State Management Program for Recreational Red Snapper
Draft Amendments 50A and 50B-F

This is a summary of the State Management Amendments. In the Program Amendment (Amendment 50A), the Gulf of Mexico Fishery Management Council (Council) would establish the program structure for each Gulf of Mexico (Gulf) state to manage its recreational harvest of red snapper. This amendment contains three actions that affect all Gulf states, whether or not they are participating in state management: 1) determining the components of the recreational sector to include in state management programs; 2) addressing the mechanism to allow states to choose whether to include federal for-hire vessels in state management plans; and 3) apportioning the recreational red snapper annual catch limit (ACL) among the states. The Council would select preferred alternatives for these actions before approving the amendment for submission to the Secretary of Commerce.

Subsequently and through separate amendments for each Gulf state (Individual State Amendments 50B-50F), each state could establish its state management program for the recreational harvest of red snapper. These Individual State Amendments consist of two actions: 1) authority structure for state management, and 2) accountability measures. The Council would select preferred alternatives for each of these actions in the respective amendment before approving each amendment for submission to the Secretary of Commerce.

Program Amendment Action 1.1 – Components of the Recreational Sector to include in State Management Programs

Alternative 1: No Action. Retain current federal management of recreational red snapper in federal waters of the Gulf. Until separate private angling and federal for-hire ACLs expire in 2022, continue separate red snapper fishing seasons for the federal for-hire and private angling components based on the components' annual catch targets (ACT), reduced from the components' ACLs by the established buffer.

Preferred Alternative 2: For a state with an approved state management program, the state will manage its private angling component only, and must constrain landings to the state's private angling component ACL as determined in Action 2. The federal for-hire component will continue to be managed Gulf-wide. For states without an approved state management program, a private angling fishing season will be estimated using the remainder of the private angling component ACL, reduced by the established buffer. The sunset provision ending the separate management of the private angling and federal for-hire ACLs (currently 2022) is removed.

Alternative 3: For a state with an approved state management program, the state will manage both its private angling and federal for-hire components and must constrain landings to each of the state's component ACLs, as determined in Action 2. For states without an approved state management program, separate fishing seasons based on the component ACTs for the federal for-hire and private angling components will be estimated using the remainder of the recreational sector ACL. The state management plan will end when the separate private angling and federal for-hire ACLs expire (currently 2022).

Alternative 4: For a state with an approved state management program, the state will choose whether to manage its private angling component only, or to manage both its private angling and federal for-hire components. The state must constrain landings to the state's private angling component ACL and federal for-hire component ACL as determined in Action 2. For states without an approved state management program, separate fishing seasons based on the component ACTs for the federal for-hire and private angling components will be estimated using the remainder of the recreational sector ACL. The sunset provision ending the separate management of the private angling and federal for-hire ACLs (currently 2022) is removed. A state will indicate its intent to manage its federal for-hire component through a letter to the National Marine Fisheries Service (NMFS) that must be received within one month following the Council's vote to approve this amendment.

Discussion:

Amendment 40 (GMFMC 2014a) apportioned the recreational sector ACL between the federal for-hire and private angling components of the recreational sector for a period of 3 years (2015-2017), and Amendment 45 (GMFMC 2016) extended the separate management of the federal for-hire and private angling components' portions of the recreational sector ACL for an additional 5 years, through 2022. This action is only applicable if this amendment is implemented while the separate components of the recreational sector are still in effect. This action determines whether a state with an approved state management program would manage its private angling component only (**Preferred Alternative 2**), both components (**Alternative 3**), or could choose to manage the private angling component only, or both components (**Alternative 4**). Depending on the alternative selected, state private angling ACLs would need to be established (**Preferred Alternative 2**) or state private angling and federal for-hire component ACLs would need to be established (**Alternative 3** and **Alternative 4**). A state or states with an approved state management program must constrain its landings to its respective ACLs.

Alternative 1 (No Action) would continue federal management of red snapper in the exclusive economic zone of all Gulf states. The separate management of the federal for-hire and private angling components would continue until the sunset date. Currently, the recreational sector ACL is divided into two component ACLs for the years 2015-2022 and will revert to a single recreational sector ACL at the start of 2023.

Under **Preferred Alternative 2**, a state with an approved state management program would manage the state's private angling component only. Depending on the number of states that develop state management programs, up to six recreational ACLs could be established under **Preferred Alternative 2**, in addition to the total recreational ACL: five state private angling ACLs derived from the private angling component ACL, and one federal for-hire component ACL. Management of the federal for-hire component would continue Gulf-wide past 2022 under the federal regulations for the federal for-hire component as the sunset on sector separation would no longer be in effect. Based on the Action 2 alternatives, the resulting percentages for the five potential state private angling ACLs are provided in Tables 2.2.1, 2.2.3, 2.2.5, and 2.2.7.

Under **Alternative 3**, a state with an approved state management program would manage both the state's private angling component and federal for-hire component. Two state component ACLs would be established for each state: a state private angling component ACL and a state for-hire component ACL. The state would be responsible for constraining landings to each component ACL (i.e., the component ACLs could not be combined). Depending on the number of states that develop state management programs, up to ten component ACLs could be established under **Alternative 3**, in addition to the total recreational ACL. Federal for-hire and private angling component ACLs would continue to be used for states without an approved state management program. Based on the Action 2 alternatives, the resulting percentages for the ten potential state component ACLs are provided in Tables 2.2.2, 2.2.3, and 2.2.6. Under **Alternative 3**, both sector separation and state management programs would end in 2022, at the time of the sector separation sunset, and a single red snapper fishing season would be set by NMFS for the recreational sector as a whole in subsequent years.

Under **Alternative 4**, a state with an approved state management program would be able to choose whether to manage its private angling component only, or to manage both its private angling component and federal for-hire component. As with **Alternative 3**, two state component ACLs could be established for each state: a state private angling component ACL and a state for-hire component ACL. Depending on the number of states that develop state management programs, up to ten component ACLs could be established under **Alternative 4**, in addition to the total recreational ACL. For a state that decides to manage its private angling component only, the state's federal for-hire ACL would remain part of the Gulf-wide federal for-hire ACL. Federal for-hire and private angling component ACLs would continue to be used for states without an approved state management program, and management of the separate components would continue past 2022 as the sunset on sector separation would no longer be in effect. For a state to manage both components (**Alternative 3** and optional under **Alternative 4**), the state would specify the management measures to be applied to each component as selected in the Individual State Amendments (see Section 2.4). Further, the state must ensure that the landings by each component are constrained to that component's ACL or ACT, as appropriate.

Under **Alternative 4**, it will be necessary for a state with an approved state management program to advise NMFS that it intends to manage its federal for-hire component, because NMFS would need to prepare the proposed rule consistent with each state's choice. Thus, the state would inform NMFS that the state will manage its federal for-hire component through a letter that must be received within one month of the Council's vote approving this amendment. However the implementation of any state management plan is still contingent on the Council's approval of that state's individual amendment. If a state does not notify NMFS in writing within the specified time period, NMFS will assume that the state will manage its private angling component only. Further, the decision to manage the private angling component only, or to manage both components is a one-time decision; a state cannot alternate between managing one or both components.

When all five states have approved state management plans in place and are managing the same components (**Preferred Alternative 2** or **Alternative 3**), the default federal regulations would be waived and the state would establish its fishing season for red snapper landed in the state, from both federal and state waters, and potentially other management measures. Federal waters

would essentially remain open and recreational vessels fishing from a state with an open season would be able to fish for red snapper in federal waters adjacent to that state as well as in federal waters adjacent to other states, provided they return to shore through state waters that are open. Under this scenario, enforcement is primarily carried out dockside, as the fishing season and bag limit would be the primary management measures established for a state management program. However, state management plans would be approved on a state-by-state basis through the Individual State Amendments; thus, some states may have state management plans approved and in place while other states do not. In the event not all five states have approved state management plans in place, it would not be possible for federal waters to remain open off all states because some fishing for red snapper would continue to be managed Gulf-wide under the federal default regulations. NMFS would establish a fishing season in federal waters for recreational vessels that are not managed under a state management plan as part of the federal default regulations and lines would be used to define federal waters adjacent to each state. Within the area of federal waters adjacent to each state, either the federal default regulations or the regulations of the approved state management plan would apply to all recreational vessels of each component, as appropriate. In addition, the action to determine the authority structure in the Individual State Amendments includes options to delegate other management measures to the state (see Section 2.4), which would require on-the-water enforcement. If these options are included in an approved state's management plan, boundary lines would be necessary to identify the areas to which these regulations apply.

Under **Alternative 4**, some states may choose to manage the federal for-hire component while other states manage the private angling component only. If not all states choose to manage the federal for-hire component some for-hire vessels would continue to be managed under the default federal regulations. Action 1.2 provides alternative mechanisms for implementing this optional state management. This would create a situation for federal for-hire vessels that is similar to that described above when not all states are managing the private angling component if state management plans have not been approved for all states. In that situation, it is expected that the federal default regulations would ultimately be replaced for all states by approved state management plans, and the lines defining federal waters adjacent to each state would not be needed. However, under **Alternative 4**, even when all five states have approved state management plans, it would be likely for some states to be managing the federal for-hire component while others are not, requiring a mechanism to specify the regulations to which for-hire vessels are subject while fishing for red snapper in federal waters. The following action proposes alternatives for such a mechanism.

Regardless of the alternative selected, for-hire vessels must have a federal permit to harvest red snapper from federal waters. For-hire vessels that are state-licensed only cannot harvest red snapper from federal waters, even if an approved state management program is in place.

Currently, the Council is evaluating allocation-based management programs for the federal for-hire component through Amendments 41 (charter vessels) and 42 (headboats). Should the Council establish an allocation-based management program for one or both sub-components through Amendments 41 and 42 before establishing state management through this amendment, **Alternative 3** and **Alternative 4** may not be practical, as federal for-hire vessels would be part of a federally administered management program.

Program Amendment Action 1.2 – Mechanism to implement optional state management of federal for-hire vessels

Note: This action is only applicable if Alternative 4 is selected in Action 1.

Alternative 1: No Action. State management areas are defined by boundaries that extend outward from each state into federal waters of the Gulf. If a state is managing the federal for-hire component, the owners or operators of federally permitted vessels fishing for or possessing red snapper within that state's management area must follow the regulations specific to that state's management program. If a state is not managing the federal for-hire component, the owners or operators of federally permitted vessels fishing for or possessing red snapper within that state's management area must follow the federal default regulations.

Alternative 2: Establish a state-specific red snapper endorsement to the Gulf reef fish charter/headboat permit to fish for or possess red snapper in federal waters of the Gulf. A vessel with an endorsement for a state with an approved state management plan that includes the federal for-hire component must follow the regulations specific to the state program for which the endorsement is issued. A vessel with an endorsement for a state without an approved state management plan that includes the federal for-hire component, must follow federal default regulations.

> **Option a**: A charter/headboat permit for Gulf reef fish with a red snapper endorsement may be used to land red snapper in one state per fishing year. If an endorsement is associated with a permit that is transferred, an endorsement for a different state will not be issued to the transferred permit until the following fishing year.
>
> **Option b**: A charter/headboat permit for Gulf reef fish with a red snapper endorsement may be used to land red snapper in one state per fishing year, unless the permit is transferred. If a charter/headboat permit for Gulf reef fish with an associated endorsement is transferred during the fishing year, a new endorsement may be issued upon request for a different state.

Discussion:

If every state has an approved state management plan for the private angling component only (Action 1, Alternative 2), or both the private angling and federal for-hire component (Action 1, Alternative 3), and the management measures under state control do not require area specific regulations (see discussion in Section 2.4), then those components managed by the states would be able to fish for and possess red snapper throughout Gulf federal waters, subject to the rules and regulations of the state in which they land. However, there may be circumstances under either of these alternatives that result in one or more states not having an approved state management plan. As explained in the discussion of Action 1, if this occurred, defined state management areas extending from each state into federal waters would be used and private anglers, or both private anglers and federal for-hire vessels, would be subject to state regulations if the state has an approved state management plan, or the default federal regulations if the state does not have an approved state management plan.

Action 1.2 is only applicable if Action 1 Alternative 4 is selected as the preferred. This alternative would allow states to choose whether to manage the federal for-hire component as part of an approved state management plan. If not all states choose to manage the federal for-hire component, NMFS would need to define state management areas that extend outward from each state into adjacent federal waters. This is similar to the process discussed for Alternatives 2 and 3 in Action 1, in the event not all states have an approved state management plan. **Alternative 1** (No Action) reflects this mechanism for implementing optional state management for the federal for-hire component.

Alternative 2 would establish a state-specific red snapper endorsement to the charter/headboat permit for Gulf reef fish. This endorsement would indicate the state in which the vessel will land red snapper. The endorsement would allow fishing for and possession of red snapper throughout Gulf federal waters, subject to either the applicable state regulations or federal default regulations. If a vessel has an endorsement from a state that is managing the federal for-hire component, persons on that vessel would be subject to the applicable red snapper regulations established by that state. If a vessel has an endorsement from a state that is not managing the federal for-hire component, persons on that vessel would be subject to the federal default regulations. Persons on board for-hire vessels without a red snapper endorsement would be prohibited from possessing or landing red snapper.

Only one endorsement can be associated with each charter/headboat permit for Gulf reef fish.

2.3 Action 2 – Apportioning the Recreational ACL (Quota)

Alternative 1: No Action. Do not establish an allocation of the recreational sector component ACLs among the states that may be used for state management programs.

Alternative 2: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL and federal for-hire ACL among the states based on the average of historical landings for the years (excluding 2010):

Option 2a: 1986-2015.
Option 2b: 1996-2015.
Option 2c: 2006-2015.
Option 2d: 50% of average historical landings for the years 1986-2015 and 50% of average historical landings for the years 2006-2015.

Alternative 3: In calculating state apportionments under **Alternative 2**, exclude from the selected time series:

Option 3a: 2006 landings.
Option 3b: 2014 landings.
Option 3c: 2015 landings.

Alternative 4: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL and federal for-hire ACL among the states based on each state's average of the best ten years of historical landings during the years 1986-2015, excluding 2010.

Alternative 5: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL and federal for-hire ACL among the states based on spatial abundance of red snapper biomass and proportion of recreational trips from the time series in **Options 5a-5c**, excluding 2010, and using one of the weightings from **Options 5d-5f**:

	Option	Time Series for Recreational Trips	
Select one from 5a-5c:	5a	1986 – 2015	
	5b	2006 – 2015	
	5c	50% of the average number of recreational trips for the years 1986-2015 (5a) and 50% of the average number of recreational trips for the years 2006-2015 (5b).	
Select one from 5d-5f:	Option	Biomass	Recreational Trips
	5d	25%	75%
	5e	50%	50%
	5f	75%	25%

Preferred Alternative 6: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL among the states based on the allocations set in the exempted fishing permits approved for the states to manage the recreational harvest of red snapper in 2018 and 2019.

Table 2.3.1. Percent of the *private angling component* ACL allocated to each Gulf state based on the options for historical landings time series under **Alternative 2**, for the private angling component, only (Action 1, Alternative 2). Each row totals 100% of the private angling ACL, which is 57.7% of the total recreational ACL.

Option	Time series	AL	FL	LA	MS	TX	Total
2a	1986-2015	35.96%	28.07%	20.98%	7.93%	7.06%	100%
2b	1996-2015	38.48%	33.67%	16.67%	4.52%	6.66%	100%
2c	2006-2015	33.63%	41.57%	17.22%	2.13%	5.45%	100%
2d	50%(2a)+50%(2c)	34.80%	34.82%	19.10%	5.03%	6.26%	100%

Table 2.3.2. Resulting percentages of dividing the *private angling* ACL and *federal for-hire* ACL among the states for **Alternative 2**, by component (Action 1, Alternative 3 and Preferred Alternative 4). For each option, the sum of the private angling component ACLs totals 57.7% and the sum of the federal for-hire ACLs totals 42.3%; the sum of all cells for each alternative equals 100% of the total recreational ACL.

Option	Component	AL	FL	LA	MS	TX	Totals	
2a: 1986-2015	Private	20.75%	16.20%	12.11%	4.57%	4.07%	57.7%	100%
	For-hire	10.84%	15.67%	5.32%	0.29%	10.18%	42.3%	
2b: 1996-2015	Private	22.20%	19.43%	9.62%	2.61%	3.84%	57.7%	100%
	For-hire	11.39%	18.28%	3.91%	0.25%	8.47%	42.3%	
2c: 2006-2015	Private	19.41%	23.99%	9.93%	1.23%	3.14%	57.7%	100%
	For-hire	10.60%	19.76%	3.94%	0.10%	7.90%	42.3%	
2d: 50%(2a)+50%(2c)	Private	20.08%	20.09%	11.02%	2.90%	3.61%	57.7%	100%
	For-hire	10.72%	17.71%	4.63%	0.19%	9.04%	42.3%	

Table 2.3.3. Percent of the private angling ACL (Action 1, Alternative 2) and both the federal for-hire ACL and private angling ACL (Action 1, Alternative 3 or Preferred Alternative 4) based on the highest 10 years of historical landings for the years 1986-2015 (**Alternative 4**). For Action 1, Alternative 2, each state allocation is expressed as a percentage of the private angling ACL. For Action 1, Alternatives 3 and 4, the states' private angling and for-hire allocations are expressed as percentages of the total recreational ACL.

Action 1	Component	AL	FL	LA	MS	TX	Total
Alternative 2	Private only	38.44%	31.68%	16.73%	8.47%	4.68%	100%
Alternative 3 or 4	Private	22.18%	18.28%	9.65%	4.89%	2.70%	42.3%
	For-hire	10.45%	14.60%	6.07%	0.54%	10.65%	57.7%

Table 2.3.4. Percentages of the estimated red snapper biomass off each state, to be combined with recreational trips by state (**Alternative 5**).

	AL	FL	LA	MS	TX
Biomass	6.30%	29.94%	20.28%	1.34%	42.13%

Source: Karnauskas et al. (2017).

Table 2.3.5. Percent of the *private angling* ACL allocated to each state under **Alternative 5** for the private angling component, only (Action 1, Alternative 2), with various weightings (**Options 5d-5f**) for biomass and angler trips (**Options 5a-5c**).

	Option 5a: 1986-2015	**AL**	**FL**	**LA**	**MS**	**TX**
Option 5d	25% biomass; 75% trips	27.76%	29.06%	19.42%	5.52%	18.24%
Option 5e	50% biomass; 50% trips	20.61%	29.36%	19.70%	4.12%	26.20%
Option 5f	75% biomass; 25% trips	13.45%	29.65%	19.99%	2.73%	34.17%
	Option 5b: 2006-2015	**AL**	**FL**	**LA**	**MS**	**TX**
Option 5d	25% biomass; 75% trips	23.77%	40.12%	19.24%	3.03%	13.84%
Option 5e	50% biomass; 50% trips	17.95%	36.72%	19.59%	2.47%	23.27%
Option 5f	75% biomass; 25% trips	12.12%	33.33%	19.93%	1.90%	32.70%
	Option 5c: 50% (5a) + 50% (5b)	**AL**	**FL**	**LA**	**MS**	**TX**
Option 5d	25% biomass; 75% trips	25.76%	34.59%	19.33%	4.28%	16.04%
Option 5e	50% biomass; 50% trips	19.28%	33.04%	19.65%	3.30%	24.73%
Option 5f	75% biomass; 25% trips	12.79%	31.49%	19.96%	2.32%	33.43%

Note: **Options a-c** only apply to the proportion of trips, not the biomass estimates.

Table 2.3.6. Percent of the *private angling* ACL and *federal for-hire* ACL allocated to each state under **Alternative 5** (Action 1, Alternative 3 or Preferred Alternative 4), with various weightings (**Options 5d-5f**) for biomass and angler trips (**Options 5a-5c**).

	Option 5a: 1986-2015		**AL**	**FL**	**LA**	**MS**	**TX**
Option 5d	25% biomass; 75% trips	Private	16.02%	16.77%	11.20%	3.18%	10.52%
		For-hire	6.37%	19.66%	4.23%	0.36%	11.68%
Option 5e	50% biomass; 50% trips	Private	11.89%	16.94%	11.37%	2.38%	15.12%
		For-hire	5.14%	17.33%	5.68%	0.43%	13.73%
Option 5f	75% biomass; 25% trips	Private	7.76%	17.11%	11.54%	1.58%	19.71%
		For-hire	3.90%	15.00%	7.13%	0.50%	15.77%

	Option 5b: 2006-2015		**AL**	**FL**	**LA**	**MS**	**TX**
Option 5d	25% biomass; 75% trips	Private	13.71%	23.15%	11.10%	1.75%	7.98%
		For-hire	7.11%	21.33%	4.05%	0.20%	9.60%
Option 5e	50% biomass; 50% trips	Private	10.35%	21.19%	11.30%	1.42%	13.43%
		For-hire	5.63%	18.44%	5.56%	0.32%	12.34%
Option 5f	75% biomass; 25% trips	Private	6.99%	19.23%	11.50%	1.10%	18.87%
		For-hire	4.15%	15.55%	7.07%	0.44%	15.08%

	Option 5c: 50% (5a) + 50% (5b)		**AL**	**FL**	**LA**	**MS**	**TX**
Option 5d	25% biomass; 75% trips	Private	14.87%	19.96%	11.15%	2.47%	9.25%
		For-hire	6.74%	20.49%	4.14%	0.28%	10.64%
Option 5e	50% biomass; 50% trips	Private	11.12%	19.06%	11.34%	1.90%	14.27%
		For-hire	5.38%	17.88%	5.62%	0.38%	13.03%
Option 5f	75% biomass; 25% trips	Private	7.38%	18.17%	11.52%	1.34%	19.29%
		For-hire	4.02%	15.27%	7.10%	0.47%	15.43%

Note: **Options a-c** only apply to the proportion of trips, not the biomass estimates.

Table 2.3.7. Percent of the private angling component ACL allocated to each state under **Preferred Alternative 6** based on the amount of fish to be harvested by each state under the 2018-2019 State Red Snapper Management EFPs.

	AL	FL	LA	MS	TX
Quota (pounds)	984,291	1,778,515	743,000	137,949	241,245
% of 2018 private angling ACL	25.34%	45.78%	19.12%	3.55%	6.21%

To explore these multiple combinations of historical time series (**Alternative 2**) and options for excluding various years (**Alternative 3**), see the Red Snapper Decision Support Tool on the Council's website.[1]

Table 2.3.8. Summary of the allocations by state for **Alternatives 2-6** for the private angling component, only, excluding **Alternative 3**. The highest and lowest allocation for each state are highlighted. Each row sums to 100%.

Alternative	AL	FL	LA	MS	TX
2a	35.96%	**28.07%**	**20.98%**	7.93%	7.06%
2b	**38.48%**	33.67%	**16.67%**	4.52%	6.66%
2c	33.63%	41.57%	17.22%	2.13%	5.45%
2d	34.80%	34.82%	19.10%	5.03%	6.26%
4	38.44%	31.68%	16.73%	**8.47%**	**4.68%**
5a + 5d	27.76%	29.06%	19.42%	5.52%	18.24%
5a + 5e	20.61%	29.36%	19.70%	4.12%	26.20%
5a + 5f	13.45%	29.65%	19.99%	2.73%	**34.17%**
5b + 5d	23.77%	40.12%	19.24%	3.03%	13.84%
5b + 5e	17.95%	36.72%	19.59%	2.47%	23.27%
5b + 5f	**12.12%**	33.33%	19.93%	**1.90%**	32.70%
5c + 5d	25.76%	34.59%	19.33%	4.28%	16.04%
5c + 5e	19.28%	33.04%	19.65%	3.30%	24.73%
5c + 5f	12.79%	31.49%	19.96%	2.32%	33.43%
6	25.34%	**45.78%**	19.12%	3.55%	6.21%

[1] https://gulfcouncilportal.shinyapps.io/RedSnapperDecisionSupportTool3/

Table 2.3.9. Summary of the allocations by state for **Alternatives 2-5** for the private angling component (A) and federal for-hire component (B), excluding **Alternative 3**. The highest and lowest allocation for each state are highlighted by component. Each row sums to the respective component's allocation (57.7% for the private angling component and 42.3% for the federal for-hire component).

A) Private angling component

Alternative	AL	FL	LA	MS	TX
2a	20.75%	**16.20%**	**12.11%**	4.57%	4.07%
2b	**22.20%**	19.43%	**9.62%**	2.61%	3.84%
2c	19.41%	**23.99%**	9.93%	1.23%	3.14%
2d	20.08%	20.09%	11.02%	2.90%	3.61%
4	22.18%	18.28%	9.65%	**4.89%**	**2.70%**
5a + 5d	16.02%	16.77%	11.20%	3.18%	10.52%
5a + 5e	11.89%	16.94%	11.37%	2.38%	15.12%
5a + 5f	7.76%	17.11%	11.54%	1.58%	**19.71%**
5b + 5d	13.71%	23.15%	11.10%	1.75%	7.98%
5b + 5e	10.35%	21.19%	11.30%	1.42%	13.43%
5b + 5f	**6.99%**	19.23%	11.50%	**1.10%**	18.87%
5c + 5d	14.87%	19.96%	11.15%	2.47%	9.25%
5c + 5e	11.12%	19.06%	11.34%	1.90%	14.27%
5c + 5f	7.38%	18.17%	11.52%	1.34%	19.29%

B) Federal for-hire component

Alternative	AL	FL	LA	MS	TX
2a	10.84%	15.67%	5.32%	0.29%	10.18%
2b	**11.39%**	18.28%	**3.91%**	0.25%	8.47%
2c	10.60%	19.76%	3.94%	**0.10%**	**7.90%**
2d	10.72%	17.71%	4.63%	0.19%	9.04%
4	10.45%	**14.60%**	6.07%	**0.54%**	10.65%
5a + 5d	6.37%	19.66%	4.23%	0.36%	11.68%
5a + 5e	5.14%	17.33%	5.68%	0.43%	13.73%
5a + 5f	**3.90%**	15.00%	**7.13%**	0.50%	**15.77%**
5b + 5d	7.11%	**21.33%**	4.05%	0.20%	9.60%
5b + 5e	5.63%	18.44%	5.56%	0.32%	12.34%
5b + 5f	4.15%	15.55%	7.07%	0.44%	15.08%
5c + 5d	6.74%	20.49%	4.14%	0.28%	10.64%
5c + 5e	5.38%	17.88%	5.62%	0.38%	13.03%
5c + 5f	4.02%	15.27%	7.10%	0.47%	15.43%

Individual State Amendments Action 1 – Authority Structure for State Management

This section describes and compares the alternatives under consideration in the first action of the Individual State Amendments. The Council will select a preferred alternative for each state in its respective amendment.

Currently, each Gulf state decides when to open and close its state waters to fishing while NMFS closes fishing in federal waters consistent with the regulations implementing the Reef Fish Fishery Management Plan (FMP). The states also decide on any other management measures, such as bag limit and size limit, which are applicable in state waters while the Council decides the management measures applicable in federal waters. Many, but not all, of these management measures are consistent between the states as well as with the federal requirements. This action considers two primary approaches to provide the authority for state management: **delegation** and **conservation equivalency**.

Whether delegation or conservation equivalency is selected, a state's management measures must be consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Reef Fish FMP, including the red snapper rebuilding plan. Consistency with the Magnuson-Stevens Act and Reef Fish FMP requires, among other things, preventing overfishing, rebuilding declining reef fish stocks, monitoring the reef fish fishery, conserving and increasing reef fish habitats, and minimizing conflicts between user groups. Under all alternatives, red snapper would remain subject to Gulf-wide closure when the recreational sector ACL is met.

If a state's red snapper management plan is determined to be inconsistent with the requirements of delegation, or if the conservation equivalency plan is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the federal waters adjacent to that state would be subject to the ***default federal regulations*** for red snapper. Federal waters adjacent to a state refer to the portion of federal waters bounded by the state's waters and the boundary line(s) shown in Figure 1.1.1 that separate federal waters off each state.

Default federal regulations refer to the Gulf-wide federal regulations governing the recreational harvest of red snapper in the Code of Federal Regulations (50 CFR Part 622). To implement state management by delegation or conservation equivalency, the current regulations in the Code of Federal Regulations (50 CFR Part 622) would be waived for those anglers and vessels fishing under a state's delegation or approved conservation equivalency plan (CEP). Default federal regulations for the recreational harvest of red snapper would be applied to the federal waters adjacent to a state's waters in the event that state's delegation is determined to be inconsistent, its CEP is not approved, or the state chooses not to have a state management plan. A different process would be followed for delegation than for CEPs, in that delegation would remain in effect unless NMFS determines the delegation is inconsistent with the Reef Fish FMP (Appendix B), while CEPs would require a periodic determination that the plan is the conservation equivalent of the default federal regulations (Appendix C).

Among other regulations that apply to reef fish fishing in general, the current federal regulations for the harvest of red snapper include a 2-fish bag limit, minimum size limit of 16 inches total

length (TL), and a fishing season that begins on June 1 and closes when the ACT of each recreational component (i.e., private angling and federal for-hire) is projected to be caught. These regulations have been established and revised over time through past Council actions, which considered a variety of alternatives that were analyzed as part of the decision-making process.

In the event only some of the states have approved state management programs, the sum of all participating states' ACLs (as selected in Action 2) would be subtracted from the component ACL (or recreational sector ACL). Anglers and vessels from non-participating states would continue to be subject to the default federal regulations. NMFS would reduce the remaining component ACLs by the established buffer and establish federal season lengths for each component in federal waters adjacent to all states without an active state management program.

The alternatives under consideration for this action in the Individual State Amendments follow:

- **Alternative 1:** No Action. Retain current federal regulations for management of recreational red snapper in federal waters of the Gulf.

Delegation

- **Alternative 2:** Establish a management program that **delegates** management authority in federal waters to a state. The state must establish the red snapper season for the harvest of its assigned portion of the recreational sector ACL. In addition, delegated authority for managing the recreational harvest of red snapper may include establishing or modifying the:
  - **Option 2a**: bag limit
  - **Option 2b**: prohibition on for-hire vessel captains and crew from retaining a bag limit.
  - **Option 2c**: minimum size limit within the range of 14 to 18 inches TL
  - **Option 2d**: maximum size limit
  - **Option 2e**: requirements for live release devices (e.g., descending devices)
  - **Option 2f**: requirements for harvest gear
  - **Option 2g**: use of area or depth-specific regulations.

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. The delegation of management authority requires a three-quarters majority vote of the voting members of the Council. See Appendix B for additional information on the requirements of delegation including the Secretary of Commerce's procedure for addressing a state's regulations that are deemed inconsistent with the Reef Fish FMP.

Under **Alternative 2**, state management is defined as the delegation of limited management authority to a state, which would then establish appropriate management measures to constrain recreational harvest to the state's assigned portion of the recreational sector ACL. A state would have management authority to establish the red snapper fishing season, plus management measures selected among the options under **Alternative 2**. In setting the fishing season, the state would have the flexibility to select the season start date and could establish a fixed closed season, split seasons (e.g., spring and fall season), and alternate season structures (e.g.,

weekends, only). A state could also establish regional seasons, such as separate fishing seasons for the Florida Panhandle and west Florida. Provided the state constrains its landings of each component to that component's portion of the ACL, a state could establish different seasons for each component if the state is managing both the private angling and federal for-hire components. In addition, the state could reopen its fishing season if quota remains after the initial season closes.

Options 2a-2g provide management measures that may be delegated in addition to the fishing season. **Option 2a** would delegate authority to establish the recreational bag limit and **Option 2b** would allow the state to modify the prohibition on the captain and crew of a for-hire vessel retaining a bag limit. As with setting the fishing season, these options would allow bag limits to be set regionally or by component, if applicable. **Options 2c** and **2d** would delegate the red snapper size limit. Establishing both a minimum (**Option 2c**) and maximum size limit (**Option 2d**) would create a slot limit for the recreational harvest of red snapper. The current minimum size limit for red snapper is 16 inches TL in federal waters for recreational anglers and for all state waters except Texas. In state waters off Texas the recreational red snapper minimum size limit is 15 inches TL. Modifying the minimum size limit among states may pose issues for conducting stock assessments. This option limits the minimum size limits that may be adopted by the states due to biological concerns associated with high-grading and discard mortality. The red snapper stock is still under a rebuilding plan and stock assessments must take into account minimum size limits for each sector and gear type. Thus, the minimum size limit that may be delegated to the states is restricted to the range of 14 inches TL to 18 inches TL. All red snapper (100%) are estimated to be reproductively mature at age-2 (SEDAR 31 2013) at approximately 358 mm or 14 inches TL using the age-length equation in Szedlmayer and Shipp (1994); therefore, all of the minimum size limits within the range are estimated to be greater than the size of reproductively mature fish. For this reason, minimum size limits smaller than 14 inches TL are not considered. The largest minimum size limit within the range that could be delegated is 18 inches TL, which has the largest spawning potential for the stock.

Options 2e and **2f** would allow a state to establish requirements for the use of live release devices (e.g., descending devices and dehooking devices) and harvest gear, respectively. Both options would delegate authority that applies to the recreational harvest of red snapper, only. Federal regulations and guidance for live release devices and harvest gear are not specific to red snapper, but apply to reef fish or to finfish more generally. For example, the requirement to use non-stainless steel circle hooks when fishing with natural baits applies to the fishing of all reef fish. Because authority would be delegated only for the management of red snapper, delegating authority for these devices and gear could make enforcement more complicated if a state enacts a regulation that applies to red snapper, but not to other reef fish. These options would allow a state to require a live release device (**Option 2e**) or harvest gear (**Option 2f**) in federal waters, and, therefore, require the establishment of a state management area in which the state requirements would apply. However, a state could choose to require that vessels registered in the state carry a particular live release device or harvest gear, which would allow the regulation to be enforced dockside and not require a delegation.

Option 2g proposes to allow a state to establish area or depth-specific regulations and is not possible without further information regarding the scope and purpose of any planned closure.

Additional information pertaining to the scope and purpose (e.g., constrain rate of harvest) is needed to complete an analysis of this option and define the delegation and ensure environmental compliance. To implement a closed area NMFS would likely need to do additional rule making. **Option 2g** would not allow states to establish marine protected areas within federal waters nor restrict commercial vessels from harvesting red snapper from these areas. *Without further information about the scope and purpose of the area or depth-specific regulations,* ***Option 2g*** *cannot be included in a state's delegation*.

For some of the options (**Preferred Options 2a-2c**), specific regulations in the Code of Federal Regulations (Appendix D) would need to be waived or suspended for anglers landing in the participating state. State management, as it has been previously considered by the Council, included measures that would rely primarily on dockside enforcement, such as bag limits (**Options 2a** and **2b**) and size limits (**Options 2c** and **2d**). Other management measures, such as gear requirements or area-specific regulations (**Options 2e-2g**), would require monitoring and enforcement of recreational fishing in federal waters. Thus, if any of these types of measures are delegated to the state (**Options 2e-2g**), lines demarcating federal waters off each state (Figure 1.1.1) would be needed to identify the boundaries in which all of the applicable state's regulations apply. This would make state management more complicated and may create issues for enforcement.

Further, selecting some options as preferred would require a state to establish regulations at the state level consistent with those preferred options, because those regulations are currently in effect and would remain the federal default regulations (see above). The selection of other options as preferred would be optional for a state to establish as part of its state management program. For example, to remain consistent with the requirements of delegation, the fishing season (**Alternative 2**), bag limit (**Option 2a**), and minimum size limit (**Option 2c**) would need to be specified in the state's regulations, even if they are the same as the default federal regulations, if those options are selected. Selecting other options (**Options 2b** and **2d-2g**) would be optional (and in the case of **Option 2g**, may not be possible) for a state to establish under delegated authority, because any such existing regulations are not specific to red snapper but apply to fishing or reef fish fishing, generally.

Conservation Equivalency

Alternative 3: Establish a management program in which a state submits a plan describing the **conservation equivalency** measures the state will adopt for the management of its portion of the recreational sector ACL in federal waters. The plan must specify the red snapper season structure and bag limit for the state's harvest of its assigned portion of the recreational sector ACL. To be a CEP, the plan must be reasonably expected to limit the red snapper harvest to the state's assigned portion of the recreational sector ACL. If the state's plan is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the federal waters adjacent to the state would be subject to the default federal regulations for red snapper.

Option 3a: The plan will be submitted directly to NMFS for review.

Option 3b: The plan will first be submitted to a technical review committee. The technical review committee reviews and may make recommendations on the plan, which is either returned to the state for revision or forwarded to NMFS for final review.

Alternative 3 would adopt a process by which a state submits a CEP describing its intended management measures for the recreational harvest of red snapper. Conservation equivalency would grant less management authority directly to a state than delegation, because NMFS would need to approve any changes in the state management plan. However, the conservation equivalency alternatives provide flexibility to a state to modify the season structure and bag limit for the harvest of its designated portion of the red snapper recreational ACL. The procedure and requirements for conservation equivalency are provided in Appendix C.

Alternative 3 provides two options for the review process for the CEPs. Under **Option 3a**, a state would submit its plan directly to NMFS for review, while under **Option 3b**, the state would first submit its CEP to a technical review committee, which would consist of one member from each state designated by the state fisheries director. The technical review committee would provide the initial review of the CEPs and may make recommendations on the plan, which is either returned to the state for revision or forwarded to NMFS for final review and approval. Because of the additional time needed for the technical review committee to meet and review the CEPs, **Option 3b** would potentially entail a longer process for consistency determination than under **Option 3a**. On the other hand, the process under **Option 3b** provides for greater participation and input by state-level managers and stakeholders, increasing the involvement of local-level entities in the state management process. The proposed process under **Option 3b** is more similar to the Mid-Atlantic Fishery Management Council's management of summer flounder than is **Option 3a**.

Additional Considerations

Unless it is necessary to establish state management areas in federal waters, enforcement would primarily be conducted dockside, because of the variety of regulations under which any one vessel could be fishing while in federal waters. In federal waters, enforcement agents would use the most liberal state management measures in place at the time, to determine regulatory compliance. For example, if no open state has a bag limit greater than four red snapper per person per day, then possession of red snapper in excess of this bag limit, regardless of where in federal waters it is fishing, would be a violation.

Under all alternatives, red snapper would remain under federal management jurisdiction, subject to Gulf-wide closure of federal waters if NMFS determines that the total recreational sector ACL is met. Essentially, while a state would be given management authority to determine some of the regulations that apply to the harvest of red snapper, none of the alternatives provide the complete authority to manage red snapper advocated for by some supporters of state management. The management measures implemented by the state must adhere to the goals of the rebuilding plan and be consistent with federal and other applicable laws.

Individual State Amendments Action 2 – Quota Adjustment

This section describes and compares the alternatives under consideration in the second action of the Individual State Amendments. The Council will select a preferred alternative for each state in its respective amendment. An overage adjustment, or payback provision, is a type of AM; in the event that the quota is exceeded, the following year's quota would be reduced. An underage adjustment, or carryover provision, is the opposite. In the event that landings remain below the quota, the following year's quota would be increased.

Section 407(d) of the Magnuson-Stevens Act requires that the Council ensure the Reef Fish FMP (and its implementing regulations) have conservation and management measures that establish a separate sector quota for recreational fishing (private and for-hire vessels) and prohibit the possession of red snapper caught for the remainder of the fishing year once the sector quota is reached. Section 303(a)(15) of the Magnuson-Stevens Act requires ACLs and associated measures to ensure accountability. 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 that required NMFS to determine the recreational season length based on an ACT that is set 20% below 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. This AM applies when red snapper is classified as overfished and requires NMFS to reduce the recreational sector ACL in the year following an overage of the total recreational ACL by the full amount of the overage, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. Red snapper is not currently classified as overfished; therefore, overage adjustments are not currently implemented. Under either of the alternatives, if the combined recreational landings do not exceed the Gulf-wide recreational sector ACL in that year, no state or component ACLs would be reduced to account for a state or component ACL overage.

The use of an underage adjustment for state management programs would require that a carryover provision be in place, which the Council is currently developing in a draft amendment.[2] Revised National Standard 1 guidelines, published in October 2016, expressly address carrying over unused quota to the following fishing year. By creating a carryover provision, the foregone yield resulting from a state's early closing for its red snapper harvest could be applied to the following year's state ACL, thereby providing additional social and economic opportunities without negatively affecting the stock.

The alternatives under consideration for this action in the Individual State Amendments follow:

- **Alternative 1:** No Action. Retain the current post-season AMs for managing overages of the respective recreational sector ACL in federal waters of the Gulf. If red snapper is overfished (based on the most recent Status of U.S. Fisheries Report to Congress) and the combined recreational landings exceed the recreational sector ACL, reduce the **recreational sector** ACL and applicable recreational component ACL(s) 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 applicable component ACT will

[2] Carryover Provisions and Framework Modifications Draft Generic Amendment

be adjusted to reflect the established percent buffer. There is currently no carryover provision in the event the red snapper quota is not met.

Alternative 1 (No Action) would continue to apply the existing post-season AM Gulf-wide, but only while red snapper is classified as overfished. In the event red snapper landings exceed the Gulf-wide recreational ACL while red snapper is classified as overfished, the amount of the overage would be deducted from the recreational ACL. This would occur even if a particular state was successful in constraining landings to below its ACL, and would result in a decrease to that state's ACL, because the state's ACL would be based on a percentage of the Gulf-wide ACL. Although the possibility of triggering an overage adjustment would encourage a state to constrain harvest to its ACL, the Gulf-wide approach may be perceived as inequitable. For example, if the recreational ACL is greatly exceeded, then the necessary overage adjustment (applied to the recreational ACL before a state's ACL is deducted) may reduce fishing opportunities under the state's ACL the following year, even if that state had not exceeded its portion of the recreational ACL. If this occurs, it may reduce the flexibility provided under state management. Alternately, if a state's landings cause the entire recreational sector ACL to be exceeded, while landings by other states remain within their respective portions of the ACL, anglers in the other states would lose fishing opportunities despite remaining within their respective portions of the ACL. Because red snapper is not currently classified as overfished, there would be no overage adjustment at this time; however, if the status of the stock changes to overfished, the overage adjustment would be implemented as needed. **Alternative 1** does not include an underage adjustment, although the Council is developing an amendment to establish such a carryover provision.

- **Alternative 2:** If a state's combined recreational landings exceed or are less than the state's recreational ACL, then in the following year reduce or increase the total recreational quota and the state's ACL, in accordance with Council procedures, by the amount of the ACL overage or underage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no adjustment is necessary. If appropriate, the state's recreational ACT (or component ACTs) will be adjusted to reflect the previously established percent buffer.

  Option 2a: If a state has both a private-angling ACL and a federal for-hire ACL, the adjustment will be **applied only to the component(s)** that exceeded the applicable ACL.

  Option 2b: If a state has both a private-angling ACL and a federal for-hire ACL, the adjustment will be **applied equally to both components**.

Alternative 2 would apply a post-season quota adjustment to a state's portion of the ACL, only in the event that the Gulf-wide recreational sector ACL is exceeded or not reached. **Alternative 2** would prevent an overage of the Gulf-wide ACL from affecting a state in the event its state ACL is not exceeded. However, if both the state and the Gulf-wide ACLs were exceeded, the portion of the overage for which a state was responsible would be deducted from that state's ACL for the next year. The overage adjustments would need to be taken into account when a state develops its management plan (delegation or CEP), including the length of the fishing season for the following year. **Alternative 2** would encourage a state to constrain landings to its

ACL to ensure that the overage adjustment is not applied to the recreational season for the following year.

In the event a state's landings do not meet its state ACL, **Alternative 2** would increase a state's ACL the following year. This alternative would only be possible following implementation of the amendment establishing a carryover provision for uncaught quota, currently under development by the Council. The underage adjustment proposed under **Preferred Alternative 2** would be limited to the parameters approved through that amendment, including any conditions on the status of the stock during which an overage adjustment may be applied.

Option 2a and **Option 2b** under **Alternative 2** would apply only if the Council decides to include the federally permitted for-hire vessels in state management in the Program Amendment, through Action 1, Alternative 3 or Preferred Alternative 4. In the event the Gulf-wide recreational sector ACL is exceeded, **Option 2a** would apply the adjustment based on whether a state's landings exceeded or remained below its portion of the ACL; the former would result in a reduction to the following year's state ACL and the latter would add the amount of uncaught quota to the next year's state ACL. In the event one component within a state exceeds its quota while the other does not, this option would prevent the overage adjustment from affecting the component that does not exceed its ACL. In the event of a quota underage, the quota increase the following year would likewise be applied to the component that remained under its quota, by the amount of the underage.

*The Council is currently developing an amendment to adopt a carryover provision that may affect red snapper; if **Option 2b** is not consistent with the carryover amendment, the Council may wish to consider removing it from this amendment.* **Option 2b** would apply the overage or underage adjustment evenly to both of a state's component ACLs, regardless if only one of the components exceeded or under-harvested its component ACL. Although the possibility of triggering an overage adjustment would encourage the constraint of harvests to respective component ACLs, applying the overage equally to both components may be perceived as inequitable, should one component remain within its portion of the ACL, yet have its portion of the ACL reduced in the following year due to overages by the other component. It would also be considered inequitable should a component that met its quota have its quota increased in the following year, because the other component's landings were below its quota.

Under **Alternative 1** and **Alternative 2**, **Option 2a** and **Option 2b**, if the combined recreational landings do not exceed the Gulf-wide recreational sector ACL in that year, neither the recreational sector ACL nor any state or component ACLs would be reduced to account for a state or component ACL overage.