given the low level of landings, particularly as compared to the WFL stock, they may not object and they could do this when dealing with the West Florida stock fishing level recommendations.
3. **The SAFMC and GMFMC both delegate management of the East Florida-Florida Keys hogfish stock to State of Florida. Consider adding this hogfish stock to the Generic Joint South Florida Amendment** – This hogfish stock occurs entirely off the Florida coast, so it could be delegated to Florida without affecting other states. In order for Florida to accept delegation, it would need to adopt regulations that are consistent with the applicable fishery management plans, which in this case mean adopting a rebuilding plan that is consistent with the requirements of the FMPs and Magnuson-Stevens Act.
4. **Manage the East Florida-Florida Keys Hogfish stock with a multijurisdictional ABC. The GMFMC would adopt the same recreational and commercial management measures for this hogfish stock in the following defined area specified below.**

Option 4a. Monroe/Collier County line on the west coast of Florida to the Council boundary.

Option 4b. Shark Point 25 degrees 23 minutes north latitude on the west coast Florida to the Council boundary.

The SAFMC, GMFMC, and FWC all currently have identical recreational and commercial regulations. This option would allow the SAFMC to implement a rebuilding plan for the entire East Florida-Florida Keys hogfish stock without the need for delegation of management of the stock to SAFMC or the need for a joint rebuilding plan. The GMFMC would need to adopt potential changes in the annual catch limits (ACLs) and modifications to recreational and commercial management measures by a separate Framework Action.

- 5. Establish a jurisdictional apportionment based on historical landings for the East Florida-Florida Keys Hogfish stock between the GMFMC and SAFMC. Use as similar methodology to what was done for yellowtail snapper, mutton snapper, and black grouper in the Generic Gulf of Mexico and Comprehensive South Atlantic ACL and AM Amendments (GMFMC 2011; SAFMC 2011).** – This option may not be viable because this hogfish stock is relatively small and after the Council apportionments are applied and a rebuilding plan is established it may be very difficult to track landings and keep them within the ACL(s).

Possible Actions and Alternatives

Action 1. Modify the Gulf Reef Fish and South Atlantic Snapper Grouper Fishery Management Plans to Define the Geographic Range for Each Hogfish Stock

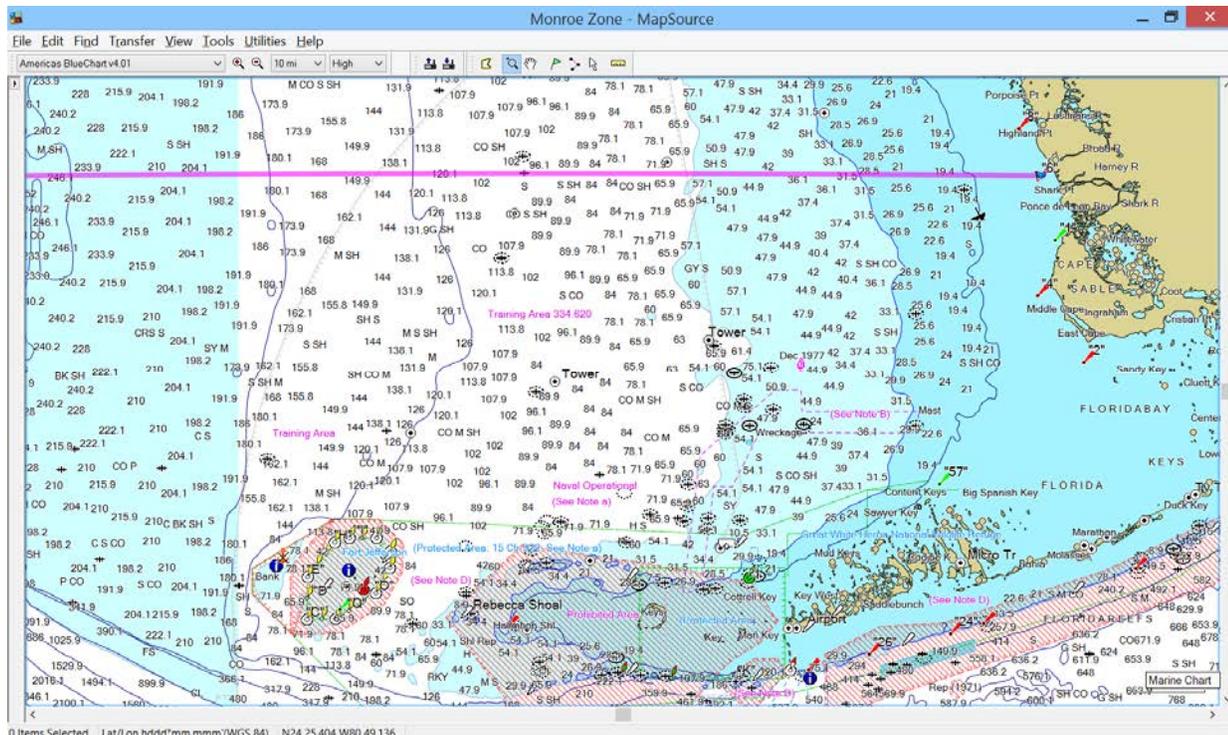
Alternative 1 (no action). The South Atlantic Council and Gulf Council jurisdiction for hogfish management is the jurisdictional boundary for the two Councils. The East Florida-Florida Keys hogfish stock defined in SEDAR 37 crosses the Council boundary and occurs in both jurisdictions. The west Florida shelf stock defined in SEDAR 37 occurs solely in the Gulf jurisdiction. The NC-GA hogfish stock defined in SEDAR 37 occurs solely in the South Atlantic Jurisdiction from the North Carolina/Virginia border to the Georgia/Florida border.

Alternative 2. Modify the FMU to specify an ~~Atlantic~~ Georgia through North Carolina (GA-NC) stock of hogfish ~~to include Georgia through North Carolina~~ from the North Carolina/Virginia border to the Georgia/Florida border.

Alternative 3. Modify the FMU to specify a ~~Florida~~ an East Florida-Florida Keys stock of hogfish ~~to include~~ from the Florida/Georgia state line border south to:

- Sub-alternative 3a.** The South Atlantic/Gulf of Mexico Council boundary.
- Sub-alternative 3b.** The Monroe/Collier County line.
- Sub-alternative 3c.** Shark Point on Florida southwest coast.

Note: Shark Point is specified at 25 degrees 23 minutes north latitude on the west coast of Florida.



Discussion

Alternative 1 (No Action) would not modify the fishery management unit or plan to define the geographic range for each hogfish stock and therefore, fails to recognize the latest scientific information on the biological range of each of the hogfish stocks as provided in SEDAR 37.

Alternative 2 would specify the boundaries for the stock of hogfish that is distributed off Georgia and the Carolinas, as has been established via genetic evidence and taken into consideration in the SEDAR 37 stock assessment.

Alternative 3 and its sub-alternatives would define the boundaries of the East Florida-Florida Keys stock of hogfish. **Sub-alternative 3a** would use the jurisdictional boundary between the South Atlantic and Gulf Councils but would not fit the biological demarcation of the two stocks so that a portion of the East Florida-Florida Keys stock would remain within the Gulf Council’s jurisdiction. **Sub-alternative 3b** uses the Monroe/Collier County Line to differentiate the two stocks. This boundary would result in a better fit to the biological parameters, but law enforcement issues would prevail. **Sub-alternative 3c** considers Shark Point (25 degrees 23 minutes north latitude on the west coast of Florida) as a starting point for the boundary line to differentiate the two stocks. Shark Point is an area that occurs slightly north of the Monroe/Collier Line on the Florida southwest coast. According to local law enforcement officials, Shark Point constitutes a good demarcation point for fishing activity on the Florida west coast in that individuals that fish north of that line seldom come close to it and vice versa; hence, from a practical standpoint, it would be an accurate way to separate fishing activity on the Florida southwest coast. Moreover, the same boundary is being considered for a number of other species in the Joint South Florida Amendment. Hogfish landings (2004-2012) by area are shown in the table below.

Hogfish Landings (pounds; lbs) from Keys/FL East Coast Stock

	Commercial Landings (lbs)			Recreational Landings (lbs)			Com & Rec Landings	
	Partial Monroe C. (Gulf jurisdiction)	East Florida (So. Atl. jurisdiction)	Total Commercial	Partial Monroe C. (Gulf jurisdiction)	East Florida (So. Atl. jurisdiction)	Total Recreational	Total Landings	% Gulf Jurisdiction
2004	4,106	23,170	27,276	11,065	200,968	212,033	239,309	6.3%
2005	3,667	12,380	16,047	12,766	175,757	188,523	204,570	8.0%
2006	2,522	11,337	13,859	13,593	93,542	107,135	120,994	13.3%
2007	2,634	11,693	14,327	17,207	251,994	269,201	283,528	7.0%
2008	1,672	11,375	13,047	21,398	290,839	312,237	325,284	7.1%
2009	1,908	12,014	13,922	17,767	174,535	192,302	206,224	9.5%
2010	1,261	10,181	11,442	8,855	118,019	126,874	138,316	7.3%
2011	1,897	10,384	12,281	2,762	77,689	80,451	92,732	5.0%
2012	1,827	11,866	13,693	13,605	331,934	345,539	359,232	4.3%

Source: Florida Hogfish Landings provided by FL FWCC