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Establish Gray Snapper Status Determination Criteria and Modify Annual Catch Limits



Final Amendment 51 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

Including Environmental Assessment,
Fishery Impact Statement, Regulatory Impact Review,
and Regulatory Flexibility Act Analysis

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ENVIRONMENTAL ASSESSMENT COVER SHEET

Final Amendment 51 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico: Establish Gray Snapper Status Determination Criteria and Modify Annual Catch Limits

Including Environmental Assessment, Fishery Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Act Analysis

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Type of Action

Administrative Legislative
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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
ALS	accumulated landings summary
AM	accountability measures
B	biomass
BiOp	biological opinion
BLL	bottom longline
Council	Gulf of Mexico Fishery Management Council
CS	consumer surplus
DLMToolkit	Data Limited Methods Toolkit
DPS	distinct population segments
DVR	diver
EEZ	exclusive economic zone
EFH	essential fish habitat
EJ	environmental justice
ESA	Endangered Species Act
F	fishing mortality rate
FMP	Fishery Management Plan
FMU	fishery management unit
GS	gray snapper
Gulf	Gulf of Mexico
gw	gutted weight
H&L	hook-and-line
HAPC	habitat areas of particular concern
IFQ	individual fishing quota
M	natural mortality
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	maximum fishing mortality threshold
mp	million pounds
MMPA	Marine Mammals Protection Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Association
NOR	net operating revenue
NS1	National Standard 1
OFL	overfishing limit
OY	optimum yield
PAH	polycyclic aromatic hydrocarbons
PS	producer surplus
Reef Fish FMP	Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico
RFFA	reasonably foreseeable future actions

RQ	regional quotient
SDC	status determination criteria
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SPR	spawning potential ratio
SSB	spawning stock biomass
SSBR	spawning stock biomass per recruit
SSC	Scientific and Statistical Committee
TL	total length
ww	whole weight

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FISHERY IMPACT STATEMENT

The Magnuson-Stevens Fishery Conservation and Management Act requires that a fishery impact statement be prepared for all amendments to fishery management plans. The FIS contains: 1) an assessment of the likely biological/conservation, economic, and social effects of the conservation and management measures on fishery participants and their communities; 2) an assessment of any effects on participants in the fisheries conducted in adjacent areas under the authority of another Fishery Management Council; and 3) the safety of human life at sea. Chapter 4 includes a detailed discussion of the expected effects for all considered alternatives. The FIS provides a summary of these effects.

Gray snapper is a federally managed species in the Gulf of Mexico (Gulf). The species is targeted inshore and offshore on natural and artificial reefs. The federal minimum size limit is 12 inches total length, the fishing season is year-round, and there is no sector allocation. Recreational anglers can keep 10 fish per person within the 10 fish per person snapper aggregate bag limit. Gray snapper are primarily harvested with hook-and-line gear by the commercial and recreational sectors with over 90% of the landings attributed to the recreational sector. There are no commercial trip limits for Gulf gray snapper. Total annual landings of gray snapper have ranged from 0.921 million pounds (mp) whole weight (ww) in 2010 to 2.36 mp ww in 2016. From 2012 through 2017, landings averaged 2.03 mp ww without trend. Since the implementation of an annual catch limit (ACL) and annual catch target (ACT) in 2012, total landings have not exceeded the ACL. If the ACL is exceeded for gray snapper, the accountability measure requires in-season monitoring of the stock in the following year and, if the stock ACL is reached or projected to be reached, the National Marine Fisheries Service (NMFS) will close the harvest of gray snapper for the remainder of the fishing year (GMFMC 2011a).

Gray snapper are managed as a single stock in the Gulf and the stock status was recently assessed in 2018 through Southeast Data, Assessment, and Review (SEDAR) 51. A review of the stock identification and delineation was conducted as part of the stock assessment and recommendations from the assessment suggested continuing to manage the Gulf and South Atlantic stocks separately based on genetic differences and limited movement of adults. The assessment indicated that the Gulf stock was experiencing overfishing, but no determination was made about the overfished status as the maximum sustainable yield (MSY) proxy and minimum stock size threshold (MSST) for gray snapper are undefined.

To address the new information derived from the stock assessment, the Gulf of Mexico Fishery Management Council (Council) is taking action through Amendment 51. Amendment 51 consists of five actions. Action 1 would define the maximum sustainable yield (MSY) proxy for gray snapper. It consists of five alternatives. **Alternative 1** (No Action) would not establish an MSY proxy for gray snapper. **Preferred Alternative 2** would set the MSY proxy as the yield when fishing at 26% spawning potential ratio ($F_{26\% SPR}$). **Alternative 3** would set the MSY proxy as the yield when fishing at $F_{30\% SPR}$. **Alternative 4** would set the MSY proxy as the yield when fishing at $F_{40\% SPR}$. For future assessments of gray snapper, **Preferred Alternative 5** would allow the MSY proxy to be equal to the yield produced by $F_{MSY \text{ or } PROXY}$, recommended by

the Council’s Scientific and Statistical Committees (SSC), and subject to approval by the Council through a plan amendment.

Action 2 would keep or revise the overfishing threshold or maximum fishing mortality threshold (MFMT). **Alternative 1** (No Action) would retain the current MFMT definition for gray snapper, which is equal to $F_{30\% SPR}$. **Preferred Alternative 2** would set MFMT as equal to $F_{26\% SPR}$. **Alternative 3** would set MFMT as equal to $F_{40\% SPR}$.

Action 3 would set the overfished threshold or MSST for gray snapper. **Alternative 1** would not establish an MSST. **Alternative 2** would set MSST equal to $(1-M) * B_{MSY}$ (or MSY proxy) where M is the natural mortality rate and B_{MSY} (or MSY proxy) is the stock biomass that results from catching the MSY or MSY proxy. This results in an MSST equal to $0.85 * B_{MSY}$ (or MSY proxy). **Alternative 3** would set MSST equal to $0.75 * B_{MSY}$ (or MSY proxy). **Preferred Alternative 4** would set MSST equal to $0.50 * B_{MSY}$ (or MSY proxy).

Action 4 would establish optimum yield (OY). Optimum yield is a long-term average catch level that is based on MSY as reduced by relevant economic, social, or ecological factors. **Alternative 1** would not establish an OY for gray snapper. **Preferred Alternative 2** would set OY as a percentage of MSY as the long-term yield that implicitly accounts for relevant economic, social, or ecological factors by fishing. There are three OY options. **Option 2a** would set OY at 50% of F_{MSY} (or MSY proxy), **Option 2b** would set OY at 75% of F_{MSY} (or MSY proxy), and **Preferred Alternative 2c** would set OY at 90% of F_{MSY} (or MSY proxy).

Action 5 consists as four alternatives and would set the ACL for Gulf gray snapper consistent with the SSC’s overfishing limit (OFL) and acceptable biological catch (ABC) recommendations. **Alternative 1** would maintain the ACL at 2.42 mp ww, and the ACT would remain at 2.08 mp ww (ACT reduced 14% from ACL). Because the ACT established by the Council does not serve any management purpose, as the accountability measures are associated with the ACL, the Council decided to not use an ACT, and so the remaining alternatives do not have an ACT component. **Preferred Alternative 2** uses the OFL and ABC yield stream associated with the MSY proxy of $F_{26\% SPR}$ to set OFL, ABC, and ACL. For **Alternative 2a**, the ACL for gray snapper for the years 2019 through 2021 and beyond would be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.59	2.52	2.52
2020	2.58	2.51	2.51
2021+	2.57	2.51	2.51

For **Preferred Alternative 2b**, the ACL/ACT Control Rule (landings from 2014 through 2017) would be applied and establishes an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 would be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.59	2.52	2.24
2020	2.58	2.51	2.24
2021+	2.57	2.51	2.23

Alternative 3 uses the OFL and ABC yield stream associated with the MSY proxy of $F_{30\%SPR}$ to set OFL, ABC, and ACL. For **Alternative 3a**, the ACL for gray snapper for the years 2019 through 2021 and beyond would be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.26	2.20	2.20
2020	2.58	2.24	2.24
2021+	2.58	2.27	2.27

For **Alternative 3b**, the ACL/ACT Control Rule (landings from 2014 through 2017) would be applied and establishes an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 would be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.26	2.20	1.95
2020	2.58	2.24	1.99
2021+	2.58	2.27	2.02

Alternative 4 uses the OFL and ABC yield stream associated with the MSY proxy of $F_{40\%SPR}$ to set OFL, ABC, and ACL. For **Alternative 4a**, the ACL for gray snapper for the years 2019 through 2021 and beyond would be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	1.64	1.59	1.59
2020	1.72	1.68	1.68
2021+	1.80	1.76	1.76

For **Alternative 4b**, the ACL/ACT Control Rule (landings from 2014 through 2017) would be applied and establishes an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 would be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	1.64	1.59	1.41
2020	1.72	1.68	1.49
2021+	1.80	1.76	1.56

Biological Effects (Conservation Effects)

The definitions for the status determination criteria, MSY proxy, MFMT, and MSST (**Actions 1-3**), establish reference points for determination of overfished and overfishing status. The selection of reference points based on an MSY proxy of the yield at $F_{26\%SPR}$ (**Preferred Alternative 2** for both **Actions 1 and 2**) is lower than the proxy used for most other reef fish species ($F_{30\%SPR}$). Lower spawning potential ratios (SPRs) allow higher MSY levels and possibly higher levels of fishing effort, producing potentially greater adverse effects to the gray snapper stock. The Southeast Fisheries Science Center examined different SPR values including 26% SPR and presented its results to the SSC. The SSC recognized that 26% SPR is scientifically acceptable as a proxy for MSY, but recommended that the Council consider a more risk averse proxy of 30% SPR because of the uncertainty in the stock assessment. The Council noted that the red snapper proxy is set at $F_{26\%SPR}$, which allows for a larger yield at a given stock size, and determined that it was appropriate to set a similar MSY proxy for gray snapper. For

Action 1, the Council also selected **Preferred Alternative 5** that allows for flexibility in changing the MSY proxy should a new assessment be conducted with a different proxy recommendation. **Action 3, Preferred Alternative 4** would set MSST at $50\% \cdot B_{MSY}$ (or proxy) and is the lowest MSST allowed under the NS 1 guidelines. Relative to the **Alternatives 2 and 3**, this would result in the longest rebuilding time and the most restrictive management measures should the gray snapper biomass fall below MSST. Therefore, it would have the greatest negative impacts on the biological/ecological environment relative to the gray snapper stock if the stock were to become overfished. Under this MSST definition, gray snapper is not overfished.

Setting OY under **Action 4** is not expected to have any direct effects on the biological/ecological environment; however, the definition of OY could affect the long-term harvest levels. Management measures that would be required to maintain harvests at or below OY would produce biological/ecological impacts. Consequently, the biological/ecological impacts of the alternatives in this action would be indirect. **Preferred Alternative 2c** is the least precautionary option with the highest associated fishing mortality value and the lowest associated B_{MSY} of the options considered.

Under **Action 5**, the **Preferred Alternative 2b** would use the highest OFLs and associated ABCs to set the ACL as they are based on an $F_{26\% SPR}$ yield stream. This alternative does apply the ACL/ACT control rule that yields an 11% buffer between the ABC and the ACL. This buffer would likely result in less fishing effort and fewer adverse effects on the biological environment than if the control rule were not applied.

Economic Effects

The definition of a gray snapper MSY proxy and the streamlining of future modifications to the proxy (**Action 1, Preferred Alternatives 2 and 5**) would result in economic effects due to the expected trade-off between short run fishing opportunities and reductions in long-term risks of stock depletion, and to timelier adjustments to the MSY proxy. The relative size of these would determine the net economic effects expected from **Action 1**. Revising the gray snapper MFMT (**Action 2, Preferred Alternative 2**) would not affect the harvest of gray snapper but would result in indirect economic benefits by promoting consistency between the MFMT and the MSY proxy defined in **Action 1**. Setting a less conservative MFMT, (**Action 2, Preferred Alternative 2**) is expected to decrease the likelihood of an overfishing determination and reduce the probability that gray snapper would be rebuilt within the timeframe specified by a rebuilding plan; thereby, potentially resulting in adverse indirect economic effects.

The gray snapper MSST (**Action 3, Preferred Alternative 4**) would result in increased management flexibility but may require more stringent rebuilding measures if gray snapper are declared overfished. Net indirect economic effects expected from **Action 3** would be determined by the balance between the benefits due to the added flexibility and the adverse effects that may result from stricter rebuilding measures that may be required in the future.

The definition of an OY for gray snapper (**Action 4, Preferred Alternative 2c**) is not expected to affect gray snapper fishing practices or harvest levels. However, indirect economic effects may result in the future if a link is established between OY for gray snapper and ACL-related

gray snapper management measures. The reduction of the gray snapper ACL (**Action 5, Preferred Alternative 2b**) is expected to result in losses in recreational economic value and in commercial ex-vessel value. Expected losses in recreational economic value and in commercial ex-vessel value are estimated at \$4.72 million and \$106,013, respectively.

Social Effects

The social effects of the actions in this amendment are related, in that negative indirect social effects may result from establishing an MSY proxy (**Action 1**) if the related status determination criteria result in an undergoing overfishing or overfished status (**Actions 2 and 3**), warranting a reduction to the ACL (**Action 5**), which would be expected to reduce fishing opportunities. Collectively, the preferred alternatives reflect less conservative approaches, which would preclude indirect negative effects from additional harvest restrictions in the short-term, but increase the long-term risk of stock depletion, which could result in greater harvest restrictions in the long-term, if required. Because the majority of gray snapper landings (greater than 90%) are made by the recreational sector in Florida (approximately 78%), the potential indirect negative social effects would occur primarily in Florida among recreational anglers.

Adopting the less conservative MSY proxy (**Action 1; Preferred Alternative 2**) with the less conservative thresholds for determining whether overfishing is occurring (**Action 2, Preferred Alternative 2**), or the stock is overfished (**Action 3, Preferred Alternative 4**) could allow greater catch limits in the short-term compared to the other action alternatives, thereby avoiding some negative effects that would arise if fishing activity were to be restricted. **Action 4, Preferred Alternative 2c** would set OY the closest to the MSY proxy, resulting in the least short-term effects by allowing the most gray snapper to be caught. On the other hand, under these alternatives, higher catch levels in the short term increase the risk of stock depletion in the long term, resulting in more restrictive fishing regulations later if the stock is determined to be overfished or undergoing overfishing. Some minimal positive effects would be expected from **Action 1, Preferred Alternative 5** as it would remove the requirement that the Council evaluate a range of alternatives and more simply adopt the SSC recommendation for a particular MSY proxy as stated within a plan amendment.

Indirect negative effects could result under **Action 5** if the change to allowable harvest levels results in an in-season closure or additional harvest restrictions, which in turn affect existing fishing activity. Among the action alternatives, it would be least likely that the ACL is met and an in-season closure occurs under **Preferred Alternative 2b**. Nevertheless, although landings have not met the current ACL, negative effects would be expected through lost fishing opportunities if landings increase in subsequent years and the ACL is met or exceeded two years in a row, as an in-season closure would be triggered in year two. On the other hand, positive effects could result in the long term if further harvest is prohibited, thereby protecting the stock and mitigating some of the negative effects from an in-season closure.

CHAPTER 1. INTRODUCTION

1.1 Background

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the National Marine Fisheries Service (NMFS) and the Regional Fishery Management Councils to end overfishing, rebuild overfished stocks, and achieve, on a continuing basis, the optimum yield (OY) from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production, recreational opportunities, and protecting marine ecosystems.

- Consists of 17 voting members: 11 appointed by the Secretary of Commerce; 1 representative from each of the 5 Gulf states, the Southeast Regional Director of NMFS; and 4 non-voting members
- Develops fishery management plans and amendments; and proposed regulations

National Marine Fisheries Service

- Approves, disapproves, or partially approves fishery management plans and amendments
- Implements regulations

Status Determination Criteria and Biological Reference Points

The National Standard 1 (NS1) guidelines require that each Fishery Management Plan (FMP) specify the maximum sustainable yield (MSY) (or appropriate proxy), and OY for managed stocks. The National Standard 1 (NS1) guidelines also require that each FMP describe objective and measurable criteria to determine overfishing and overfished status, such as a minimum stock size threshold (MSST), and a maximum fishing mortality threshold (MFMT), or an overfishing limit (OFL), collectively known as status determination criteria. These thresholds represent the point at which a stock is determined to be overfished (i.e., biomass below MSST) or experiencing overfishing (i.e., fishing mortality above MFMT or annual landings exceed OFL).

Catch Level Reference Points

MSY is a long-term average catch level corresponding to the largest average amount of fish that can be caught each year on a continuing basis without depleting the stock. OY is a long-term average catch level that is based on MSY as reduced by relevant economic, social, or ecological factors.

Stock Biomass Reference Points

Stock biomass refers to the size of the unharvested population that is capable of reproduction. It can be measured in terms of pounds of fish in the water, numbers of fish remaining in the water, or the expected egg production from the spawning stock biomass (SSB) of the adult stock in the water. The stock level that results from catching the MSY level is called the biomass at MSY (B_{MSY}). If the stock size falls below B_{MSY} , it may no longer be able to sustain the MSY catch without further depletion and may require a temporary reduction in harvest to rebuild the stock. However, biomass can be expected to fluctuate over time, due to changes in environmental conditions, recruitment, or other variables. To account for these fluctuations, a stock is not considered to be overfished until it drops to some specified level below B_{MSY} , which is defined by the MSST.

The Gulf of Mexico Fishery Management Council (Council) has discretion in deciding how far the MSST can be set below B_{MSY} , but it cannot be less than 50% of B_{MSY} . If there is a large gap between B_{MSY} and MSST, it is less likely a stock will be declared overfished if biomass decreases, but more restrictive management measures may be necessary to rebuild the stock back to B_{MSY} . If there is a narrow gap between B_{MSY} and MSST, it is more likely a stock will be declared overfished if biomass decreases, but less restrictive management measures may be necessary to rebuild the stock. If MSST is set too close to B_{MSY} , natural fluctuations may cause the stock to enter an overfished condition even if it is well managed.

Minimum Stock Size Threshold (overfished)

Minimum stock size threshold (MSST) is the biomass level that a stock can decline to before being declared overfished (stock abundance is too low), requiring a rebuilding plan. MSST is usually expressed as a percentage of the biomass level at MSY or MSY proxy.

A narrower buffer is more likely to trigger an overfished determination, but if triggered, less restrictive regulations would be needed during the rebuilding plan.

Narrower buffer

$$0.75 * B_{MSY}$$

$$0.50 * B_{MSY}$$

Wider buffer

A wider buffer is less likely to trigger an overfished determination, but if triggered, more restrictive regulations would likely be required during the rebuilding plan.

Fishing Mortality Rate Reference Points

The fishing mortality rate that results in catching the MSY level on an annual basis is called F_{MSY} and is the maximum fishing mortality rate that is likely to be sustainable. The MFMT is the rate of fishing mortality above which a stock is experiencing overfishing (fish are being removed at too rapid a rate). MFMT is often set equal to F_{MSY} , but under some conditions it may be desirable to set MFMT below F_{MSY} , for example, if the stock size is below B_{MSY} . The MFMT is also the fishing mortality rate that results in catching the OFL level on an annual basis. In the years that a stock assessment is completed for a stock, overfishing occurs if the current fishing mortality rate (F) exceeds the MFMT. In years without a stock assessment, overfishing occurs if the annual harvest exceeds the OFL.

Gray Snapper

Gray snapper, also called mangrove snapper occur in tropical, subtropical and warm temperate waters from Brazil to Bermuda, and throughout the Gulf of Mexico (Gulf) and Caribbean Sea. Spawning occurs primarily in the summer months, between May and September. Gray snapper spend their first month of life in a larval phase, floating as plankton. As juveniles, gray snapper settle nearshore in estuaries, seagrass beds, or shallow reefs, and gradually move offshore as they grow larger. Adults are often associated with reefs or other structures.

Gray snapper are targeted inshore and offshore on natural and artificial reefs. The federal minimum size limit is 12 inches total length (TL), the fishing season is year-round, and there is no sector allocation. Recreational anglers can keep 10 fish per person within the 10 fish per person snapper aggregate bag limit. Gray snapper are primarily harvested by hook-and-line gear by the recreational sector, with some spearfishing. There are no commercial trip limits for Gulf gray snapper.

Recruitment to the fishery begins at age four, and the species has a maximum age of 32 (SEDAR 51 2018). Spawning occurs year-round in south Florida, and during the summer throughout the rest of the Gulf, on reef and hard bottom habitats at depths from 0-180 m 32 (SEDAR 51 2018).

Gray Snapper Landings

Total annual landings of gray snapper have ranged from 0.921 million pounds (mp) whole weight (ww) in 2010 to 2.36 mp ww in 2016 (Table 1.1.1). From 2012 through 2017, landings averaged 2.03 mp ww without trend. The landings in 2010 may have been unusually low because of reduced fishing effort following the *Deepwater Horizon* MC252 oil spill that occurred in 2010. The majority of landings are from the recreational sector and gray snapper are frequently harvested by anglers in both inshore and offshore waters off Florida. The other Gulf states have low landings. Since the implementation of an annual catch limit (ACL) and annual catch target (ACT) in 2012, total landings have not exceeded the ACL. If the ACL is exceeded for gray snapper, the accountability measure requires in-season monitoring of the stock in the following year and, if the stock ACL is reached or projected to be reached, NMFS will close the harvest of gray snapper for the remainder of the fishing year (GMFMC 2011a).

Table 1.1.1. Commercial and recreational landings of gray snapper by sector from 2001 through 2017. Recreational data includes all modes.

Year	Recreational Landings (lbs ww)	Commercial Landings (lbs ww)	Total Landings (lbs ww)
2001	1,491,820	198,411	1,690,231
2002	1,397,892	231,700	1,629,592
2003	1,960,368	197,496	2,157,864
2004	2,127,147	230,778	2,357,925
2005	2,052,385	234,513	2,286,898
2006	2,048,373	203,097	2,251,470
2007	1,558,548	150,456	1,709,004
2008	2,131,636	150,979	2,282,615
2009	1,732,390	179,479	1,911,869
2010	809,190	112,307	921,497
2011	979,572	192,906	1,172,478
2012	1,321,777	179,006	1,500,783
2013	1,836,573	143,644	1,980,217
2014	2,136,482	199,025	2,335,507
2015	1,889,586	163,321	2,052,907
2016	2,202,620	156,337	2,358,957
2017	1,822,026	136,927	1,958,953

Source: SEFSC Recreational MRFSS ACL Data (Nov 29, 2018); Commercial ACL Data (Oct 23, 2018)

Note: Gulf recreational landings reported to the Marine Recreational Information Program exclude Monroe County.

Gray Snapper Stock Assessment (SEDAR 51)

Prior to 2018, the stock condition of gray snapper had not been evaluated in a stock assessment. In 2018, a gray snapper benchmark stock assessment was completed (SEDAR 51 2018) and reviewed by the Council’s Scientific and Statistical Committee (SSC) at its May 2018 meeting. The SSC accepted the gray snapper assessment as the best scientific information available and determined that the stock is experiencing overfishing as of 2015 (Table 1.1.2). The SSC did not determine if the stock is overfished as the MSY proxy and MSST for gray snapper are undefined.

The actions in this amendment are intended to establish stock status reference points where they do not currently exist, and in some cases to consider modifying existing reference points. As part of the SSC review of the gray snapper stock assessment, the SSC also provided OFL and acceptable biological catch (ABC) recommendations for 2019 through 2021. This amendment also considers alternatives that would modify the OFLs, ABCs, ACLs, and ACTs for gray snapper from 2019 through 2021 based on the stock assessment results.

Table 1.1.2. Status determination criteria and stock status of gray snapper based on the SEDAR 51 (2018) stock assessment.

Criteria	Definitions	SEDAR 51 Values	Status
M		0.15	
Steepness		1.0	
Virgin Recruitment	1,000s	10,683	
SSB Unfished	metric tons	22,200	
Mortality Rate Criteria			
F_{MSY} or proxy	$F_{SPR30\%}$	0.115	
MFMT	$F_{SPR30\%}$	0.115	
$F_{CURRENT}$	geometric mean ($F_{2013-2015}$)	0.138	
$F_{CURRENT}/MFMT$		1.2	Overfishing
Biomass Criteria			
SSB_{MSY} or proxy (metric tons)	$SSB_{SPR30\%}$	6,621	
MSST (metric tons) @ (1-M)	$(1-M)*SSB_{SPR30\%}$	5,627	
MSST (metric tons) @ 50%	$0.50*SSB_{SPR30\%}$	3,310	
$SSB_{CURRENT}$ (metric tons)	SSB_{2015}	4,660	
$SSB_{CURRENT}/SSB_{SPR30\%}$	SSB_{2015}	0.704	
$SSB_{CURRENT}/MSST$ @ (1-M)	$MSST = (1-M)*SSB_{SPR30\%}$	0.827	
$SSB_{CURRENT}/MSST$ @ 50%	$MSST = 0.50*SSB_{SPR30\%}$	1.408	

1.2 Objectives of the Reef Fish Fishery Management Plan

At its October 2018 meeting, the Council reviewed the goals and objectives of the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico [Reef Fish FMP (Appendix B)] and made modifications, including the removal of some objectives. At its January 2019 meeting, the Council reviewed the revised objectives from the previous meeting. At that time, the Council further modified the revised Objective 2 from “To maintain robust fishery reporting and data collection systems for monitoring the reef fish fishery” to “To achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fish fishery, which minimizes management uncertainty” and added Objective 12. At its August 2019 meeting, based on a recommendation by the SSC, the Council further modified Objective 2 as “To achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fishery which minimizes scientific, management, and risk uncertainty.” Through this amendment to the Reef Fish FMP, the Council is adopting the updated objectives as shown below.

The overall goal of the Reef Fish FMP is:

To manage the reef fish fishery of the United States within the waters of the Gulf of Mexico Fishery Management Council jurisdiction to attain the greatest overall benefit to the nation with particular reference to food production and recreational opportunities on the basis of the maximum sustainable yield as reduced by relevant ecological, economic, or social factors.

The new Reef Fish FMP objectives are as follows:

1. To prevent overfishing and rebuild overfished stocks.
2. To achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fish fishery, which minimizes scientific, management, and risk uncertainty.
3. To conserve and protect reef fish habitat.
4. To minimize conflicts between user groups.
5. To minimize and reduce dead discards.
6. To manage Gulf stocks at OY as defined in MSA.
7. To revise the definitions of the fishery management unit and fishery to reflect the current species composition of the reef fish fishery.
8. To encourage and periodically review research on the efficacy of artificial reefs for management purposes.
9. To promote stability in the fishery by allowing for enhanced fisher flexibility and increasing fishing opportunities to the extent practicable.
10. To avoid to the extent practicable the "derby" type fishing season.
11. To provide for cost-effective and enforceable management of the fishery.
12. To promote and maintain accountability in the reef fish fishery.

1.3 Purpose and Need

The purpose of this action is to establish status determination criteria for gray snapper, including an estimate of MSY (or proxy), MSST, and OY, as well as modify the MFMT, consistent with the current NS1 guidelines and the Reef Fish FMP. In addition, the purpose is to modify the gray snapper ACL and ACT consistent with a recent stock assessment and the SSC's OFL and ABC recommendations.

The need is to have biological reference points for gray snapper that can be used for setting management targets and overfished and overfishing status; to adjust gray snapper ACL and ACT consistent with the best available science; and to achieve OY consistent with the requirements of the Magnuson-Stevens Act.

1.4 History of Management

The following summary describes management actions that affect the gray snapper component of the reef fish fishery in the Gulf. More information on the Reef Fish FMP and other Council FMPs can be obtained from the Council website.¹

Fishery management unit: Gray snapper was included in the 33 species (15 snappers, 15 groupers, and 3 sea basses) that comprised the original fishery management unit (FMU) of the Reef Fish FMP (GMFMC 1981). Species have been added and subtracted through **Amendments 1 and 15** (GMFMC 1989, 1997) and the **Generic ACL/AM Amendment**² (GMFMC 2011a). These changes did not affect gray snapper, which has always been in the FMU.

Stock status determination criteria: **Amendment 1** (GMFMC 1989) established an OY goal for all reef fish of 20% spawning stock biomass per recruit (SSBR) relative to the SSBR that would occur with no fishing, and an overfished stock was defined as a stock biomass below 20% SSBR. Overfishing was defined, for a stock that is not overfished, as fishing at a rate that would not allow harvest of OY on a continuing basis, and for a stock that is overfished, as fishing at a rate that is not consistent with rebuilding the stock to 20% SSBR. The SSBR terminology was later replaced with spawning potential ratio. The **Generic Sustainable Fisheries Act Amendment** (GMFMC 1999), was partially approved and measures were implemented in November 1999 that set MFMT for gray snapper at $F_{30\% SPR}$. Estimates of MSY, MSST, and OY were disapproved because they were based on SPR proxies rather than biomass-based estimates. The **Generic ACL/AM Amendment** (GMFMC 2011a), established a gray snapper OFL of 2.88 mp ww, ACL of 2.42 mp ww, ACT of 2.08 mp ww, and an accountability measure.

Other management measures: A 12-inch TL minimum size limit was established for gray snapper in **Amendment 1** (GMFMC 1989) for the commercial and recreational sectors. Gray snapper was also included in the 10-snapper recreational aggregate bag limit established through that amendment.

¹ http://www.gulfcouncil.org/fishery_management_plans/index.php

² 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

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 – Maximum Sustainable Yield Proxy for Gulf of Mexico Gray Snapper

Alternative 1. No Action. Do not establish a maximum sustainable yield (MSY) proxy for gray snapper.

Preferred Alternative 2. For gray snapper, the MSY proxy is the yield when fishing at 26% spawning potential ratio ($F_{26\% SPR}$).

Alternative 3. For gray snapper, the MSY proxy is the yield when fishing at 30% spawning potential ratio ($F_{30\% SPR}$).

Alternative 4. For gray snapper, the MSY proxy is the yield when fishing at 40% spawning potential ratio ($F_{40\% SPR}$).

Preferred Alternative 5. For future assessments of gray snapper, the MSY proxy equals the yield produced by F_{MSY} or PROXY recommended by the Gulf of Mexico Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) and subject to approval by the Council through a plan amendment.

Note: **Alternative 5** can be selected with **Alternative 2**, **Alternative 3**, or **Alternative 4** as preferred.

Discussion:

Stocks require an estimate of MSY (or proxy) and the fishing mortality rate (F) associated with catching MSY (F_{MSY}) in order to determine whether a stock is undergoing overfishing. The actual MSY can rarely be estimated with certainty and could not be estimated for gray snapper in Southeast Data, Assessment and Review (SEDAR) 51 (2018), because a stock-recruitment relationship could not be identified given the available data. Proxies that are easier to measure are usually used for species in the Gulf of Mexico (Gulf). The MSY proxies are often, but not always, based on some percentage of spawning potential ratio (SPR), and are expressed as the yield when fishing at a fishing mortality associated with the SPR proxy. The SPR is a ratio equal to the production of eggs in a fished population divided by the production of eggs in an unfished population. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), it is the responsibility of the Council's SSC to provide ongoing scientific advice including recommendations for MSY. It is the responsibility of the Council to specify MSY for each managed stock in a fishery management plan (FMP).

After reviewing the SEDAR 51 assessment, the SSC recommended that the MSY proxy be set at the yield when fishing at $F_{30\% SPR}$, which is consistent with the current gray snapper maximum fishing mortality threshold (MFMT). However, the Council noted that the red snapper proxy is set at $F_{26\% SPR}$, which allows for a larger yield at a given stock size, and decided to consider other

proxies for gray snapper. The Council requested that the Southeast Fisheries Science Center (SEFSC) provide an analysis of MSY proxies ranging from the yield at $F_{23\% \text{ SPR}}$ (corresponding to SPR at maximum yield per recruit) to the yield at $F_{40\% \text{ SPR}}$ (the SPR level recommended by Harford et al. (2019) for reef fish species that do not change sex (gonochoristic). The analyses conducted by the SEFSC were presented at the SSC's August 2018 meeting. The SSC was unable to reach a consensus on a recommendation for a specific MSY proxy; however, all SSC members agreed that the proxy should not be any lower than $F_{30\% \text{ SPR}}$.

At the SSC's January 2019 meeting, the SEFSC presented updated projections for gray snapper using three different values for the fishing mortality at maximum sustainable yield (F_{MSY}) proxies ($F_{26\% \text{ SPR}}$, $F_{30\% \text{ SPR}}$, and $F_{40\% \text{ SPR}}$), along with changing the minimum stock size threshold (MSST) from $1 \cdot M \cdot B_{\text{MSY}}$ to $0.5 \cdot B_{\text{MSY}}$. The SSC found the presented analyses to be statistically sound and appropriate. SSC members had extensive discussion about how to proceed with a recommendation for the F_{MSY} proxy. Ultimately, the SSC recognized that 26% SPR is scientifically acceptable as a proxy for MSY, but maintained its previous recommendation of the more risk averse proxy using 30% SPR because of the uncertainty in the assessment.

Alternative 1 would leave the gray snapper stock without an MSY or MSY proxy. This is inconsistent with the requirements of the Magnuson-Stevens Act and National Standard 1 (NS1) Guidelines.

Preferred Alternative 2 would adopt the MSY proxy of the yield when fishing at $F_{26\% \text{ SPR}}$ that was evaluated by the SSC. This proxy was found by the SSC to be scientifically acceptable as an MSY proxy; however, the SSC preferred higher SPR levels to be used as the proxy because high proxies are more risk averse.

Alternative 3 would adopt the MSY proxy of the yield when fishing at $F_{30\% \text{ SPR}}$ that was recommended by the SSC. This MSY proxy is consistent with the current MFMT. Because the SPR value here is greater than the SPR used in **Preferred Alternative 2**, the MSY proxy yield value would be lower.

Alternative 4 would adopt the MSY proxy of the yield when fishing at $F_{40\% \text{ SPR}}$. This proxy was recommended by Harford et al. (2019) for species that do not change sex, because it has a lower risk of driving the stock below the true stock biomass level capable of producing an equilibrium yield of MSY (B_{MSY}). The SPR value here is greater than the SPR used in **Preferred Alternative 2** and **Alternative 3**, and would result in a lower yield.

Preferred Alternative 5 can be adopted along with either **Preferred Alternative 2**, **Alternative 3**, or **Alternative 4**. It would provide a streamlined process for modifying the gray snapper MSY. Sometimes, the SSC changes its recommendation of an MSY proxy based on new scientific information. This alternative would allow, but not require, the Council to adopt the SSC recommendation for a new MSY proxy by noting the change in a plan amendment, rather than by analyzing the recommendation along with a range of alternatives that the SSC does not consider appropriate. If the SSC identifies more than one possible proxy, or as occurred here, identified the lowest proxy it determined to be acceptable, a plan amendment action with alternatives would be required.

Council Conclusions:

The Council selected **Alternative 2** as preferred. Although the SSC preferred a proxy using 30% SPR because it is more risk averse, the Council selected a proxy based on 26% SPR. The Council selected this level to balance protection to the gray snapper stock with increased social and economic benefits for fishermen targeting the species. Additionally, this level is consistent with the proxy used for red snapper, another snapper species.

The Council also selected **Alternative 5** as preferred. This provides the Council with greater flexibility should the SSC recommend a new MSY proxy based on new information. The change could simply be noted in a plan amendment, rather than analyzed in a range of options the SSC does not consider appropriate.

2.2 Action 2 – Maximum Fishing Mortality Threshold

Alternative 1. No Action. The current definition for the gray snapper MFMT will be retained and is equal to $F_{30\% SPR}$.

Preferred Alternative 2. The gray snapper MFMT is equal to $F_{26\% SPR}$.

Alternative 3. The gray snapper MFMT is equal to $F_{40\% SPR}$.

Discussion:

The Generic Annual Catch Limit/Accountability Measure Amendment (GMFMC 2011a) established two methods for determining if overfishing is occurring.

1. The MFMT in years where there is a stock assessment: The NS1 guidelines define MFMT as the level of fishing mortality (F) above which overfishing is occurring. The MFMT or reasonable proxy may be expressed either as a single number (a fishing mortality rate), or as a function of spawning biomass or other measure of reproductive potential. Overfishing is occurring if the stock assessment's estimate of the current fishing mortality rate is above MFMT.
2. The overfishing limit (OFL) in years when there is not a stock assessment, or for stocks that do not have assessments that provide estimates of fishing mortality: The OFL is a yield that corresponds to fishing at MFMT. Overfishing is occurring if the annual harvest exceeds the OFL.

To date, landings have not exceeded the OFL of 2.88 million pounds (mp) that was implemented in 2012 (Table 1.1.1). However, under all of the MFMT alternatives, the stock was undergoing overfishing in 2015, the terminal year of the SEDAR 51 stock assessment (Table 2.2.1; Cass-Calay and Isely [2019]). Gray snapper are currently listed as undergoing overfishing in the

National Marine Fisheries Services' (NMFS) June 30, 2019, quarterly update for fishery stock status.³

Alternative 1 (No Action) would leave MFMT unchanged. The Generic Sustainable Fisheries Act Amendment (GMFMC 1999) set MFMT equal to $F_{30\% SPR}$ for reef fish species with the exception of red snapper, Nassau grouper, and goliath grouper. Thus, the current MFMT for gray snapper is $F_{30\% SPR}$. Under this alternative, overfishing has been occurring in 2014 and 2015, as well as projected in 2018 based on $F/F_{MSY proxy}$ comparisons shown in Table 2.2.1. Assuming the ACLs selected in Action 5 consistent with the $F_{30\% SPR}$ yield streams (Action 5, Alternative 3), are selected and not exceeded, overfishing will end in 2019.

Preferred Alternative 2 would set MFMT equal to the fishing mortality rate based on an SPR of 26% and would be consistent with Alternative 2 of Action 1. This would result in a higher allowable F value that would less likely result in an overfishing determination in future assessments compared to **Alternative 1**. Based on $F/F_{MSY proxy}$ comparisons in Table 2.2.1, overfishing would have ended in 2017 at this lower MFMT (i.e., $F/MFMT$ greater than or equal to 1). Assuming the ACLs selected in Action 5 are consistent with the $F_{26\% SPR}$ yield streams selected and not exceeded in Action 5, **Alternative 2**, overfishing should not occur in the future, although projections in Table 2.2.1 show F may slightly exceed $F_{26\% SPR}$ in 2019.

Alternative 3 would set MFMT equal to the fishing mortality rate based on an SPR of 40% and would be consistent with **Alternative 4** of Action 1. This would result in a lower allowable F value that would more likely result in an overfishing determination in future assessments compared to **Alternative 1**. Like **Alternative 1**, unless F is reduced, overfishing would be expected to continue past 2018 unless ACLs in Action 5, consistent with the $F_{40\% SPR}$ yield streams (Action 5, Alternative 4), are selected and not exceeded. If this happens, then overfishing would be expected to end in 2019 (Table 2.2.1).

Table 2.2.1. The ratio of the 2015 and projected 2016-2021 annual fishing mortality rates (F) with at different $F_{MSY proxy}$ for maximum fishing mortality threshold ranging from 26% SPR to 40% SPR. Note that F levels for 2019-2021 assume ACLs based on yield streams consistent with the respective $F_{SPR proxy}$ are selected in Action 5. Values greater than 1.00 indicate overfishing.

Year	F/ $F_{26\% SPR}$ (Preferred Alternative 2)	F/ $F_{30\% SPR}$ (Alternative 1)	F/ $F_{40\% SPR}$ (Alternative 3)
2015	1.02	1.17	1.61
2016	1.01	1.15	1.59
2017	0.82	0.93	1.29
2018	0.95	1.09	1.50
2019	1.01	1.00	1.00
2020	1.00	1.00	1.00
2021	1.00	1.00	1.00

Source: Cass-Calay and Isely (2019)

³ <https://www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates>

Council Conclusions:

The Council selected **Alternative 2** as preferred. This revises MFMT from $F_{30\% \text{ SPR}}$ to $F_{26\% \text{ SPR}}$ to be consistent with the MSY proxy of the yield from fishing at $F_{26\% \text{ SPR}}$ selected in Action 1.

2.3 Action 3 – Establish a Minimum Stock Size Threshold for Gray Snapper

Alternative 1. No Action. Do not establish a minimum stock size threshold (MSST) for gray snapper.

Alternative 2. The MSST for gray snapper is equal to $(1-M)*B_{\text{MSY}}$ (or MSY proxy) where M is the natural mortality rate. This result in a minimum stock size threshold equal to $0.85*B_{\text{MSY}}$ (or MSY proxy).

Alternative 3. The MSST for gray snapper is equal to $0.75*B_{\text{MSY}}$ (or MSY proxy).

Preferred Alternative 4. The MSST for gray snapper is equal to $0.50*B_{\text{MSY}}$ (or MSY proxy).

Discussion:

The MSST is a stock biomass level set at or below the biomass level capable of producing MSY or the MSY proxy and is used to determine when a stock is overfished. Currently, gray snapper does not have a defined MSST, which has led to an indeterminate finding of whether or not the stock is overfished based on the recently completed stock assessment.

The NS1 guidelines allow MSST to be set at a level below B_{MSY} (or proxy) but not lower than $0.50*B_{\text{MSY}}$ (or MSY proxy). If the fishing mortality can be kept below the overfishing threshold in non-assessment years, stock biomass is unlikely to drop below the overfished level (MSST). However, stock biomass can fluctuate due to environmental variability, or due to management being unsuccessful in constraining fishing mortality. In such cases, there are concerns with setting MSST either too close to or too far from B_{MSY} (or proxy).

Under **Alternative 1** (No Action), MSST is undefined and this is inconsistent with the requirements of the Magnuson-Stevens Act and the NS1 guidelines, which require that managed stocks have objective and measurable criteria for determining when those stocks are overfished.

Alternative 2 sets MSST at $(1-M)*B_{\text{MSY}}$ (or MSY proxy) for gray snapper where M is the natural mortality estimate and equal to 0.15 for gray snapper (SEDAR 51 2018). Natural mortality (M) includes dying from old age, diseases, and predation. Stock assessments typically calculate an M value for stocks using the age classes that have fully recruited to the fishery (meaning they can be caught and kept). When MSST is defined as equal to $(1-M)*B_{\text{MSY}}$ (or MSY proxy), stocks with a low M can end up with an MSST that is only slightly below the B_{MSY} (or MSY proxy) spawning stock biomass level. In such situations it can be difficult to determine if a stock is actually below MSST due to imprecision and accuracy of the data. In addition, natural fluctuations in stock

biomass levels around the B_{MSY} level may temporarily drop the spawning stock biomass below MSST, although analysis from the SEFSC suggests that this is unlikely, except at very low natural mortality rates. This alternative's MSST would be equal to $0.85 * B_{MSY}$ and would be more conservative than **Alternative 3** and **Preferred Alternative 4**. Under the MSY proxies in Action 1, which are $F_{26\% SPR}$ (Alternative 2), $F_{30\% SPR}$ (Alternative 3), and $F_{40\% SPR}$ (Alternative 4), the stock would be considered overfished (spawning stock biomass (SSB)/ $SSB_{MSY proxy}$ less than 0.85; Table 2.3.1) under SEDAR 51.

Alternative 3 sets the gray snapper MSST at $0.75 * B_{MSY}$ (or $MSY proxy$). Setting a wider buffer between B_{MSY} (or $MSY proxy$) and MSST can avoid false declarations of overfished status due to natural fluctuations in the stock biomass. In addition, setting a wider buffer can allow a greater opportunity for management to end a decline in a stock that is approaching an overfished condition, without the constraints imposed by a rebuilding plan that is required if the stock drops below MSST and is declared overfished. However, if the gray snapper stock does drop below MSST and is declared overfished, a more restrictive rebuilding plan would likely be needed than if there were a narrower buffer between B_{MSY} and MSST, as under **Alternative 2**. Depending on the MFMT value selected in Action 2 ($F_{26\% SPR}$, $F_{30\% SPR}$, or $F_{40\% SPR}$) representing the three SPR management targets with their respective MSY and B_{MSY} , it could take an additional 1-2 years to rebuild the stock to $B_{MSY proxy}$ (Table 2.3.2) compared to **Alternative 2**. For gray snapper, this MSST is intermediate to MSST values of **Alternative 2** and **Preferred Alternative 4**.

Under **Alternative 3**, the stock would be considered overfished ($SSB/SSB_{MSY proxy}$ less than 0.75; Table 2.3.1) under the 30% and 40% SPR Action 1 MSY proxies (Action 1, Alternatives 3 and 4, respectively), based on SEDAR 51. The stock would not be considered overfished ($SSB/SSB_{MSY proxy}$ greater than or equal to 0.75) under the 26% SPR $B_{MSY proxy}$.

Preferred Alternative 4 sets the gray snapper MSST at $0.50 * B_{MSY}$ (or $MSY proxy$). Reef Fish Amendment 44 (GMFMC 2017b) recently revised the MSST for seven reef fish stocks for which MSST was previously defined (gag, red grouper, red snapper, vermilion snapper, gray triggerfish, greater amberjack, and hogfish). For these seven stocks, Amendment 44 set MSST equal to $0.50 * B_{MSY}$ (or $MSY proxy$). Therefore, this alternative would match the MSST level established for those seven stocks. Under the Action 1, Alternatives 2-4 MSY proxies, the stock would not be considered overfished ($SSB/SSB_{MSY proxy}$ greater than or equal to 0.50) under **Preferred Alternative 4** (Table 2.3.1).

Preferred Alternative 4 has the widest buffer allowed under the NS1 guidelines and is the least conservative alternative, by allowing for the most harvest in the short term. However, should the stock become overfished, it would take a minimum of 4 to 6 years for the stock to rebuild depending on the MFMT management strategy selected under Action 2 (Table 2.3.2). This compares to 2-3 years to rebuild the stock under the more conservative MSST value in **Alternative 2** ($0.85 * B_{MSY}$).

Table 2.3.1. The ratio of the 2015 and projected 2016-2021 estimate of spawning stock biomass (SSB) with the different B_{MSY} proxies ranging from 26% SPR to 40% SPR. Note that SSB levels for 2019-2021 assume ACLs based on yield streams consistent with the respective F_{SPR} proxy are selected in Action 5.

Year	SSB/SSB _{26%SPR}	SSB/SSB _{30%SPR}	SSB/SSB _{40%SPR}
2015	0.81	0.70	0.53
2016	0.86	0.75	0.56
2017	0.91	0.78	0.59
2018	1.00	0.86	0.65
2019	1.04	0.90	0.67
2020	1.05	0.93	0.72
2021	1.05	0.95	0.77

Source: Cass-Calay and Isely (2019)

Table 2.3.2. Years to recover from three definitions of the MSST in the absence of fishing mortality (i.e. $F = 0$) at three MFMTs representing the three different SPR management targets. The natural mortality rate for gray snapper is 0.15.

MSST Definition	MFMT= $F_{26\%SPR}$	MFMT= $F_{30\%SPR}$	MFMT= $F_{40\%SPR}$
Alternative 2 $0.85 \cdot B_{MSY}$ proxy	2-3 years	2-3 years	2-3 years
Alternative 3 $0.75 \cdot B_{MSY}$ proxy	3 years	3-4 years	4 years
Alternative 4 $0.50 \cdot B_{MSY}$ proxy	4 years	5 years	6 years

Source: Cass-Calay, personal communication, SEFSC, Miami, FL

Council Conclusions:

The Council selected **Alternative 4** as preferred. This buffer between B_{MSY} (or MSY proxy) and MSST is the widest buffer and the least conservative MSST allowed under the NS1 guidelines. They selected this value because it reduces the likelihood that a stock would be declared overfished due to fluctuations in biomass that may have resulted from environmental variability. Although a very restrictive rebuilding plan may need to be put in effect to enable the stock to recover should the biomass drop below this MSST, the Council determined that the requirements for stocks to have OFLs, ACLs, and AMs reduces the likelihood of sustained overfishing that would cause the stock biomass to fall below MSST. This value is also consistent with the MSSTs chosen in Reef Fish Amendment 44 for seven other assessed reef fish stocks.

2.4 Action 4 – Establish Optimum Yield for Gray Snapper

Alternative 1. No Action. Do not establish an optimum yield (OY) for gray snapper.

Preferred Alternative 2. Set an OY for gray snapper that is the long-term yield that would implicitly account for relevant economic, social, or ecological factors by fishing at:

Option 2a. 50% of F_{MSY} (or MSY proxy).

Option 2b. 75% of F_{MSY} (or MSY proxy).

Preferred Option 2c. 90% of F_{MSY} (or MSY proxy).

Discussion:

The Magnuson-Stevens Act and NS1 guidelines state that OY should be based on MSY as reduced by relevant economic, social, or ecological factors. The NS1 guidelines provide additional detail in considering such factors. The NS1 guidelines also state that OY should include some consideration of uncertainty. The NS1 guidelines state that if the estimates of $MFMT$ and current biomass are known with a high level of certainty, and management controls can accurately limit catch, then OY could be set very close to MSY , assuming no other reductions are necessary for social, economic, or ecological factors. To the degree that such MSY estimates and management controls are lacking or unavailable, OY should be set farther from MSY .

Alternative 1 (No Action) would leave OY undefined for gray snapper. Leaving stocks with OY undefined is inconsistent with the NS1 guidelines.

Alternative 2 would specify a long-term OY based on fixed percentages fishing at the yield between 50% and 90% of F_{MSY} (or MSY proxy). The long-term OY is an equilibrium yield around which the actual yield may fluctuate in any particular year. Under this alternative, OY is considered to implicitly account for relevant economic, social, or ecological factors when specifying OY. Setting OY as the yield of fishing at 50% of F_{MSY} (or MSY proxy) (**Alternative 2a**) is the most conservative of the options, as the yield would be the furthest below MSY of the alternative being considered. This option would provide the greatest protection to the stock; however, setting the OY this low may have negative social and economic costs from fewer gray snapper being available to the reef fish fishery. Fishing at 90% of F_{MSY} (or MSY proxy) (**Preferred Alternative 2c**) would be the least conservative, as OY would be closest to MSY . This option would provide the least protection to the stock, but would provide more fish to the fishery and likely have greater social and economic benefits. **Option 2b** (75% of F_{MSY} [or MSY proxy]) is intermediate to **Alternative 2a** and **Preferred Alternative 2c** and is consistent with OYs set for other reef fish stocks (Table 2.4.1).

Table 2.4.1. Current OY definitions as specified in plan amendments.

Stock	OY	Source
Gag	Yield at 75% of F_{MAX}	Amendment 30B (GMFMC 2008c)
Red grouper	Yield at 75% of F_{MSY}	Secretarial Amendment 1 (GMFMC 2004c)
Red snapper	Yield at 75% of F_{MSY}	Amendment 22 (GMFMC 2004d)
Vermilion snapper	Yield at 75% of F_{MSY} proxy	Amendment 47 (GMFMC 2017a)
Gray triggerfish	Yield at 75% of F_{MSY} proxy	Amendment 30A (GMFMC 2008b)
Greater amberjack	Yield at $F_{40\% SPR}$	Secretarial Amendment 2 (GMFMC 2002)

Council Conclusions:

The Council selected **Alternative 2c** as preferred. This level of fishing mortality balances protection to the gray snapper stock with increased social and economic benefits for fishermen targeting the species.

2.5 Action 5 – Overfishing Limit, Acceptable Biological Catch, Annual Catch Limit, and Annual Catch Target

Alternative 1. No Action. The OFL for gray snapper will remain 2.88 mp whole weight (ww), the acceptable biological catch (ABC) will remain 2.42 mp ww, the annual catch limit (ACL) will remain at 2.42 mp ww, and the annual catch target (ACT) will remain at 2.08 mp ww (ACT reduced 14% from ACL).

Preferred Alternative 2. Use the OFL and ABC yield stream associated with the MSY proxy of $F_{26\%SPR}$ to set OFL, ABC, and ACL. Do not set an ACT.

Option 2a: The ACL for gray snapper for the years 2019 through 2021 and beyond will be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.59	2.52	2.52
2020	2.58	2.51	2.51
2021+	2.57	2.51	2.51

Preferred Option 2b: Apply the ACL/ACT Control Rule (landings from 2014 through 2017) to establish an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 and beyond will be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.59	2.52	2.24
2020	2.58	2.51	2.24
2021+	2.57	2.51	2.23

Alternative 3. Use the OFL and ABC yield stream associated with the MSY proxy of $F_{30\%SPR}$ to set OFL, ABC, and ACL. Do not set an ACT.

Option 3a: The ACL for gray snapper for the years 2019 through 2021 and beyond will be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.26	2.20	2.20
2020	2.58	2.24	2.24
2021+	2.58	2.27	2.27

Option 3b: Apply the ACL/ACT Control Rule (landings from 2014 through 2017) to establish an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 and beyond will be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.26	2.20	1.95
2020	2.58	2.24	1.99
2021+	2.58	2.27	2.02

Alternative 4. Use the OFL and ABC yield stream associated with the MSY proxy of $F_{40\%SPR}$ to set OFL, ABC, and ACL. Do not set an ACT.

Option 4a: The ACL for gray snapper for the years 2019 through 2021 and beyond will be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	1.64	1.59	1.59
2020	1.72	1.68	1.68
2021+	1.80	1.76	1.76

Option 4b: Apply the ACL/ACT Control Rule (landings from 2014 through 2017) to establish an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 and beyond will be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	1.64	1.59	1.41
2020	1.72	1.68	1.49
2021+	1.80	1.76	1.56

Discussion:

Action 5 includes alternatives to modify the OFL, ABC, and ACL for gray snapper based on the results of the SEDAR 51 (2018) stock assessment, subsequent SSC review, and recommendations. The current OFL (2.88 mp ww) and ABC (2.42 mp ww) for gray snapper were established in the Generic ACL/Accountability Measures Amendment (GMFMC 2011a) using tier 3a of the ABC control rule. Using this control rule, the OFL is equal to the mean plus 2.0 standard deviations of the annual landings from 1998 through 2008. The ABC is equal to the mean plus 1.0 standard deviation of the annual landings from 1998 through 2008. The ACL was set equal to the ABC and the ACT was established using the ACL/ACT control rule where the ACT was reduced 14% from the ACL and equal to 2.08 mp ww. However, the ACT established by the Council does not serve any management purpose, as the accountability measures are associated with the ACL. Therefore, the action alternatives in this document do not include an ACT. A similar action was taken for hogfish in Amendment 43 (GMFMC 2016).

At its May 2018 meeting, the SSC reviewed the SEDAR 51 gray snapper stock assessment (SEDAR 51 2018) and determined that gray snapper was experiencing overfishing as of 2015, the terminal year of data in the assessment. The SSC did not determine if the stock is overfished, as this is dependent upon the definition of MSY (Action 1) and MSST (Action 3), which are currently undefined. However, the SSC determined that the stock assessment represented the best scientific information available and was suitable as the basis for management advice. Based on this determination, the SSC provided OFL and ABC recommendations for 2019 through 2021 based on either $F_{30\%SPR}$ or $F_{40\%SPR}$. In general, yields are higher at lower MSY proxy values. Higher MSY proxy values are biologically more conservative and have less risk of stock depletion, but may result in forgone yield.

At its January 2019 meeting, the Council reviewed the SSC recommendations and requested that the SSC also provide harvest projection using an MSY proxy $F_{26\%SPR}$. An MSY proxy $F_{26\%SPR}$ is currently used for red snapper in the Gulf and is considered within the range of reasonable proxies for species of similar life histories (Goethel et al. 2018). Based on this request, the SEFSC completed projections at $F_{26\%SPR}$ based on the model used in the SEDAR 51 stock assessment. The previous projections based on $F_{30\%SPR}$ and $F_{40\%SPR}$ were also updated to include actual landings for 2016 and 2017 (these data were unavailable at the time of the initial review of the assessment). For 2018, the current ACL (2.42 mp ww) was assumed to be harvested and this approach was used for updated harvest projections based on all three MSY proxies under consideration: $F_{26\%SPR}$, $F_{30\%SPR}$, $F_{40\%SPR}$. The SSC reviewed these projections at its March 2019 meeting and provided new OFL and ABC recommendations associated with each MSY proxy under consideration for the years 2019 through 2021. If the SSC does not provide an updated OFL and ABC recommendation for 2022 and beyond, the OFL and ABC would remain at the level established for 2021 based on the preferred alternative selected in this action.

Alternative 1 (No Action) would retain the current OFL (2.88 mp ww), ABC (2.42 mp ww), ACL (2.42 mp ww), and ACT (2.08 mp ww) that were established in the Generic ACL/AM Amendment (GMFMC 2011a) using tier 3a from the ABC control rule. This would preserve the status quo and offers yields greater than **Preferred Alternative 2b**, **Alternatives 3a-3b**, and **Alternatives 4a-4b**.

Preferred Alternative 2 specifies annual OFLs and ABCs for each year from 2019 through 2021 based on the annual yield projections recommended by the SSC when fishing at a constant fishing mortality rate of $F_{26\%SPR}$. **Alternative 2a** would set the ACL equal to the ABC. It is the only option that would increase annual harvest relative to **Alternative 1**. However, the increases under **Alternative 2a** are modest and subject to a declining yield stream from 2019 through 2021, whereas **Alternative 1** has a constant ACL. **Preferred Alternative 2b** would apply the ACL/ACT control and result in an 11% buffer between the ABC and ACL.

Alternative 3 would set the ACL for each year from 2019 through 2021, based on the annual yield projections at $F_{30\%SPR}$. In comparison to **Preferred Alternative 2**, this alternative would reduce allowable harvest as the OFL, ABC, and corresponding ACL are based on a larger spawning biomass and a reduced fishing mortality. The ACL would increase slightly from 2019 to 2021. Similar to the options in **Preferred Alternative 2**, **Alternative 3a** would set the ACL equal to the ABC while **Alternative 3b** would apply an 11% buffer between the ABC and the ACL to account for management uncertainty.

Alternative 4 is the most biologically conservative alternative considered in this action and would establish the OFL and ABC based yield projections at $F_{40\%SPR}$. This would result in the lowest ACL, which, like the ACL under **Alternative 3**, would increase slightly from 2019 to 2021. As with **Alternative 2a** and **Alternative 3a**, **Alternative 4a** would set the ACL equal to the ABC each year and **Alternative 4b** would apply an 11% buffer between the ABC and the ACL to account for management uncertainty.

The alternatives in order of allowing the most harvest to the least are **Alternative 2a**, **Alternative 1**, **Preferred Alternative 2b**, **Alternative 3a**, **Alternative 3b**, **Alternative 4a**, and **Alternative 4b**. **Alternative 2a** allows for the greatest harvest because the allowable fishing mortality is highest and there is no buffer between the ABC and ACL. In contrast, **Alternative 4b** would specify the lowest ACL because it is based on the lowest target fishing mortality and establishes a buffer between the ABC and ACL to account for uncertainty in the management of this stock. In general, the action alternatives have a small buffer between the OFL and the ABC, therefore increasing the likelihood that OFL is exceeded if catch rates or effort is higher than expected. If the OFL is exceeded, this would indicate that the stock is experiencing overfishing and would require immediate action to end overfishing. Exceeding the ACL would also require in-season monitoring and perhaps in-season closures in subsequent fishing years if necessary to prevent repeated ACL overages.

The intent of in-season monitoring is to provide timely information about when the ACL is expected to be met so that further harvest can be closed for the remainder of the. However, this process is complicated by lags in availability of harvest data and often, imprecise estimates of harvest. Gray snapper are harvested primarily by the recreational sector and in-season landings estimates are often delayed by 45 days or more. Moreover, a substantial proportion of landings come from shore-based recreational anglers in Florida and with the current recreational data programs, it is difficult to precisely estimate landings (i.e., large proportional standard error) from this mode, further complicating the process of in-season monitoring. **Option b** in **Preferred Alternative 2** and **Alternatives 3-4** would account for this by including an 11%

buffer between the ACL and ABC. This approach is more likely to prevent an overage of the than **Preferred Alternative 2a** in and **Alternatives 3-4** where the ACL is equal to the ABC and is only modestly reduced from the OFL.

Council Conclusions:

The Council selected **Alternative 2b** as preferred. This modifies the OFL, ABC, and ACL based on the results of the gray snapper stock assessment (SEDAR 51, 2016) and subsequent OFL and ABC recommendations from the SSC. The annual yield projections recommended by the SSC were based on a constant fishing mortality rate of $F_{26\%SPR}$ to be consistent with the MSY proxy established in Action 1 of this document. The Council specified an ACL using the ACL/ACT control rule that resulted in result in an 11% buffer between the ABC and ACL to account for management uncertainty in implementing the new harvest limits.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Fishery

Gray snapper is one of 31 stocks managed in the reef fish fishery. From 2012 through 2019, the stock annual catch limit (ACL) for gray snapper was 2.42 million pounds (mp) whole weight (ww) and total landings (recreational and commercial) did not exceed the stock ACL during this period (Table 1.1.1). There is no sector allocation for gray snapper. There is a post-season accountability measure (AM) for gray snapper that would be triggered in the event total landings exceed the stock ACL in a year. Then, during the following fishing year, if the total landings reach or are projected to reach the stock ACL, the gray snapper season for both sectors is closed for the remainder of the fishing year. Over 90% of gray snapper landings in the Gulf of Mexico (Gulf) are made by the recreational sector, and the majority of gray snapper landings are in Florida. Additional information on the reef fish fishery can be found in previous amendments, including the Generic ACL/AM Amendment (GMFMC 2011a), which can be found on the Gulf of Mexico Fishery Management Council's (Council) website.⁴

3.1.1 Recreational Sector

Permits

Anglers on privately owned or leased vessels do not need a federal permit to harvest reef fish in federal waters. However, anglers aboard these vessels must either be federally registered or licensed in states that have a system to provide complete information on the states' saltwater anglers to the national registry.

Any for-hire fishing vessel that takes anglers to harvest any species in the reef fish fishery from federal waters must have a charter/headboat permit for reef fish, which is a limited access permit specifically assigned to that vessel (1,280 as of 2017). Limited access permits may be renewed or transferred, but no additional permits may be issued. From 2012 through 2017, the number of vessels with the permit declined, in part due to the moratorium on the issuance of new permits since 2003. Table 3.1.1.1 provides the number of vessels with a charter/headboat permit for reef fish by state and year.

⁴ <http://gulfcouncil.org/fishery-management/implemented-plans/reef-fish/>

Table 3.1.1.1. Number of vessels with charter/headboat permit for reef fish by homeport state of vessel, 2012-2017.

Number of Vessels with Charter/Headboat Reef Fish Permit									
Year	AL	FL	LA	MS	TX	Gulf	Other	Total	% Gulf
2012	153	790	116	46	214	1,319	17	1,336	98.7%
2013	155	782	113	45	213	1,308	15	1,323	98.9%
2014	149	768	111	40	226	1,294	16	1,310	98.8%
2015	138	761	115	36	228	1,278	16	1,294	98.8%
2016	130	759	113	33	228	1,263	19	1,282	98.5%
2017	137	773	112	31	210	1,263	17	1,280	98.7%

Source: NMFS SERO.

The distribution of charter/headboat permits for reef fish by hailing port state changed little from 2012 through 2017 (Table 3.1.1.2). The largest relative change was an increase in Texas’s share, which rose from 16.0% to 17.7%.

Table 3.1.1.2. Percentage and average of for-hire reef fish permits by state of hailing port of vessel.

Year	Percentage of Charter/Headboat Reef Fish Permits						
	2012	2013	2014	2015	2016	2017	Average
AL	11.4%	11.7%	11.4%	10.8%	10.2%	10.4%	11.0%
FL	58.9%	58.9%	58.5%	58.6%	59.1%	59.0%	58.8%
LA	8.9%	8.8%	8.7%	9.1%	9.1%	9.1%	8.9%
MS	3.5%	3.5%	3.1%	2.9%	2.7%	2.6%	3.01%
TX	16.0%	16.1%	17.1%	17.5%	17.7%	17.7%	17.0%
Gulf States	98.8%	98.9%	98.8%	98.8%	98.6%	98.7%	98.8%
Other	1.2%	1.1%	1.2%	1.2%	1.4%	1.3%	1.2%
Total	100%	100%	100%	100%	100%	100%	100%

Source: NMFS SERO.

Gray Snapper Landings

From 2012 through 2017, recreational anglers landed approximately 92% of total landings (Table 1.1.1). The majority of gray snapper are harvested by recreational anglers aboard privately owned and leased vessels. From 2013 through 2017, they accounted for an average of approximately 70% of annual recreational landings (Table 3.1.1.3). The majority of gray snapper are landed in Florida; on average approximately 81% of the landings occur there (Table 3.1.1.4).

Table 3.1.1.3. Percentage of recreational landings (lbs ww) of gray snapper by mode, 2013-2017.

Year	Private/Leased	Charter	Headboat	Shore	Total
2013	70.6%	20.8%	2.2%	6.4%	100.0%
2014	72.1%	17.9%	2.6%	7.4%	100.0%
2015	74.0%	14.5%	3.3%	8.2%	100.0%
2016	68.0%	20.8%	3.2%	8.0%	100.0%
2017	62.7%	21.4%	5.5%	10.4%	100.0%
Average	69.5%	19.1%	3.3%	8.1%	100.0%

Source: SEFSC Recreational ACL Data (Nov 29, 2018)

Table 3.1.1.4. Recreational landings (lbs ww) of gray snapper by state, 2013-2017.

Year	AL	FLW	LA/MS	TX	Total	Percentage FLW
2013	28,037	1,885,241	333,930	39,243	2,286,450	82.5%
2014	14,851	2,009,302	289,996	17,474	2,331,623	86.2%
2015	24,831	1,645,082	358,786	9,991	2,038,690	80.7%
2016	52,163	1,879,268	417,097	16,086	2,364,613	79.5%
2017	58,796	1,447,352	300,055	42,692	1,848,895	78.3%
Average	35,735	1,773,249	339,973	25,097	2,174,055	81.4%

Source: SEFSC Recreational ACL Data (Nov 29, 2018)

The fishing season for gray snapper runs from January 1 through December 31. Gray snapper aggregate at nearshore and offshore reefs for spawning during the summer months from June through August, and it is during that time, particularly during July and August, that the largest percentage of landings occur. From 2013 through 2017, approximately 34% of annual landings occurred during the July/August wave (Tables 3.1.1.5). Approximately 57% of annual landings occurred during two waves: from May/June through July/August.

Table 3.1.1.5. Percentage of recreational landings (lbs ww) of gray snapper by wave, 2013-2017.

Year	Jan/Feb	Mar/Apr	May/June	Jul/Aug	Sep/Oct	Nov/Dec	Total
2013	5.2%	8.8%	22.9%	41.0%	17.4%	4.7%	100.0%
2014	12.6%	8.2%	18.3%	32.7%	13.7%	14.4%	100.0%
2015	12.8%	14.9%	21.9%	31.7%	14.9%	3.9%	100.0%
2016	12.3%	9.7%	32.4%	24.6%	14.9%	6.1%	100.0%
2017	7.7%	10.6%	23.9%	37.5%	6.8%	13.5%	100.0%
Average	10.1%	10.4%	23.9%	33.5%	13.5%	8.5%	100.0%

Source: SEFSC Recreational ACL Data (Nov 29, 2018)

More gray snapper are harvested from state waters than federal waters. From 2013 through 2017, an average of approximately 19% of the gray snapper were harvested were from federal waters (Table 3.1.1.6)

Table 3.1.1.6. Percentage of gray snapper (number of fish) harvested by anglers (not including those fishing from headboats) from Gulf of Mexico federal waters, 2013-2017.

Year	Percentage from federal waters
2013	23.5%
2014	14.2%
2015	16.7%
2016	17.4%
2017	22.3%
Average	18.8%

Source: NMFS Fisheries Statistics Division, November 8, 2018.

3.1.2 Commercial Sector

Commercial fishing for gray snapper represents less than 10% of the gray snapper landed in the Gulf. Commercial fishing vessels that harvest gray snapper or any other reef fish in federal waters must have a valid Gulf reef fish permit, which is a limited access permit. In 2017, there were 850 permitted vessels, of which 380 had gray snapper landings (see Section 6.4 for more information on commercially permitted vessels). The majority of commercial landings of gray snapper reported by dealers occur in west Florida, followed by Louisiana. From 2013 through 2017, an annual average of 85% of gray snapper were landed in Florida. Combined, landings in the two states account for approximately 99% of annual gray snapper landings by permitted vessels (SEFSC Economic Query System, October 2018).

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.⁵ In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

⁵ NODC 2012: <http://accession.nodc.noaa.gov/0072888>

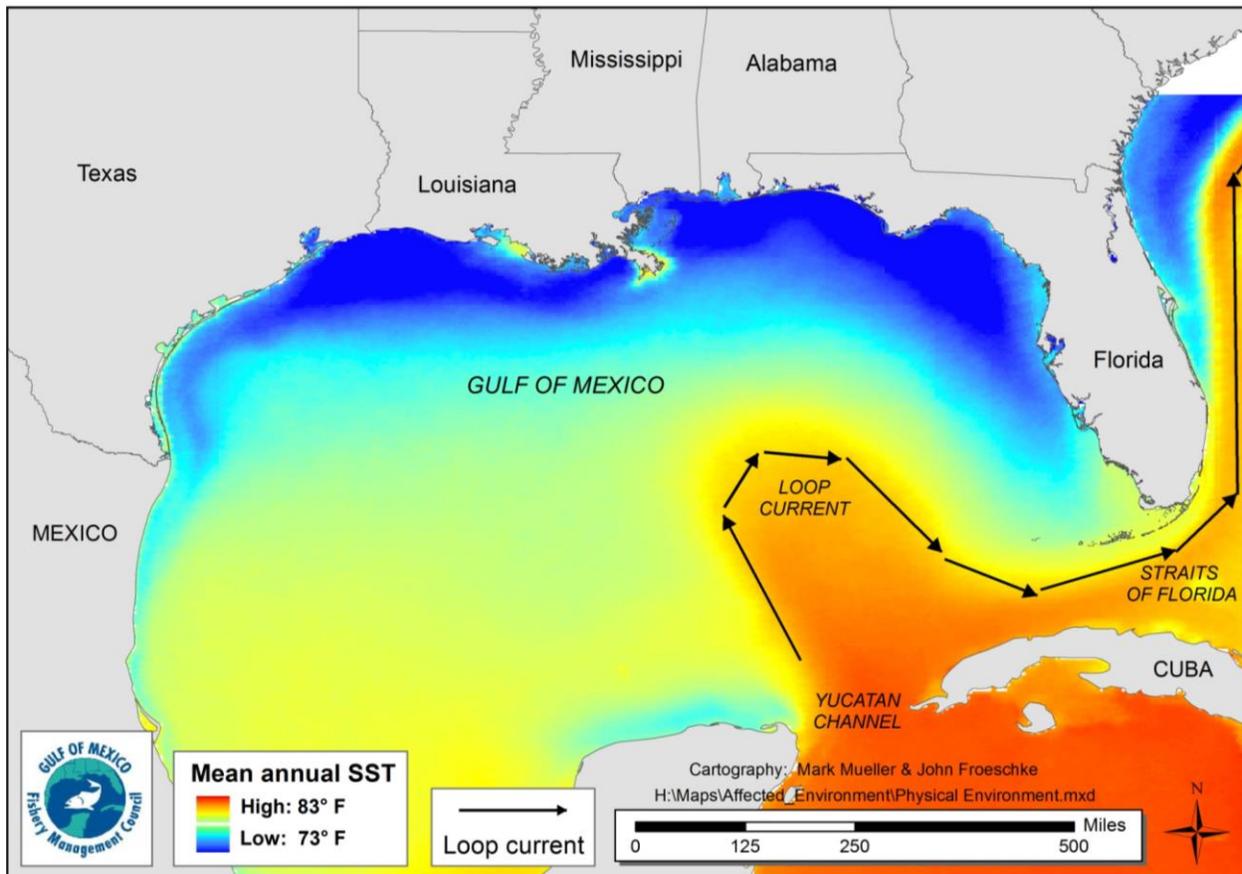


Figure 3.2.1. Physical environment of the Gulf including major feature names and mean annual sea surface temperature as derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://accession.nodc.noaa.gov/0072888>).

The physical environment for Gulf reef fish, including gray snapper is also detailed in the Generic EFH Amendment, the Generic ACL/AM Amendment, and Reef Fish Amendment 40 (GMFMC 2004a; GMFMC 2011a; GMFMC 2014b, respectively), and is 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 (less than 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.

Detailed information pertaining to the Gulf area closures and marine reserves is provided in Amendment 32 (GMFMC 2011b). There are environmental sites of special interest that are discussed in the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a) that are relevant to gray snapper management. These include the longline/buoy area closure, the Edges Marine Reserve, Tortugas North and South Marine Reserves, individual reef areas and bank habitat areas of particular concern (HAPC) of the northwestern Gulf, the Florida Middle Grounds

HAPC, the Pulley Ridge HAPC, and Alabama Special Management Zone. These areas are managed with gear restrictions to protect habitat and specific reef fish species. These restrictions are detailed in the Generic EFH Amendment (GMFMC 2004a).

With respect to the National Register of Historic Places, there is one site listed in the Gulf. This is the wreck of the *U.S.S. Hatteras*, located in federal waters off Texas. Historical research indicates that over 2,000 ships have sunk on the Federal Outer Continental Shelf between 1625 and 1951; thousands more have sunk closer to shore in state waters during the same period. Only a handful of these ships have been scientifically excavated by archaeologists for the benefit of generations to come.⁶

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. 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 2018, the extent of the hypoxic area was estimated to be 2,720 square miles and the fourth smallest area mapped since 1985.⁷ The hypoxic conditions in the northern Gulf directly affect 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., gray snapper) are able to detect lower dissolved oxygen levels and move away from hypoxic conditions. Therefore, although not directly affected, these organisms are indirectly affected by limited prey availability and constrained available habitat (Baustian and Rabalais 2009; Craig 2012).

Greenhouse Gases

The Intergovernmental Panel on Climate Change has indicated greenhouse gas emissions are one of the most important drivers of recent changes in climate. Wilson et al. (2014) inventoried the sources of greenhouse gases in the Gulf from sources associated with oil platforms and those associated with other activities such as fishing. A summary of the results of the inventory are shown in Table 3.2.1 with respect to total emissions and from fishing. Commercial fishing and recreational vessels make up a small percentage of the total estimated greenhouse gas emissions from the Gulf (2.04% and 1.67%, respectively).

⁶ Further information can be found at <http://www.boem.gov/Environmental-Stewardship/Archaeology/Shipwrecks.aspx>.

⁷ <http://gulfhypoxia.net>

Table 3.2.1. Total Gulf greenhouse gas emissions estimates (tons per year [tpy]) from oil platform and non-oil platform sources, commercial fishing, and percent greenhouse gas emissions from commercial fishing vessels of the total emissions*. Data are for 2011 only.

Emission source	CO ₂	Greenhouse CH ₄	Gas N ₂ O	Total CO _{2e} **
Oil platform	5,940,330	225,667	98	11,611,272
Non-platform	14,017,962	1,999	2,646	14,856,307
Total	19,958,292	227,665	2,743	26,467,578
Commercial fishing	531,190	3	25	538,842
Recreational fishing	435,327	3	21	441,559
Percent commercial fishing	2.66%	>0.01%	0.91%	2.04%
Percent recreational fishing	2.18%	>0.01%	0.77%	1.67%

*Compiled from Tables 6-11, 6-12, and 6-13 in Wilson et al. (2014). **The CO₂ equivalent (CO_{2e}) emission estimates represent the number of tons of CO₂ emissions with the same global warming potential as one ton of another greenhouse gas (e.g., CH₄ and N₂O). Conversion factors to CO_{2e} are 21 for CH₄ and 310 for N₂O

3.3 Description of the Biological Environment

The biological environment of the Gulf, including that of gray snapper, is described in detail in the final environmental impact statement for the Generic ACL/ACT Amendment (GMFMC 2011a) and is incorporated herein by reference.

3.3.1 Gray Snapper

Life History and Biology

Distribution

Gray snapper occurs in marine and estuarine waters from Florida through Brazil including Bermuda, the Caribbean, and the northern Gulf. (Tolan and Fisher 2009). Juvenile gray snapper have been collected as far north as Cape Cod, Massachusetts (Denit and Sponaugle 2004) but cannot survive water temperatures below 10°C and this likely limits the northward distribution of this species.

Gray snapper occur in estuaries and shelf waters of the Gulf, and are particularly abundant off south and southwest Florida. Gray snapper inhabit shallow waters to depths up to 180 m. Adults are demersal and mid-water dwellers, occurring in marine, estuarine, and riverine habitats; they occur offshore on natural and artificial reefs and inshore including freshwater creeks, rivers and freshwater springs. Gray snapper are found among mangroves, sandy grass beds, and coral reefs, and over sandy, muddy and rocky bottoms.

Spawning occurs offshore around reefs and shoals from May to September (SEDAR 51 2018). Eggs are pelagic, and are present June through September after the summer spawn, occurring in

offshore shelf waters and near coral reefs. Larvae are planktonic, occurring in peak abundance June through August in offshore shelf waters and near coral reefs from Florida through Texas. Postlarvae move into estuarine habitat and are found especially over dense grass beds of *Halodule* and *Syringodium*. Juveniles are marine, estuarine, and riverine dwellers, often found in estuaries, channels, bayous, ponds, grass beds, marshes, mangrove swamps, and freshwater creeks; they appear to prefer *Thalassia spp.* grass flats, marsh bottoms, seagrass meadows, and mangrove roots (GMFMC 2004a).

Age/Growth

Fischer et al. (2005) estimated a maximum age of 28 years for gray snapper and subsequent studies have estimated a maximum age of 32 (SEDAR 51 2018). However, regional differences in size and age structure have been observed (SEDAR 51 RD-06). Larger, older fish are more common in north Florida than in south Florida, although this could be the result of greater fishing pressure in the south rather than a biological difference. A growth curve, based on fractional ages and observed fork lengths at capture, was modeled using the von Bertalanffy growth model for the SEDAR 51 stock assessment.

Reproduction

Gray snapper spawn from May through September (SEDAR51-DW-06). Fifty percent of individuals are estimated to attain maturity by 2.3 years of age or 253 mm (10 in.) FL (SEDAR 51 2018).

Natural Mortality

The life history working group convened as part of the SEDAR 51 assessment recommended natural mortality estimate where $M = 0.15$.

Status of the Gray Snapper Stock

Gray snapper are managed as a single stock in the Gulf. A review of the stock identification and delineation was conducted as part of the stock assessment (SEDAR 51-DW-09). The recommendations from the assessment included continuing to manage the Gulf and South Atlantic stock separately based on genetic differences and limited movement of adults.

The stock assessment of Gulf gray snapper (SEDAR 51 2018) indicated that the stock was experiencing overfishing but no determination was made about the overfished status as this status determination criterion has not been defined for this stock and is the subject of Action 3 in this document.

3.3.2 General Information on Reef Fish Species

The National Ocean Service collaborated with the National Marine Fisheries Service (NMFS) and the Council to develop distributions of reef fish (and other species) in the Gulf (SEA 1998). Reef fish are widely distributed in the Gulf, occupying both pelagic and benthic habitats during their life cycle. In general, both eggs and larval stages are planktonic. Larval fish feed on zooplankton and phytoplankton. Gray triggerfish are exceptions to this generalization as they lay

their eggs in nests on the sandy bottom (Simmons and Szedlmayer 2012), and gray snapper whose larvae are found around submerged aquatic vegetation.

Status of Reef Fish Stocks

The Reef Fish Fishery Management Plan (FMP) currently encompasses 31 species (Table 3.3.1). The NMFS Office of Sustainable Fisheries updates its Status of U.S. Fisheries Report to Congress⁸ on a quarterly basis using the most current stock assessment information. Stock assessments and status determinations have been conducted and designated for many reef fish stocks and can be found on the Council⁹ and the Southeast Data, Assessment, and Review (SEDAR)¹⁰ websites.

Of the stocks for which stock assessments have been conducted, the first quarter report of the 2019 Status of U.S. Fisheries classifies only one as overfished (greater amberjack), and two stocks as undergoing overfishing (gray snapper and lane snapper). The Council received a letter from NMFS advising them that lane snapper was subject to overfishing in 2017; however, NMFS indicated that overfishing was not expected to continue in 2018 and it did not require the Council to take any action at this time. The Council is addressing gray snapper in this amendment, which will establish status determination criteria, reference points, and modify ACLs.

The status of both assessed and unassessed stocks, as of the most recent version of the Status of U.S. Fisheries Report, is provided in Table 3.3.2.1. Reef Fish Amendment 44 (GMFMC 2017b), was implemented December 2017, and modified the minimum stock size threshold (MSST) for seven species in the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP) to 50% of B_{MSY} . Red snapper and gray triggerfish are now listed as not overfished but rebuilding, because the biomass for the stock is currently estimated to be greater than 50% of B_{MSY} , but below B_{MSY} .

A stock assessment has been conducted for Atlantic goliath grouper (SEDAR 47 2016). The Science and Statistical Committee (SSC) accepted the assessment's general findings that the stock was not overfished nor experiencing overfishing. Although the SSC determined Atlantic goliath grouper as not experiencing overfishing, the SSC deemed the assessment not suitable for stock status determination and management advice.

Stock assessments were conducted for seven reef fish stocks using the Data Limited Methods Toolkit (DLMTToolkit; SEDAR 49 2016). This method allows the setting of an overfishing limit (OFL) and acceptable biological catch (ABC) based on limited data and life history information, but does not provide assessment-based status determinations. Several stocks did not have enough information available to complete an assessment even using the DLMTToolkit. These stocks are not experiencing overfishing based on annual harvest remaining below the OFL, but no overfished status determination has been made (Table 3.3.2.1). Lane snapper was the only

⁸<https://www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates>

⁹ www.gulfcouncil.org

¹⁰ www.sedarweb.org

stock with adequate data to be assessed using the DLMTToolkit methods resulting in OFL and ABC recommendations by the SSC.

The remaining species within the Reef Fish FMP have not been assessed at this time. Therefore, their overfished status is unknown (Table 3.3.2.1). For those species that are listed as not undergoing overfishing, that determination has been made based on the annual harvest remaining below the OFL. No other unassessed species are scheduled for a stock assessment at this time.

Table 3.3.2.1. Status of species in the Reef Fish FMP grouped by family.

Common Name	Scientific Name	Stock Status		Most recent assessment or SSC workshop
		Overfishing	Overfished	
Family Balistidae – Triggerfishes				
gray triggerfish	<i>Balistes capriscus</i>	N	N	SEDAR 43 2015
Family Carangidae – Jacks				
greater amberjack	<i>Seriola dumerili</i>	N	Y	SEDAR 33 Update 2016a
lesser amberjack	<i>Seriola fasciata</i>	N	Unknown	SEDAR 49 2016
almaco jack	<i>Seriola rivoliana</i>	N	Unknown	SEDAR 49 2016
banded rudderfish	<i>Seriola zonata</i>	Unknown	Unknown	
Family Labridae – Wrasses				
hogfish	<i>Lachnolaimus maximus</i>	N	N	SEDAR 37 2014
Family Malacanthidae – Tilefishes				
tilefish (golden)	<i>Lopholatilus chamaeleonticeps</i>	N	N	SEDAR 22 2011a
blueline tilefish	<i>Caulolatilus microps</i>	Unknown	Unknown	
goldface tilefish	<i>Caulolatilus chrysops</i>	Unknown	Unknown	
Family Serranidae – Groupers				
gag	<i>Mycteroperca microlepis</i>	N	N	SEDAR 33 Update 2016b
red grouper	<i>Epinephelus morio</i>	N	N	SEDAR 42 2015
scamp	<i>Mycteroperca phenax</i>	Unknown	Unknown	
black grouper	<i>Mycteroperca bonaci</i>	N	N	SEDAR 19 2010
yellowedge grouper	<i>Hyporthodus flavolimbatu</i>	N	N	SEDAR 22 2011b
snowy grouper	<i>Hyporthodus niveatus</i>	N	Unknown	SEDAR 49 2016
speckled hind	<i>Epinephelus drummondhayi</i>	N	Unknown	SEDAR 49 2016
yellowmouth grouper	<i>Mycteroperca interstitialis</i>	N	Unknown	SEDAR 49 2016
yellowfin grouper	<i>Mycteroperca venenosa</i>	Unknown	Unknown	
warsaw grouper	<i>Hyporthodus nigrilus</i>	N	Unknown	
*Atlantic goliath grouper	<i>Epinephelus itajara</i>	N	Unknown	SEDAR 47 2016
Family Lutjanidae – Snappers				
queen snapper	<i>Etelis oculatus</i>	N	Unknown	
mutton snapper	<i>Lutjanus analis</i>	N	N	SEDAR 15A Update 2015
blackfin snapper	<i>Lutjanus buccanella</i>	N	Unknown	
red snapper	<i>Lutjanus campechanus</i>	N	N	SEDAR 52 2018
cupera snapper	<i>Lutjanus cyanopterus</i>	N	Unknown	
gray snapper	<i>Lutjanus griseus</i>	Y	Unknown	SEDAR 51 2018
lane snapper	<i>Lutjanus synagris</i>	Y	Unknown	SEDAR 49 2016
silk snapper	<i>Lutjanus vivanus</i>	Unknown	Unknown	
yellowtail snapper	<i>Ocyurus chrysurus</i>	N	N	SEDAR 27A 2012
vermillion snapper	<i>Rhomboplites aurorubens</i>	N	N	SEDAR 45 2016
wenchman	<i>Pristipomoides aquilonaris</i>	N	N	SEDAR 49 2016

Note: *Atlantic goliath grouper is a protected grouper (i.e., ACL is set at zero) and benchmarks do not reflect appropriate stock dynamics.

Bycatch

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. Bycatch practicability analyses have not been completed for gray snapper, but have been completed for other reef including red snapper (GMFMC 2004a, GMFMC 2007, GMFMC 2014b, GMFMC 2015a, and GMFMC 2016).

Protected Species

NMFS manages marine protected species in the Southeast region under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). A very brief summary of these two laws and more information is available on NMFS Office of Protected Resources website¹¹. There are 21 ESA-listed species of marine mammals, sea turtles, fish, and corals that may occur in the exclusive economic zone (EEZ) of the Gulf. There are 91 stocks of marine mammals managed within the Southeast region plus the addition of the stocks such as North Atlantic right whales, and humpback, sei, fin, minke, and blue whales that regularly or sometimes occur in Southeast region managed waters for a portion of the year (Hayes et al. 2017). All marine mammals in U.S. waters are protected under the MMPA.

Of the four marine mammals that may be present in the Gulf (sperm, sei, fin, and Gulf Bryde's), the sperm, sei, and Gulf of Mexico Bryde's whale are listed as endangered under the ESA. Bryde's whales are the only resident baleen whales in the Gulf. Manatees, listed as threatened under the ESA, also occur in the Gulf and are the only marine mammal species in this area managed by the U.S. Fish and Wildlife Service.

The gear used by the Gulf reef fish fishery is classified in the MMPA 2019 List of Fisheries as a Category III fishery (84 FR 22051). 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 the reef fish fishery. Bottlenose dolphins prey upon 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.¹²

Sea turtles, fish, and corals that are listed as threatened or endangered under the ESA occur in the Gulf. These include the following: six species of sea turtles (Kemp's ridley, loggerhead [Northwest Atlantic Ocean distinct population segment {DPS}], green [North Atlantic and South Atlantic DPSs], leatherback, and hawksbill); five species of fish (Gulf sturgeon, smalltooth

¹¹ <http://www.nmfs.noaa.gov/pr/laws/>

¹² <http://www.nmfs.noaa.gov/pr/sspecies/>

sawfish, Nassau grouper, oceanic whitetip shark and giant manta ray); and six species of coral (elkhorn, staghorn, lobed star, mountainous star, boulder star, and rough cactus). Critical habitat designated under the ESA for smalltooth sawfish, Gulf sturgeon, and the Northwest Atlantic Ocean DPS of loggerhead sea turtles occur in the Gulf, though only loggerhead critical habitat occurs in federal waters.

The most recent biological opinion (BiOp) for the FMP was completed on September 30, 2011. The BiOp determined the continued authorization of the Gulf reef fish fishery managed under the Reef Fish FMP is not likely to adversely affect ESA-listed marine mammals or coral, and was not likely to jeopardize the continued existence of sea turtles (loggerhead, Kemp's ridley, green, hawksbill, and leatherback) or smalltooth sawfish. Since issuing the opinion, in memoranda dated September 16, 2014, and October 7, 2014, NMFS concluded that the activities associated with the Reef Fish FMP is not likely to adversely affect critical habitat for the Northwest Atlantic Ocean loggerhead sea turtle DPS and four species of corals (lobed star, mountainous star, boulder star, and rough cactus). On September 29, 2016, NMFS requested reinitiation of Section 7 consultation on the continued authorization of reef fish fishing managed by the Reef Fish FMP because new species (i.e., Nassau grouper [81 FR 42268] and green sea turtle North Atlantic and South Atlantic DPSs [81 FR 20057]) were listed under the ESA that may be affected by the proposed action. NMFS documented a determination that allowing the fishery to continue during the reinitiation period is not likely to adversely affect these species.

On January 22, 2018, NMFS published a final rule (83 FR 2916) listing the giant manta ray as threatened under the ESA. On January 30, 2018, NMFS published a final rule (83 FR 4153) listing the oceanic whitetip shark as threatened under the ESA. In a memorandum dated March 6, 2018, NMFS revised the request for reinitiation of consultation on the Reef Fish FMP to address the listings of the giant manta and oceanic whitetip. In that memorandum, NMFS also determined that allowing fishing under the Reef Fish FMP to continue during the extended reinitiation period would not jeopardize the continued existence of the giant manta ray, oceanic whitetip shark, Nassau grouper, or the North Atlantic and South Atlantic DPSs of green sea turtles.

NMFS published a final rule on April 15, 2019, listing the Gulf Bryde's whale as endangered. In a memorandum dated June 20, 2019, NMFS revised the reinitiation request to include the Gulf Bryde's whale and determined that allowing fishing under the Reef Fish FMP to continue during the re-initiation period will not jeopardize the continued existence of any of the newly listed species discussed above.

Climate Change

Climate change projections predict increases in sea-surface temperature and sea level; decreases in sea-ice cover; and changes in salinity, wave climate, and ocean circulation.¹³ These changes are likely to affect plankton biomass and fish larvae abundance that could adversely affect fish, marine mammals, seabirds, and ocean biodiversity. 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

¹³ <http://www.ipcc.ch/>

productivity and species interactions, change precipitation patterns and cause a rise in sea level. This 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. The National Oceanic and Atmospheric Administration (NOAA) Climate Change Web Portal¹⁴ predicts the average sea surface temperature in the Gulf will increase by 1-3°C for 2010-2070 compared to the average over the years 1950-2010. 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. The smooth puffer and common snook are examples of species for which there has been a distributional trend to the north in the Gulf. For other species, such as red snapper and the dwarf sand perch, there has been a distributional trend towards deeper waters. For other fish species, such as the dwarf goatfish, there has been a distributional trend both to the north and to deeper waters. These changes in distributions have been hypothesized as a response 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. However, some stocks, including gray snapper, have shown increases in abundance in the northern Gulf (Fodrie et al. 2010) and Texas estuaries (Tolan and Fisher 2009) during the interval between 1979 and 2006. This may be a result of increasing water temperatures in coastal environments.

Deepwater Horizon MC252 Oil Spill

The presence of polycyclic aromatic hydrocarbons (PAH), which are highly toxic chemicals that tend to persist in the environment for long periods of time, in marine environments can have detrimental impacts on marine finfish, especially during the more vulnerable larval stage of development (Whitehead et al. 2012). When exposed to realistic, yet toxic levels of PAHs (1–15 µg/L), greater amberjack larvae develop cardiac abnormalities and physiological defects (Incardona et al. 2014). The future reproductive success of long-lived species, including red drum and many reef fish species, may be negatively affected by episodic events resulting in high-mortality years or low recruitment. These episodic events could leave gaps in the age structure of the population, thereby affecting future reproductive output (Mendelssohn et al. 2012). Other studies have described the vulnerabilities of various marine finfish species, with morphological and/or life history characteristics similar to species found in the Gulf, to oil spills and dispersants (Hose et al. 1996; Carls et al. 1999; Heintz et al. 1999; Short 2003).

Increases in histopathological lesions were found in red snapper in the area affected by the oil, but Murawski et al. (2014) found that the incidence of lesions had declined between 2011 and 2012. The occurrence of such lesions in marine fish is not uncommon (Sindermann 1979; Haensly et al. 1982; Solangi and Overstreet 1982; Khan and Kiceniuk 1984, 1988; Kiceniuk and

¹⁴ <https://www.esrl.noaa.gov/psd/ipcc/>

Khan 1987; Khan 1990). Red snapper diet was also affected after the spill. A decrease in zooplankton consumed, especially by adults (greater than 400 mm total length) over natural and artificial substrates may have contributed to an increase in the consumption of fish and invertebrate prey – more so at artificial reefs than natural reefs (Tarnecki and Patterson 2015).

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 wellhead (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. The effect of oil, dispersants, and the combination of oil and dispersants on fishes of the Gulf remains an area of concern.

Red Tide

Red tide is a common name for harmful algal blooms caused by species of dinoflagellates and other organisms that cause the water to appear to be red. Red tide blooms occur in the Gulf almost every year, generally in late summer or early fall. They are most common off the central and southwestern coasts of Florida between Clearwater and Sanibel Island but may occur anywhere in the Gulf. More than 50 species capable of causing red tides occur in the Gulf, but one of the best-known species is *Karenia brevis*. This organism produces toxins capable of killing fish, birds and other marine animals.¹⁵

The effects of red tide on fish stocks have been well established. In 2005, a severe red tide event occurred in the Gulf along with an associated large decline in multiple abundance indices for red grouper, gag, and other species thought to be susceptible to mortality from red tide events. It is unknown whether mortality occurs via absorption of toxins across gill membranes (Abbott et al. 1975, Baden 1988), ingestion of toxic biota (Landsberg 2002), or from some indirect effect of red tide such as hypoxia (Walter et al. 2013). In 2018, a severe red tide event occurred off the southwest coast of Florida from Monroe County to Sarasota County that persisted for more than 10 months; the impacts on fish stocks will likely be considered in future stock assessments.

3.4 Description of the Economic Environment

3.4.1 Recreational Sector

Gray snapper is a popular species among anglers. In 2017, an estimated 3.9 million directed angler trips, not including trips out of Louisiana and Texas, had at least one reef fish as the primary target, and 29.5% of those trips targeted gray snapper (NMFS Fisheries Statistics December 11, 2018). In addition, that year, another 0.8 million directed trips had a reef fish as a secondary target, and 36.0% of those trips targeted gray snapper. Approximately 5.7 million trips landed reef fish, and 27.6% of them landed gray snapper.

¹⁵ <http://myfwc.com/research/redtide/general/about/>

The economic value of a gray snapper to anglers can be measured in the form of consumer surplus (CS) per additional fish 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 CS for an additional snapper, not specifically gray snapper, is estimated to be \$13.08 in November 2018 (Haab et al. (2012) for original estimate and BLS CPI Inflation Calculator for 2018 estimate). The economic value for for-hire vessels 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. For vessels in the Gulf, the estimated NOR value is \$155 (2015 dollars) per charter angler trip (Liese and Carter 2011). The estimated NOR value per headboat angler trip is \$54 in 2015 dollars.

In 2015, an estimated 2.3 million angler trips targeted or caught gray snapper, and approximately 91% of those trips were out of Florida. Anglers incur expenses, such as bait, tackle, and fuel, which generate economic impacts, such as jobs and income. Estimates of these impacts (in 2015 dollars) are summarized in Table 3.4.1.3 for comparative purposes with the previous table.

Table 3.4.1.1. Number of angler trips that targeted or caught gray snapper and economic impacts generated from those trips, 2015.

State	Trips (1,000s)	Jobs	Income (1,000s)	Sales (1,000s)	Value-Added (1,000s)
AL	125	149	\$7,776	\$19,397	\$11,834
West FL	2,040	3,018	\$142,431	\$346,217	\$222,820
LA	59	89	\$3,714	\$8,934	\$5,766
MS	7	7	\$327	\$744	\$491

Source: Estimates of economic impacts calculated by NMFS SERO using model developed for NMFS (2016).

Note: At the time the analysis was completed, the number of directed trips for 2016 was not complete, thus 2015 was used for the comparison.

3.4.2 Commercial Sector

Dockside revenue from landings of gray snapper relative to dockside revenue from landings of reef fish by permitted vessels are minimal. From 2013 through 2017, gray snapper landings represented, on average, less than 1% of reef fish landings by value (nominal dockside revenue) (Table 3.4.2.1). Gray snapper accounted for an annual average of 0.7% of all dockside revenue from reef fish landings by all permitted vessels.

Table 3.4.2.1. Nominal dockside revenue from landings of gray snapper (GS) and reef fish landings (RF) for all permitted vessels and dockside revenue from GS as percent of revenue from RF, 2013-2017.

Year	Dockside Revenue from GS Landings	Dockside Revenue from RF Landings	Percentage GS
2013	\$303,291	\$50,819,511	0.6%
2014	\$454,468	\$59,684,277	0.8%
2015	\$382,385	\$61,710,100	0.6%
2016	\$430,915	\$61,334,086	0.7%
2017	\$347,088	\$54,582,891	0.6%
Average			0.7%

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

Average landings (lbs gw) of gray snapper per vessel and per trip have generally declined (Table 3.4.2.2). From 2013 through 2017, the average trip that harvested gray snapper landed 49 lbs gw and the average vessel that harvested the species landed 342 lbs gw of gray snapper annually.

Table 3.4.2.2. Landings (lbs gw) of gray snapper (GS), numbers of trips and permitted vessels that landed GS, and average landings of GS per trip and per vessel, 2013-2017.

Year	Landings of GS	Trips that Landed GS	Vessels that Landed GS	Average Landings of GS per Trip	Average Landings of GS per Vessel
2013	113,712	2,235	354	51	321
2014	160,065	2,771	399	58	401
2015	143,796	2,990	401	48	359
2016	131,947	2,962	400	45	330
2017	113,709	2,712	380	42	299
Average	132,646	2,734	387	49	342

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

Gray snapper accounts for a slight percentage of annual dockside revenues for the permitted vessels that land the species. Since 2013, dockside revenue from gray snapper landings represents less than 1% of dockside revenue from all landings by the permitted vessels that land gray snapper (Table 3.4.2.3).

Table 3.4.2.3. Nominal dockside revenue from gray snapper (GS) and all other species landed during a GS trip, total dockside revenue from all trips that did not land GS by permitted vessels that landed GS, and percent of all dockside revenue from GS landings, 2013-2017.

Year	Dockside Revenue from GS	Total Dockside Revenue from Trips that Landed GS	Total Dockside Revenue from Other Trips	Dockside Revenue from All Trips	GS as Percent of Total Dockside Revenue from all Trips
2013	\$303,291	\$19,321,612	\$21,402,504	\$40,724,116	0.7%
2014	\$454,468	\$24,870,910	\$25,870,776	\$50,741,686	0.9%
2015	\$382,385	\$25,284,947	\$26,655,326	\$51,940,273	0.7%
2016	\$430,915	\$25,972,447	\$26,939,314	\$52,911,761	0.8%
2017	\$347,088	\$21,582,359	\$22,453,991	\$44,036,350	0.8%
Average					0.8%

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

Landings of gray snapper generate economic impacts, such as jobs and income. From 2013 through 2017, average annual dockside revenue (2017 dollars) from all gray snapper landings was \$395,007 (Table 3.4.2.4). Those landings generate 52 jobs (full- and part-time) and approximately \$1.44 million in income, \$2.03 million in value-added, and \$3.92 million in sales impacts (Table 3.4.2.5).

Table 3.4.2.4. Real dockside revenue (2016 dollars) from all gray snapper (GS) landings, 2011-2017.

Year	Dockside Revenue from GS Landings (2017\$)
2013	\$321,751
2014	\$473,186
2015	\$393,905
2016	\$439,104
2017	\$347,088
Average	\$395,007

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018, and Bureau of Economic Analysis (BEA) for GDP implicit price deflator.

Table 3.4.2.5. Average annual economic impacts from gray snapper landings, 2013-2017.

Average Annual Dockside Revenue from GS Landings (2017\$)	Jobs	Income (1,000s 2017\$)	Value-Added (1,000s 2017\$)	Sales (1,000s 2017\$)
\$395,007	52	\$1,438.83	\$2,032.91	\$3,917.05

Source: Estimates of economic impacts calculated by NMFS SERO using model developed for NMFS 2016 and BEA for implicit price deflator.

Average landings (lbs gw) of gray snapper per vessel and per trip vary significantly when evaluated by the gear used (Tables 3.4.2.6 and 3.4.2.7). Vessel and trips that use divers and harvest the species have the highest average annual landings, followed by hand hook-and-line (H&L hand), electric hook-and-line (H&L hand), bottom longline (bottom LL) and other gear.

Table 3.4.2.6. Average landings (lbs gw) of gray snapper per vessel by gear, 2013-2017.

Year	Bottom LL	Divers	H&L Hand	H&L Elec	Other
2013	147	343	395	215	38
2014	312	639	400	264	10
2015	354	668	345	202	9
2016	307	396	352	199	7
2017	271	643	309	130	57
Average	278	538	360	202	24

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

Table 3.4.2.7. Average landings (lbs gw) of gray snapper per trip by gear, 2013-2017.

Year	Bottom LL	Divers	H&L Hand	H&L Elec	Other
2013	22	67	85	33	17
2014	42	96	75	41	11
2015	45	92	54	32	7
2016	39	57	56	33	7
2017	37	110	49	21	31
Average	37	85	64	32	14

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

Average dockside revenue from gray snapper landings per vessel and per trip also vary considerably by gear. While the average vessel that used divers to harvest gray snapper landed \$1,626 of gray snapper annually from 2013 through 2017, the average vessel that used electrical hook-and-line landed \$604 of the species annually (Table 3.4.2.8). The average trip that used divers had the highest dockside revenue from landings of gray snapper (Table 3.4.2.9).

Table 3.4.2.8. Average dockside revenue (2017 dollars) from gray snapper landings per vessel by gear, 2013-2017.

Year	Bottom LL	Diving	H&L Hand	H&L Elec	Other
2013	\$397	\$1,004	\$1,111	\$613	\$104
2014	\$926	\$1,891	\$1,182	\$782	\$75
2015	\$963	\$1,872	\$948	\$553	\$24
2016	\$1,021	\$1,327	\$1,178	\$661	\$25
2017	\$885	\$2,036	\$898	\$410	\$179
Average	\$838	\$1,626	\$1,063	\$604	\$81

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

Table 3.4.2.9. Average dockside revenue (2017\$) from gray snapper landings per trip by gear, 2011-2017.

Year	Bottom LL	Diving	H&L Hand	H&L Elec	Other
2013	\$60	\$197	\$239	\$95	\$46
2014	\$126	\$283	\$221	\$121	\$33
2015	\$122	\$253	\$148	\$88	\$18
2016	\$130	\$187	\$186	\$109	\$25
2017	\$120	\$342	\$142	\$66	\$96
Average	\$111	\$253	\$187	\$96	\$44

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System (October 2018), November 6, 2018.

3.5 Description of the Social Environment

This amendment affects the management of gray snapper in the Gulf for the commercial and recreational sectors. This section provides the background for the proposed actions that are evaluated in Chapter 4.

Descriptions of the top ranking communities by the number of commercial reef fish permits are included, along with descriptions of the top communities involved in commercial gray snapper and overall engagement. Descriptions of the top ranking communities by the number of federal for-hire permits are included, along with top recreational fishing communities based on recreational engagement and reliance. Community level data are presented to meet the requirements of National Standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires the consideration of the importance of fishery resources to human communities when changes to fishing regulations are considered. Lastly, social vulnerability data are presented to assess the potential for environmental justice (EJ) concerns.

3.5.1 Commercial Fishing Communities

The majority of gray snapper commercial landings are in the state of Florida. Over 80% of landings have occurred in Florida for the past 7 years, except in 2011 when Louisiana saw an uptick in its landings to over 20%, which has dwindled since to below 10%. Gray snapper landings occur in the other Gulf states, but are nominal.

Gulf commercial reef fish permits are held by entities with mailing addresses in 233 communities, located in 14 states (SERO Permit Office, July 22, 2018). Communities with the most Gulf commercial reef fish permits are located in Florida and Texas (Table 3.5.1.1). The community with the most Gulf commercial reef fish permits is Panama City, Florida (approximately 8% of commercial reef fish permits, Table 3.5.2.1).

Table 3.5.1.1. Top ranking communities based on the number of Gulf commercial reef fish permits.

State	Community	Permits
FL	Panama City	67
FL	Key West	37
FL	St. Petersburg	27
FL	Largo	23
TX	Galveston	23
FL	Destin	21
FL	Seminole	19
FL	Cortez	18
FL	Pensacola	17
FL	Clearwater	15
FL	Tampa	14
FL	Miami	13
FL	Lecanto	12
FL	Steinhatchee	12
TX	Houston	12
FL	Apalachicola	11
FL	Fort Myers	11
FL	Naples	11

Source: NMFS SERO permit office, July 22, 2018.

The descriptions of communities include information about the top communities based on a “regional quotient” (RQ) of commercial landings and value for gray snapper. The RQ is the proportion of landings and value out of the total landings and value of that species for that region, and is a relative measure. These communities would be most likely to experience the effects of the proposed actions that could change the fishery and impact participants, associated businesses, and communities within the region. If a community is identified as a gray snapper community based on the RQ, this does not necessarily mean that the community would experience significant impacts due to changes in the fishery as a different species or number of species may be more important to the local community and economy. Additional detailed information about communities with the highest RQs included here can be found on the Southeast Regional Office (SERO) Community Snapshots website, which includes a ranking of important species landed within each community.¹⁶

In Figure 3.5.1.1, the community RQ for pounds of gray snapper is illustrated for the years 2010-2016. The community RQ is the amount of gray snapper landed within a community out of all gray snapper landed within the region. The communities are ranked based upon their 2016 regional quotient. Most of the top fifteen communities are in Florida, as would be expected with the majority of landings there as mentioned earlier, although Venice, Louisiana is ranked in the

¹⁶ http://sero.nmfs.noaa.gov/sustainable_fisheries/social/community_snapshot/

top five. As shown in Figure 3.5.1.1, many communities have seen a fluctuation in their RQ over the seven years represented, yet their ranking remains about the same for most. Marathon is the top community and has been throughout the recent history of the fishery, but has seen fluctuations in regional quotient. The community of Key West is second, with a substantially larger RQ than other communities, and close to Marathon’s even surpassing it in some years. The community of Madeira Beach has recently moved up in RQ with a steady increase since 2010, as has the community of Hudson. The community of St. Petersburg has seen its regional quotient decline recently. Other communities have relatively stable regional quotient, although New Orleans has seen some fluctuation in the intervening years with a substantial spike in RQ in 2011. The fluctuations in RQ may represent vessel movement or other factors within a particular community that might have changed the harvest of gray snapper in a particular year. Such changes may be related to vessel downtime, or a number of other issues. In some cases, it may be a change in business address, although the landing facility may have not changed. It is the trend of the RQ that is likely more informative of what is happening in the community over time with regard to its dependence upon gray snapper.

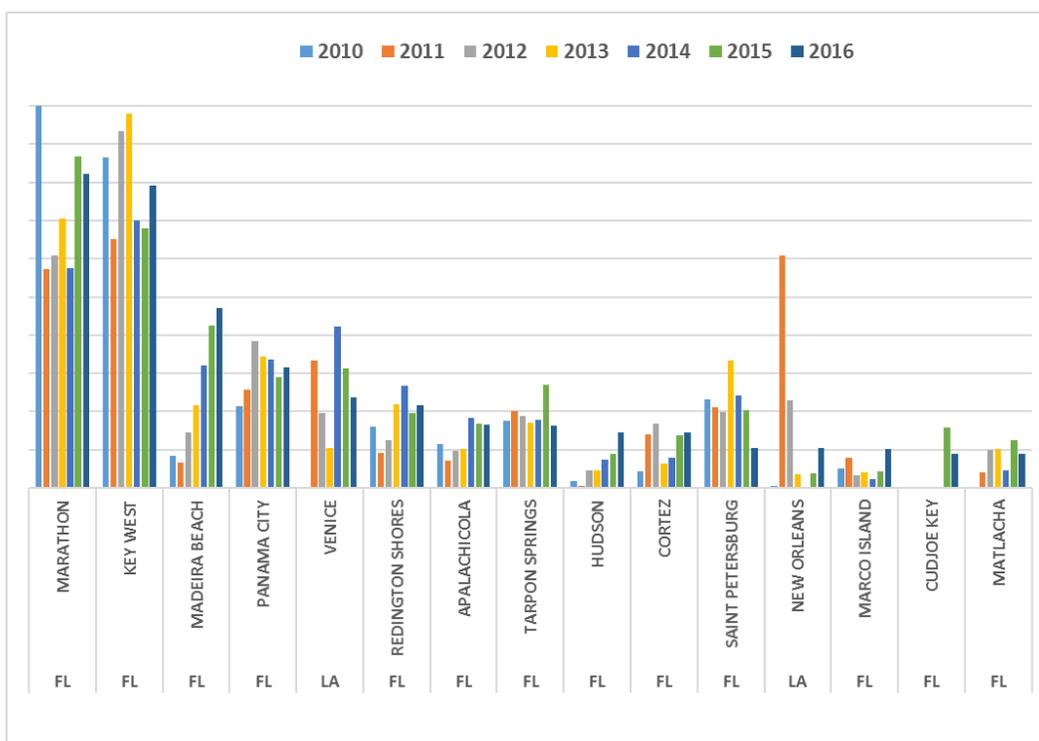


Figure 3.5.1.1. The top fifteen communities ranked by gray snapper regional quotient 2010-2016 with 2016 as base year.

Source: ALS based on dealer addresses, NMFS, SERO.

The overall measure of a community’s commercial fishing engagement for the top gray snapper commercial fishing communities is depicted in Figure 3.5.1.2. Several communities in Figure 3.5.1.2 would be considered highly or moderately engaged in commercial fishing as they are well above one and one half standard deviation for all years represented. Cudjoe Key and Redington Shores demonstrate some engagement with scores at or above the one-half standard deviation threshold. Those communities that are below the lowest threshold (Marco Island and Matlacha) demonstrate the least amount of engagement in commercial fishing overall.

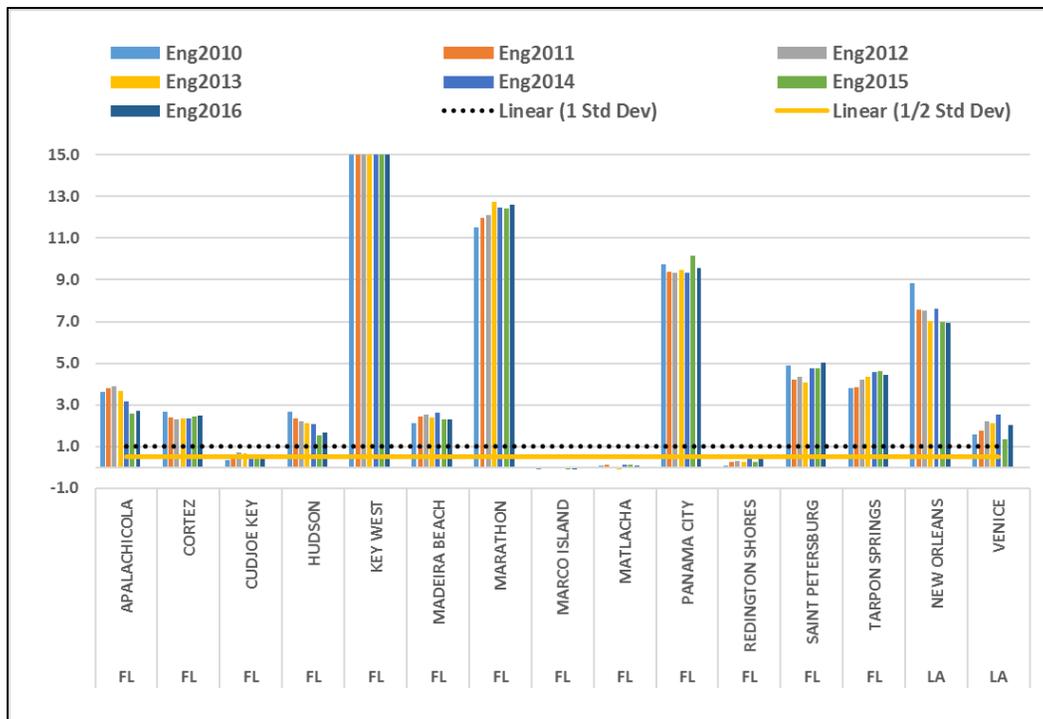


Figure 3.5.1.2. Commercial fishing engagement of the top fifteen commercial gray snapper communities for 2010-2016.

Source: SERO, Community Social Vulnerability Indicators Database 2018 (American Community Survey 2012-2016).

3.5.2 Recreational Fishing Communities

Federal for-hire permits are held by those with mailing addresses in 364 communities, located in 23 states (SERO permit office, July 22, 2018). The communities with the most for-hire permits for reef fish are provided in Table 3.5.2.1.

Table 3.5.2.1. Top ranking communities based on the number of federal for-hire permits for Gulf reef fish, including historical captain permits, in descending order.

State	Community	Permits
FL	Destin	67
AL	Orange Beach	51
FL	Panama City	51
FL	Naples	46
FL	Key West	42
FL	Pensacola	26
TX	Galveston	23
FL	St. Petersburg	22
FL	Sarasota	20
FL	Cape Coral	17
FL	Clearwater	17
FL	Fort Myers	17
LA	Metairie	17
TX	Houston	17
FL	Panama City Beach	15
MS	Biloxi	15
TX	Port Aransas	15
FL	Marco Island	14
TX	Freeport	14

Source: NMFS SERO permit office, July 22, 2018.

When Gulf reef fish for-hire vessels are separated into charter vessels or headboats, the majority are charter vessels (95% of for-hire vessels as of September 20, 2016) and a smaller proportion are headboats (approximately 5%, NMFS SERO permit office).

Landings for the private recreational sector are not available by species at the community level; therefore, it is not possible with available information to identify communities as dependent on recreational fishing for specific species. Because limited data are available concerning how recreational fishing communities are engaged and reliant on specific species, recreational fishing engagement and reliance indices were created using secondary data from NMFS SERO permit database and infrastructure information for the southeast recreational fishing sector at the community level from the Marine Recreational Information Program (Jepson and Colburn 2013). Recreational fishing engagement is represented by the number of federal recreational permits and vessels designated as “recreational” by homeport and owners address and recreational infrastructure (number of boat ramps and fishing piers) within a community. Fishing reliance includes the same variables as fishing engagement, divided by population. Factor scores of both recreational fishing engagement and reliance were plotted.

Figure 3.5.2.1 identifies the top Gulf communities with federal for-hire reef fish permits that are engaged and reliant upon recreational fishing in general as measured by the indices described

above. Two thresholds of one and one-half standard deviation above the mean were plotted to help determine a threshold for significance. All fifteen included communities demonstrating high levels of recreational engagement, with Orange Beach, Alabama demonstrating reliance upon recreational fishing, although neither is specific to fishing for gray snapper.

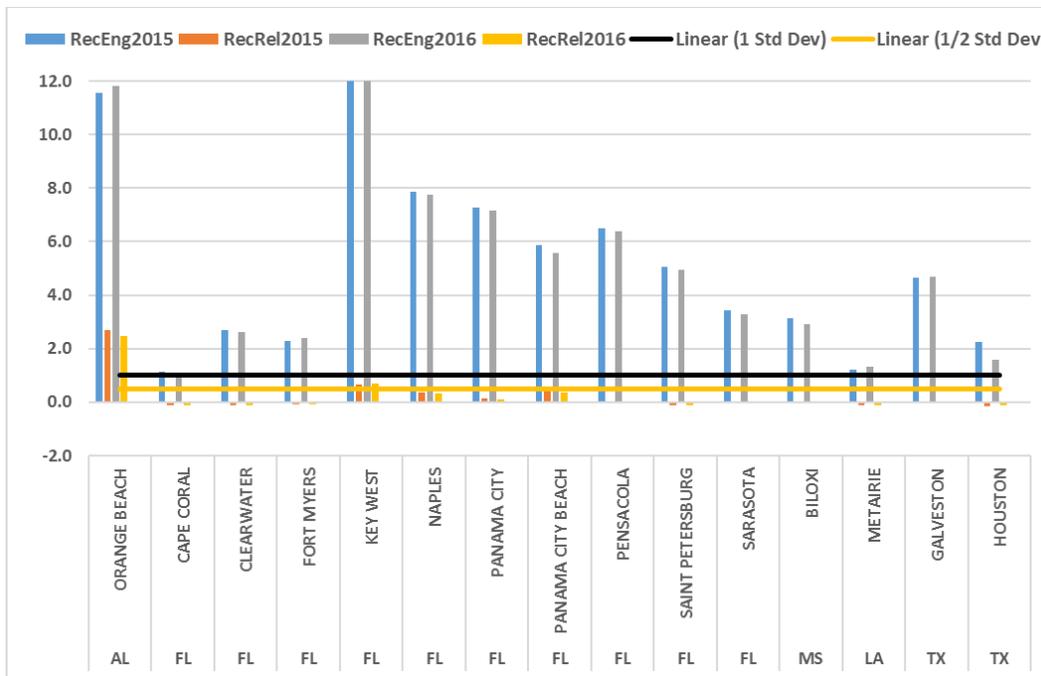


Figure 3.5.2.1. Recreational fishing engagement and reliance for the top fifteen recreational gray snapper communities for 2015-2016.

Source: SERO, Community Social Vulnerability Indicators Database 2018 (American Community Survey 2012-2016).

3.5.3 Environmental Justice Considerations

Executive Order 12898 requires federal agencies conduct their programs, policies, and activities in a manner that ensures individuals or populations are not excluded from participation in, 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 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 and recreational anglers and associated industries could be impacted by the proposed actions. However, information on the race and income status for groups at the different participation levels is not available. Although information is available concerning communities overall status with regard to minorities and poverty (e.g., census data), such information is not available specific to anglers and those involved in the industries and activities, themselves. To

help assess whether any EJ concerns arise from the actions in this amendment, a suite of indices were created to examine the social vulnerability of coastal communities. 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. Again, for those communities that exceed the threshold it would be expected that they would exhibit vulnerabilities to sudden changes or social disruption that might accrue from regulatory change.

Figures 3.5.3.1 and 3.5.3.2 provide the social vulnerability index scores of the top commercial and recreational communities that have been identified as having some association with gray snapper. Some communities appear in both figures to allow comparison with other communities included in that sector. The communities of New Orleans and Venice, Louisiana both exceed the threshold of one standard deviation for poverty in Figure 3.5.3.1, demonstrating some vulnerability when combined with other index scores. Several communities exceed the threshold of one-half standard deviation above the mean for more than one index (Panama City, Florida; New Orleans and Venice, Louisiana). These commercial fishing communities would be the most likely to exhibit vulnerabilities to social or economic disruption due to regulatory change.

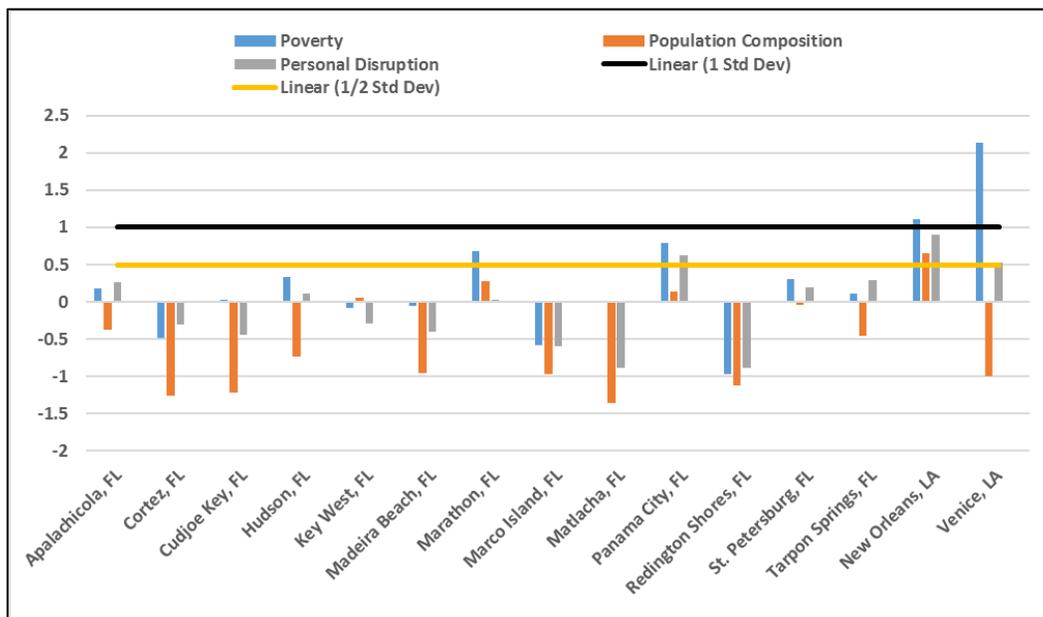


Figure 3.5.3.1. Social vulnerability indices for select commercial fishing communities associated with gray snapper.

Source: SERO, Community Social Vulnerability Indicators Database 2018 (American Community Survey 2012-2016).

The communities of Biloxi, Mississippi and Houston, Texas both exceed one standard deviation for Poverty and Population Composition respectively in Figure 3.5.3.2. Several communities exceed the threshold of one-half standard deviation above the mean for more than one index (Fort Myers and Panama City, Florida; Biloxi, Mississippi; Galveston and Houston, Texas).

These recreational fishing communities that exceed the thresholds would be the most likely to exhibit vulnerabilities to social or economic disruption due to regulatory change.

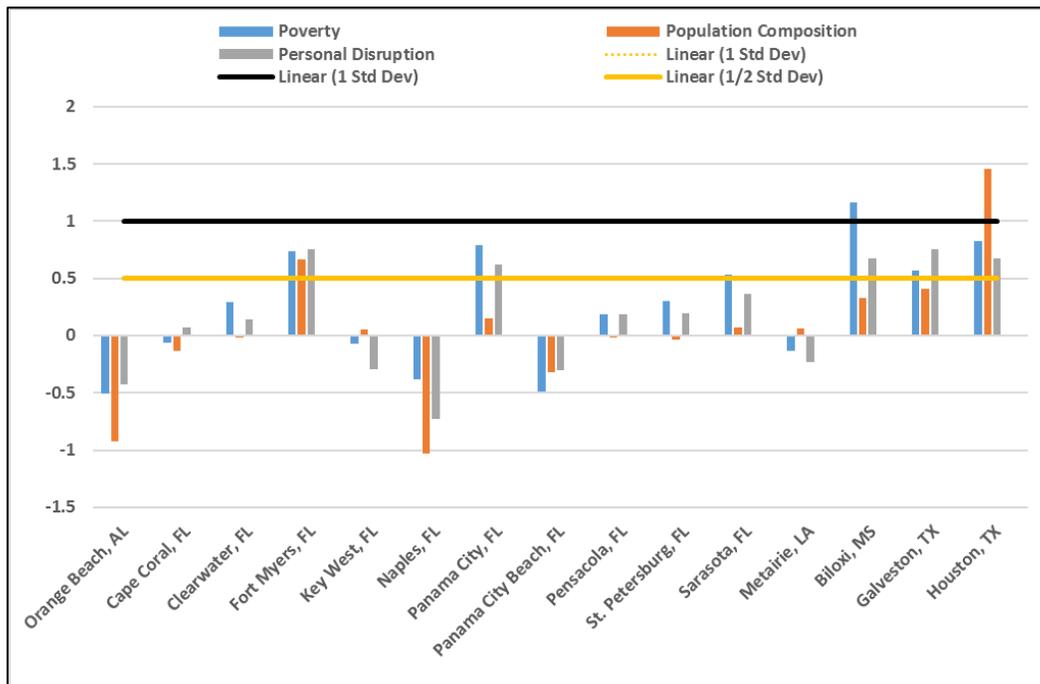


Figure 3.5.3.2. Social vulnerability indices for select recreational fishing communities associated with gray snapper.

Source: SERO, Community Social Vulnerability Indicators Database 2018 (American Community Survey 2012-2016).

People in these communities may be affected by fishing regulations in two ways: participation and employment. Although these communities may have the greatest potential for EJ concerns, no data are available on the race and income status for those involved in the local fishing industry (employment), or for their dependence on gray snapper specifically (participation). However, the implementation of the proposed actions of this amendment would not discriminate against any group based on their race, ethnicity, or income status because the proposed actions would be applied to all participants in the fishery. Further, there is no known subsistence fishing for gray snapper. Thus, the actions of this amendment are not expected to result in adverse or disproportionate environmental or public health impacts to EJ populations. Although no EJ issues have been identified, the absence of potential EJ concerns 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 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). The EEZ is defined as an area extending 200 nautical miles from the seaward boundary of each of the coastal states. The Magnuson-Stevens Act also claims authority over U.S. anadromous species and continental shelf resources that occur beyond the EEZ.

Responsibility for federal fishery management decision-making is divided between 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 Gulf Council is responsible for fishery resources in federal waters of the Gulf. These waters extend 9 to 200 nautical miles offshore of Florida and Texas. For the purposes of management under the Reef Fish FMP only, these waters extend 9 to 200 miles offshore of Alabama, Louisiana, and Mississippi. The length of the Gulf coastline is approximately 1,631 miles. Florida has the longest coastline extending 770 miles along its Gulf coast, followed by Louisiana (397 miles), Texas (361 miles), Alabama (53 miles), and Mississippi (44 miles).

The Gulf 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.

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 states' 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 on their respective web pages (Table 3.6.2.1).

Table 3.6.2.1. Gulf state marine resource agencies and web pages.

State Marine Resource Agency	Web Page
Alabama Marine Resources Division	http://www.outdooralabama.com/
Florida Fish and Wildlife Conservation Commission	http://myfwc.com/
Louisiana Department of Wildlife and Fisheries	http://www.wlf.louisiana.gov/
Mississippi Department of Marine Resources	http://www.dmr.ms.gov/
Texas Parks and Wildlife Department	http://tpwd.texas.gov/

CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

4.1 Action 1 – Maximum Sustainable Yield (MSY) Proxy for Gulf of Mexico (Gulf) Gray Snapper

Alternative 1. No Action. Do not establish a maximum sustainable yield (MSY) proxy for gray snapper.

Preferred Alternative 2. For gray snapper, the MSY proxy is the yield when fishing at 26% spawning potential ratio ($F_{26\% \text{ SPR}}$).

Alternative 3. For gray snapper, the MSY proxy is the yield when fishing at 30% spawning potential ratio ($F_{30\% \text{ SPR}}$).

Alternative 4. For gray snapper, the MSY proxy is the yield when fishing at 40% spawning potential ratio ($F_{40\% \text{ SPR}}$).

Preferred Alternative 5. For future assessments of gray snapper, the MSY proxy equals the yield produced by $F_{\text{MSY or PROXY}}$ recommended by the Gulf of Mexico Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) and subject to approval by the Council through in a plan amendment.

Note: **Alternative 5** can be selected with **Alternative 2**, **Alternative 3**, or **Alternative 4** as the preferred.

4.1.1 Direct and Indirect Effects on the Physical Environment

The alternatives in this action establish a proxy for MSY. The MSY proxy is the basis for establishing the overfishing limit (OFL), acceptable biological catch (ABC), and annual catch limit (ACL). This action would not directly affect the physical environment; however, proxies that allow larger or smaller catch levels may change fishing activity levels that could indirectly affect this environment. Any effects from this action are not expected to be significant, as this action is not expected to change how the reef fish fishery is prosecuted overall because it is a multi-species fishery targeting many species. This action would only affect the portion of the fishery targeting gray snapper.

Participants in the commercial sector of the reef fish fishery use vertical lines (i.e., electric reel, bandit rig, hook-and-line, and trolling) and longlines, however, less than 10% of gray snapper is landed by the commercial sector. Participants in the recreational sector (headboat, charter, and private modes) primarily use vertical line gear (hook-and-line).

Bottom longline gear is deployed over hard bottom habitats using weights to keep the gear in direct contact with the bottom. The potential for this gear to adversely impact the bottom depends 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. A study that directly observed deployed longline gear (Atlantic tilefish fishery) found no evidence that the gear shifted significantly, even when set in currents (Grimes et al. 1982). Lack of gear shifting even in strong currents was attributed to setting anchors at either end of the longline to prevent movement, which is the standard in the longline component of the commercial sector of the reef fish fishery. Based on 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 hard bottom and coral reef habitats provide, it would be expected that bottom longline gear may become entangled, resulting in potential negative effects to habitat (Barnette 2001).

Concentrations of many managed reef fish species are higher on hard bottom areas than on sand or mud bottoms, thus vertical line gear fishing generally occurs over hard bottom areas (GMFMC 2004a). Vertical lines include multi-hook lines known as bandit gear, handlines, and rod-and-reels. Vertical line gear is less likely to contact the bottom than longlines, but still has the potential to snag and entangle bottom structures and cause attached organisms, such as soft corals and sponges, to tear off or be abraded (Barnette 2001). In using bandit gear, a weighted line is lowered to the bottom, and then the weighted line 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).

Anchor damage is also associated with vertical line fishing vessels, particularly by the recreational sector, where anglers may repeatedly visit well-marked or known fishing locations. Hamilton (2000) pointed out that “favorite” fishing areas such as reefs are targeted and revisited multiple times, particularly with the advent of GPS technology. The cumulative effects of repeated anchoring could damage the hard bottom areas where reef fish fishing occurs, as well as repeated drops of weighted fishing rigs onto the reef. Recreational and commercial vessels that use vertical line gear are typically known to anchor more frequently over the reef sites.

Spears are used by both the recreational and commercial sector to harvest reef fish, but represent a relatively minor component of both. Barnette (2001) summarized a previous study that concluded spearfishing on reef habitat might result in some coral breakage. In addition, there could be some impacts from divers touching coral with their hands or from re-suspension of sediment by fins (Barnette 2001).

Alternative 1 (No Action) would leave the MSY proxy officially undefined. Therefore, under **Alternative 1** there would be no change to the fishing effort or effects on the physical environment, because there would be no defined catch level. However, landings would still be limited as the stock is managed under an ACL based on historical landings. **Alternatives 2-4** would base the MSY proxy on the fishing mortality (F) associated with a particular spawning potential ratio ($F_{x\% SPR}$). Lower SPRs result in higher MSY levels and possibly higher levels of fishing effort, producing potentially greater adverse effects to the physical environment.

Preferred Alternative 2 would specify the gray snapper MSY proxy as the yield at $F_{26\% SPR}$, which is less conservative than the **Alternative 3** proxy of the yield at $F_{30\% SPR}$ or **Alternative 4** proxy of the yield at $F_{40\% SPR}$, the most conservative value. Thus, **Alternative 4** would likely result in less fishing effort and fewer adverse effects on the physical environment than **Alternatives 2 and 3**. **Alternative 3** would likely result in less fishing effort and fewer adverse

effects on the physical environment than **Preferred Alternative 2. Preferred Alternative 5** merely provides flexibility in changing the MSY proxy, should a new assessment be conducted. Depending on output of the assessment, the MSY proxy, and resulting effects, would likely be within the range of those provided for **Alternatives 2-4**.

4.1.2 Direct and Indirect Effects on the Biological/Ecological Environment

Direct and indirect effects from fishery management actions have been discussed in detail for a variety of reef fish species in past Reef Fish FMP Amendments (e.g., GMFMC 2004a, 2007, 2008a, 2008b, 2008c, 2009, 2011b, 2012b, 2012c, 2015b, 2016, 2017b) and are incorporated here by reference. Management actions that affect the biological and ecological 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 gear have different selectivity patterns that 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 declined and speculated this change may also have been due to increases in fishing effort. Lombardi-Carlson et al. (2006) found that the mean size of gag at age was larger pre-1990 than in post-1990 years and suggested this change was also due to fishing.

Bycatch does occur within the reef fish fishery. If fish are released due to catch limits, seasons, or other regulatory measures, these fish are considered bycatch. Bycatch practicability analyses have been completed for red snapper (GMFMC 2004a, GMFMC 2007, GMFMC 2014a, GMFMC 2015b), grouper (GMFMC 2008a, GMFMC 2009, GMFMC 2011c, GMFMC 2012a), vermilion snapper (GMFMC 2004b, GMFMC 2017a), greater amberjack (GMFMC 2008b, GMFMC 2012b), gray triggerfish (GMFMC 2012c), and hogfish (GMFMC 2016). In general, these analyses have 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. Some management measures can increase bycatch through regulatory discards such as increased minimum sizes and closed seasons. However, these measures are implemented in situations where the biological benefit to the managed species outweighs any increases in discards. For this action, any effects on bycatch are likely to be negligible because the action is not expected to change how the reef fish fishery is prosecuted.

The reef fish fishery can also affect species outside the reef fish complex. For example, sea turtles have been observed to be directly affected by the bottom 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) and NMFS (2011). However, as described in Section 3.3, the reef fish fishery is not likely to jeopardize the continued existence of any endangered species or marine mammal species.

Alternative 1 (No Action) would leave the MSY proxy officially undefined. Therefore, under **Alternative 1** there would be no change to the fishing effort or effects on the biological/ecological environment because there would be no proxy to define the other SDCs. However, landings would still be limited as the stock is managed under an ACL based on historical landings. **Alternatives 2-4** would base the MSY proxy on the F associated with a particular spawning potential ratio ($F_{\% SPR}$). Lower SPRs allow higher MSY levels and possibly higher levels of fishing effort, producing potentially greater risk to overfishing of the gray snapper stock. **Preferred Alternative 2** would specify the gray snapper MSY proxy as the yield at $F_{26\% SPR}$, which is less conservative than the **Alternative 3** or **Alternative 4** proxies of the yield at $F_{40\% SPR}$ or $F_{40\% SPR}$, respectively. **Alternative 4** is more conservative than **Alternative 3**. Thus, **Alternative 4** would likely result in less fishing effort and fewer adverse effects on the biological/ecological environment, followed by **Alternative 3** and then **Preferred Alternative 2**. **Preferred Alternative 5** merely provides flexibility in changing the MSY proxy should a new assessment be conducted. Depending on output of the assessment, the MSY proxy, and resulting effects, would likely be intermediate to those provided for **Alternatives 2-4**.

Any effects from this action are not expected to be significant because this action is not expected to change how the reef fish fishery is prosecuted overall because it is a multi-species fishery targeting many species.

4.1.3 Direct and Indirect Effects on the Economic Environment

Alternative 1 (No Action) would not establish a MSY proxy for gray snapper. Therefore, **Alternative 1** would not be expected to affect gray snapper harvests and would not be expected to result in economic effects.

Preferred Alternative 2 would define the MSY proxy for gray snapper as the yield when fishing at $F_{26\% SPR}$. **Alternative 3** would set the MSY proxy for gray snapper as the yield at $F_{30\% SPR}$. Relative to **Preferred Alternative 2**, **Alternative 3** would be more conservative in setting a MSY proxy for gray snapper. Therefore, **Alternative 3** would be expected to result in potential negative economic effects stemming from possible decreases in fishing opportunities in the short run, but the anticipated decreases in the risk of stock depletion would be expected to result in positive economic effects in the long run. **Alternative 4** would set the MSY proxy for gray snapper as the yield when fishing at $F_{40\% SPR}$. Because **Alternative 4** would set a more conservative MSY proxy than **Alternative 3**, **Alternative 4** would be expected to result in greater potential negative economic effects than **Preferred Alternative 2** and **Alternative 3**. **Preferred Alternative 5**, which could be selected as a preferred alternative in conjunction with **Preferred Alternative 2**, **Alternatives 3**, or **4**, would add flexibility to the determination of future gray snapper MSY proxies by streamlining modifications to the proxy without the development of regulatory actions. With Council approval, **Preferred Alternative 5** would allow the establishment of a proxy recommended by the SSC and based on a stock assessment.

Preferred Alternative 5 would be expected to result in economic effects stemming from the trade-off between short run fishing opportunities and long-term risks of stock depletion discussed above. **Preferred Alternative 5** would also be expected to result in positive indirect economic effects due to a timelier adjustment to the MSY proxy, when warranted. Net economic effects

expected to result from **Preferred Alternative 5** would be determined by the MSY proxy selected by the SSC and by the timeliness of its implementation.

4.1.4 Direct and Indirect Effects on the Social Environment

Although additional effects are not usually expected from retaining **Alternative 1** (No Action), the lack of stock status determination criteria is not consistent with the National Standard 1 (NS1) guidelines and an MSY or its proxy needs to be defined. The effects of the actions in this amendment are related, in that indirect negative social effects may result from establishing an MSY proxy (Action 1) if the related status determination criteria result in an undergoing overfishing or overfished status (Actions 2 and 3), warranting a reduction to the ACL (Action 5), which would be expected to reduce fishing opportunities.

Gray snapper does not have sector allocations, but the majority of landings (greater than 90%) are made by the recreational sector (Table 1.1.1). Of the recreational landings, approximately 78% are in Florida (SEFSC Recreational ACL Data [MRFSS], November 29, 2018). Thus, potential social effects would occur primarily in Florida among recreational anglers.

Alternative 3 would adopt an MSY proxy consistent with the current maximum fishing mortality threshold (MFMT) (Action 2, Alternative 1) that was recommended by the Council's SSC. Thus, some indirect negative effects would be expected from **Alternative 3** when compared to **Alternative 1**, as catch levels would need to be reduced (Action 5) to address the overfishing status, and potentially, overfished status (depending on the selection of the minimum stock size threshold (MSST) in Action 3). On the other hand, the short-term negative effects that may result from reduced harvest opportunities would be expected to be mitigated in the long term by protecting the stock.

Preferred Alternative 2 would adopt a less conservative MSY proxy than **Alternative 3**. In the short term, **Preferred Alternative 2** could indirectly allow for greater catch limits compared to **Alternative 3**, and thus could avoid some short-term negative effects that would arise if fishing activity were to be restricted. On the other hand, the risk of stock depletion is greater under **Preferred Alternative 2** than **Alternative 3**, suggesting that more restrictive management could be necessary in the long term if the stock is determined to be overfished or undergoing overfishing.

Alternative 4 would adopt a more conservative MSY proxy than **Alternative 3**. In the short term, **Alternative 4** could indirectly result in the need for lower catch limits compared to **Alternative 3**, and thus could entail more short-term negative effects if fishing activity is restricted further. However, decreasing the risk of stock depletion by selecting a more conservative MSY proxy (**Alternative 4**) would be expected to result in positive indirect effects for the long term.

Some minimal positive effects would be expected from **Preferred Alternative 5**. The SSC would continue to recommend an MSY proxy and the Council would still need to adopt the MSY proxy through a plan amendment, including its approval. **Preferred Alternative 5** would remove the requirement that the Council evaluate a range of alternatives when the SSC recommends a particular MSY proxy. If the SSC specifies a range for the MSY proxy, this

alternative would not be applicable and the Council would evaluate a range of alternatives consistent with the recommendation. The effects of **Preferred Alternative 5** are essentially procedural, and thus administrative. Nevertheless, there are some small positive effects from reducing the administrative burden.

4.1.5 Direct and Indirect Effects on the Administrative Environment

The setting of MSY would have effects on the administrative environment through establishing a status determination criteria required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act [direct effect]), addressing overfished and overfishing conditions (indirect effect from setting other status determination criteria), and monitoring the harvest (indirect effect). Because any of the alternatives would not result in added regulations, there would not be any immediate effect on the administrative environment from rulemaking.

Alternative 1 would leave the MSY proxy officially undefined for gray snapper and would not be consistent with NS1 guidance. When compared to **Alternative 1**, **Alternatives 2-4** are administratively advantageous because they would result in a metric assisting to assure that harvest levels are set at a level that reduces the probability of overfishing or stock depletion. Because the MSY proxy under **Alternative 4** (yield at $F_{40\%SPR}$) is more risk averse than **Preferred Alternative 2** (yield at $F_{26\%SPR}$) and **Alternative 3** (yield at $F_{30\%SPR}$), maintaining this MSY proxy would be least likely to lead to overfishing or stock depletion and likely have the lowest probability of needing additional administrative actions. The **Alternative 3** MSY proxy is more conservative than the **Preferred Alternative 2** proxy and so would be less likely to lead to overfishing or stock depletion of these two alternatives. **Preferred Alternative 5** merely provides flexibility in changing the MSY proxy should a new assessment be conducted. Depending on output of an assessment, the MSY proxy would be automatically modified and not require a framework action or plan amendment. This would provide a beneficial effect to the administrative environment.

Although the different alternatives have different effects on the administrative environment, these effects are likely minor. Assessing stocks to determine if the stock biomass can support the MSY proxy, and how the stock compares to the status determination criteria, are routine endeavors by the National Marine Fisheries Service (NMFS). Actions to control harvest by the Council and NMFS are mostly routine and conducted through the Council system established by the Magnuson-Stevens Act. Additionally, the Council and NMFS can determine if overfishing is occurring annually and take measures to reduce the likelihood a stock would enter an overfished condition by the use of ACLs and accountability measures (AM). This minimizes the risk that harvest levels would deviate from MSY values established through this action.

4.2 Action 2 - Maximum Fishing Mortality Threshold

Alternative 1. No Action. The current definition for the gray snapper MFMT will be retained and is equal to $F_{30\% SPR}$

Preferred Alternative 2. The definition for the gray snapper MFMT equal to $F_{26\% SPR}$.

Alternative 3. The definition for the gray snapper MFMT equal to $F_{40\% SPR}$.

4.2.1 Direct and Indirect Effects on the Physical Environment

Direct and indirect effects of reef fish fishing are discussed in detail in Section 4.1.1. This action does not affect the gear used and therefore has no direct effect on the physical environment. However, changes to the MFMT could affect the likelihood of a stock being declared undergoing overfishing, which could result in indirect effects. Alternatives that allow higher levels of fishing mortality before overfishing is declared, or which do not provide a means to determine if overfishing is occurring, would have a greater negative effect on the physical environment.

Alternative 1 leaves the existing gray snapper MFMT definition in place. This definition was implemented in the Generic Sustainable Fisheries Act Amendment (GMFMC 1999) and is consistent with Action 1, Alternative 3. **Preferred Alternative 2** sets the MFMT equal to $F_{26\% SPR}$, which is consistent with the MSY proxy selected as preferred in Action 1. **Alternative 3** sets the MFMT equal to the $F_{40\% SPR}$, which is consistent with the proxy used in Action 1, Alternative 4. Because the F proxy would not change under **Alternative 1**, there should be no change of effects on the physical environment. **Preferred Alternative 2** would use a less conservative F value for MFMT than **Alternative 1**, so fishing effort would be less restrictive. **Preferred Alternative 2** would have the greatest adverse effect on the physical environment of the two alternatives. Conversely, **Alternative 3** would use a more conservative F value for MFMT than **Alternative 1**, so fishing effort would be more restrictive. **Alternative 3** would have the least adverse effect on the physical environment of the three alternatives. Any effects from this action are expected to be minor, as this action is not expected to change how the reef fish fishery is prosecuted overall because it is a multi-species fishery targeting many species.

4.2.2 Direct and Indirect Effects on the Biological/Ecological Environment

Direct and indirect effects of reef fish fishing are discussed in Section 4.1.2 in detail. For MFMT, alternatives that result in greater fishing mortality rates (i.e., would likely lead to higher fishing effort and landings) are more likely to negatively affect the biological/ecological environment. Setting MFMT should have very little effect on other reef fish stocks and other species in general. The reef fish fishery is a multispecies fishery where fishermen can target other species on a trip. Because of this, changing fishing effort on one stock generally does not change overall fishing effort within the reef fish fishery, particularly for less targeted stocks within the fishery such as gray snapper. Thus, any effects from this action are not expected to be significant.

Alternative 1 would retain the existing MFMT definition and is consistent with Action 1's **Alternative 3**. **Preferred Alternative 2** sets the MFMT equal to the MSY $F_{26\%SPR}$ proxy and is consistent with Action 1's Preferred Alternative 2. **Alternative 3** sets the MFMT equal to the MSY $F_{40\%SPR}$ proxy and is consistent with Action 1's Alternative 4. Because F in **Alternative 3** is more conservative than F in **Alternative 1** and **Preferred Alternative 2**, **Alternative 3** would result in less fishing effort and would be expected to result in less adverse effects to the biological/ecological environment. Similarly, because F in **Alternative 1** is more conservative than F in **Preferred Alternative 2**, **Alternative 1** would result in less fishing effort and would be expected to have less adverse effects to the biological/ecological environment than **Preferred Alternative 2**.

4.2.3 Direct and Indirect Effects on the Economic Environment

Alternative 1 (No Action) would retain the current definition for gray snapper MFMT, i.e., equal to $F_{30\%SPR}$. Therefore, **Alternative 1** would not be expected to affect gray snapper fishing practices and anticipated harvests, and would not be expected to result in economic effects.

Preferred Alternative 2 would establish a gray snapper MFMT equal to $F_{26\%SPR}$. **Preferred Alternative 2**, which would set a less conservative MFMT than **Alternative 1**, would establish a MFMT consistent with the MSY proxy considered in Action 1, Alternative 2. **Preferred Alternative 2** would not be expected to affect the harvest of gray snapper and would therefore not be expected to result in direct economic effects. However, by setting a less conservative MFMT compared to **Alternative 1**, **Preferred Alternative 2** would be expected to decrease the likelihood that gray snapper would be rebuilt according to the schedule determined in its rebuilding plan (should the gray snapper be under rebuilding), thereby potentially resulting in adverse indirect economic effects. If the MSY proxy considered in Action 1, Alternative 2 is also adopted, **Preferred Alternative 2** would be expected to result in indirect economic benefits relative to **Alternative 1** because it would ensure consistency between the MFMT and the MSY proxy for gray snapper.

Alternative 3 would set a gray snapper MFMT equal to $F_{40\%SPR}$. **Alternative 3**, which would establish an MFMT consistent with the MSY proxy considered in Action 1, Alternative 3 would set a more conservative MFMT than **Alternative 1**. In and of itself, **Alternative 3** would not be expected to affect the harvest of gray snapper and would therefore not be expected to result in direct economic effects. However, by setting a more conservative MFMT compared to **Alternative 1**, **Alternative 3** would be expected to increase the likelihood that gray snapper would be rebuilt according to the schedule determined in its rebuilding plan (should the gray snapper be under rebuilding), thereby potentially resulting in positive indirect economic benefits. In the event that the MSY proxy considered in Action 1, Alternative 3 is also adopted, **Alternative 3** would be expected to result in indirect economic benefits relative to **Alternative 1** because it would ensure consistency between the MFMT and the MSY proxy for gray snapper.

4.2.4 Direct and Indirect Effects on the Social Environment

Under the current definition of MFMT (**Alternative 1**), gray snapper is considered to be undergoing overfishing, requiring a reduction to harvest levels (Action 5), which is expected to result in negative indirect effects for the short-term. As with selecting the MSY proxy in Action

1, these negative short-term effects would be expected to be mitigated in the long term by protecting the stock. If the Council selects **Alternative 3** in Action 1, selecting **Alternative 1** would modify the MFMT definition such that it matches the MSY proxy selected in Action 1, and the indirect effects would be similar as discussed in Action 1.

Compared to **Alternative 1**, fewer indirect effects would be expected for the short term under **Preferred Alternative 2**, which is a less conservative threshold for determining whether overfishing is occurring. Although it may not be necessary to restrict catch levels in the short term under **Preferred Alternative 2**, it would be more likely that in the event gray snapper is later determined to be overfished or undergoing overfishing, the stock would require more restrictive harvest restrictions to rebuild the stock, resulting in greater negative effects in the long term. In other words, avoiding negative effects by allowing more fishing in the short term increases the risk of depleting the stock in the long term. If the Council selects **Alternative 2** in Action 1, selecting **Preferred Alternative 2** would modify the MFMT definition such that it matches the MSY proxy selected in Action 1, and the indirect effects would be similar as discussed in Action 1.

Compared to **Alternative 1**, additional indirect effects for the short term would be expected under **Alternative 3** as a more conservative threshold for determining whether overfishing is occurring would be established. More restrictive catch levels, and the potential need to establish harvest restrictions through a subsequent regulatory action, would be more likely under **Alternative 3**. As with Action 1, any short-term reductions to fishing opportunities would be offset by long-term benefits from protecting the stock and ensuring harvest opportunities in the future. If the Council selects **Alternative 4** in Action 1, selecting **Alternative 3** would modify the MFMT definition such that it matches the MSY proxy selected in Action 1, and the indirect effects would be similar as discussed in Action 1.

4.2.5 Direct and Indirect Effects on the Administrative Environment

This action would directly affect the administrative environment by defining overfishing thresholds. If these thresholds are exceeded, then action needs to be taken by the Council and NMFS to end overfishing immediately. MFMT has already been defined for gray snapper through the Generic Sustainable Fisheries Act Amendment (GMFMC 1999), so this stock is consistent with the Magnuson-Stevens Act requiring an overfishing threshold. However, if the MSY proxy is defined in Action 1's Preferred Alternative 2 or Alternative 4, then the current MFMT definition would be inconsistent with the MSY proxy and **Preferred Alternative 2** or **Alternative 3** would need to be chosen for consistency with Action 1. This would benefit the administrative environment by creating internal stability within the status determination criteria. **Preferred Alternative 2** has the least conservative MFMT, so the probability of F exceeding the MFMT is lower than **Alternative 1**. Therefore, this alternative be likely to affect the administrative environment less as the likelihood of needing to take corrective action to end overfishing is lower. **Alternative 3** has the more conservative MFMT, so the probability of F exceeding the MFMT is greater than **Alternative 1**. Therefore, this alternative would adversely affect the administrative environment more as the likelihood of needing to take corrective action is greater.

Although the alternatives have different effects on the administrative environment, these effects are likely minor. Assessing stocks to determine if the F is above or below MFMT are routine endeavors by NMFS. Actions to control harvest by the Council and NMFS are mostly routine and conducted through the Council system established by the Magnuson-Stevens Act. Additionally, the use of ACLs and AMs by the Council and NMFS reduces the likelihood of exceeding the MFMT or overfishing limit on an annual basis that could ultimately cause the stock to get in an overfished condition.

4.3 Action 3 – Establish a Minimum Stock Size Threshold

Alternative 1. No Action. Do not establish a MSST for gray snapper.

Alternative 2. The MSST for gray snapper = $(1-M)*B_{MSY}$ (or proxy) where M is the natural mortality rate.

Alternative 3. The MSST for gray snapper = $0.75*B_{MSY}$ (or proxy).

Preferred Alternative 4. The MSST for gray snapper = $0.50*B_{MSY}$ (or proxy).

4.3.1 Direct and Indirect Effects on the Physical Environment

Fishery management actions that affect the physical environment mostly relate to the interactions of fishing with bottom habitat through gear impacts to bottom habitat as described in Section 4.1.1. This action does not affect how fishing gear is used, so there is no direct effect on the physical environment. However, establishing a gray snapper MSST could affect the likelihood of the stock being declared overfished, which could result in indirect effects. An “overfished” determination would require that a rebuilding plan be implemented, which would likely include restrictions that reduce fishing effort. Less fishing effort would result in less gear interaction with the physical habitat, which would be beneficial to the environment. Therefore, alternatives with larger buffers between B_{MSY} (or $B_{MSY_{proxy}}$) and MSST, would have a greater negative effect on the physical environment because they could allow higher levels of fishing effort to occur longer until the stock size is depressed to MSST.

Alternative 1 (No Action) would leave MSST undefined. Without an MSST, an overfished determination cannot be made. Therefore, there would be no control on stock biomass levels (although OFLs and ACLs could restrict harvest). This alternative could potentially allow greater fishing effort and more adverse effects to the physical environment than any of the alternatives that set an MSST.

Alternative 2 would apply the $(1-M)*B_{MSY}$ (or proxy) formula to gray snapper. Under this MSST proxy, the buffer between B_{MSY} and MSST depends on the average natural mortality rate of the species, which for gray snapper is 0.15. Thus, the MSST would be set at 85% of B_{MSY} . Relative to **Alternative 3** and **Preferred Alternative 4**, this alternative results in the highest likelihood of a stock being declared overfished. This would have the least potential for allowing higher fishing effort levels that could decrease the stock size further. **Alternative 2** would have the smallest potential for negative effects to the physical environment of the alternatives.

Alternative 3 would apply to $0.75 \cdot B_{MSY}$ (or proxy) formula to gray snapper. Relative to **Alternative 1**, this alternative would have fewer adverse effects on the physical environment because it would limit fishing effort if the stock biomass dropped below MSST. Relative to **Alternative 2**, this alternative could have greater adverse effects through the allowance of greater fishing effort to reduce the stock below MSST.

Preferred Alternative 4 would set MSST at $0.50 \cdot B_{MSY}$, which is the lowest MSST allowed under the NS1 guidelines. Relative to **Alternative 1**, this alternative would have fewer adverse effects on the physical environment because it would result in limits on fishing effort if the stock biomass dropped below MSST. Relative to **Alternative 2** and **Alternative 3**, this alternative could have greater adverse effects for stocks because it could allow higher levels of potential fishing effort that allow the stock to fall below MSST. Therefore, this alternative has the greatest potential for negative effects to the physical environment of the alternatives establishing an MSST.

Any effects from this action are expected to be minor, as this action is not expected to change how the reef fish fishery is prosecuted overall because it is a multi-species fishery targeting many species.

4.3.2 Direct and Indirect Effects on the Biological/Ecological Environment

Alternatives that result in greater fishing effort and landings are more likely to adversely affect the biological/ecological environment than alternatives that reduce fishing effort and landings. Setting MSST should have very little effect on other reef fish stocks and other species in general. The reef fish fishery is a multispecies fishery where fishermen can target other species on trip. Thus, changing fishing practices on one stock does not generally change overall fishing effort, particularly for minor stocks within the fishery like gray snapper. As a result, any effects from this action are expected to be minor.

The closer MSST is to B_{MSY} (or proxy); the time needed to rebuild the stock would likely be shorter. This is because the likelihood of larger declines in biomass from fishing is reduced, and would provide more protection to the stock. **Alternative 1**, no action, would leave MSST as undefined leaving no metric for determining if the stock is overfished. Therefore, **Alternative 1** has the potential result in the greatest adverse effects to the biological environment should the stock be allowed to decline.

Alternative 2 is the most conservative approach considered among the alternatives because the buffer between the MSST and B_{MSY} (or proxy) is the lowest. Although this alternative results in the greatest likelihood of a stock being declared overfished if there is a decline in stock size, it would also provide the greatest positive biological/ecological effect by preventing the target stock from large declines in biomass. It would also reduce the likelihood of negative biological/ecological impacts to other species as a result of effort shifting because of a more stringent rebuilding plan should the stock size fall below MSST.

Alternative 3 is the next most conservative approach considered and would prevent the target stock from declines in biomass beyond $0.75 \cdot B_{MSY}$ (or proxy). It would also reduce the likelihood of negative biological/ecological impacts to other species as a result of effort shifting during a rebuilding plan. However, because the M for gray snapper is below 0.25, the buffer

between B_{MSY} (or proxy) and MSST is greater than the buffer in **Alternative 2**. Thus, overfishing could potentially occur for a longer time before the stocks are declared overfished under **Alternative 3** than **Alternative 2**.

Preferred Alternative 4 would set MSST at $50\% * B_{MSY}$ (or proxy), which is the lowest MSST allowed under the NS 1 guidelines. Relative to the other alternatives, this would result in the longest rebuilding time and the most restrictive management measures should a stock biomass fall below MSST, and would therefore have the greatest negative impacts on the biological/ecological environment relative to the gray snapper stock of the alternatives in this action.

Depending on which proxy for MSY is chosen in Action 1, **Alternatives 2** and **3** could result in the gray snapper stock being considered overfished based on SEDAR 51 (see Section 3.3) and subsequent Southeast Fisheries Science Center (SEFSC) analyses. If this is the case, then a rebuilding plan would need to be initiated to allow the stock to rebuild to B_{MSY} . However, until the SPR target and rebuild year are specified, a final rebuilding plan cannot be developed. The MSST value under **Preferred Alternative 4** is low enough that the current stock condition would not be considered overfished, negating the need to rebuild the stock.

4.3.3 Direct and Indirect Effects on the Economic Environment

Alternative 1 (No Action) would not define MSST for gray snapper. An undefined MSST would not be consistent with the Magnuson-Stevens Act requirements. **Alternative 1** would not be expected to alter the harvest of reef fish species and would not be expected to result in economic effects.

Alternatives 2, 3 and **Preferred Alternative 4** consider gray snapper MSST values ranging from $0.50 * B_{MSY}$ (**Preferred Alternative 4**) to $(1-M) * B_{MSY}$ (**Alternative 2** when M is less than 0.25). The establishment of an MSST for gray snapper is an administrative action and would therefore not be expected to result in direct economic effects. **Preferred Alternative 4** would set the lowest MSST value and would be expected to be associated with the smallest likelihood of classifying gray snapper as overfished. **Preferred Alternative 4** would grant more flexibility to manage gray snapper by providing a wider buffer between the MSST and the biomass at MSY. Therefore, **Preferred Alternative 4** would be expected to result in indirect positive economic effects due to additional harvesting opportunities that could be made available by the increased management flexibility. The magnitude of the potential indirect economic benefits would be determined by the expected additional harvests afforded to recreational anglers and commercial fishermen. However, should gray snapper be declared overfished, a smaller gray snapper MSST would be expected to warrant more restrictive rebuilding measures, thereby resulting in negative indirect economic effects during the rebuilding period. Although unknown at this time, the net effects that would be expected from adjustments to the MSST for gray snapper would depend on the relative size of these potential benefits and adverse economic effects.

Because **Alternative 3** would set a greater MSST than **Preferred Alternative 4**, it is expected that potential benefits due to management flexibility would be lessened under **Alternative 3**. However, compared to **Preferred Alternative 4**, **Alternative 3** would require less restrictive

rebuilding measures if gray snapper are overfished, thereby resulting in smaller negative effects during the rebuilding period. It follows that **Alternative 2**, which would set a greater MSST than **Alternative 3**, would be expected to result in smaller adverse economic effects during the rebuilding period compared to **Alternative 3**.

4.3.4 Direct and Indirect Effects on the Social Environment

This action would define the threshold at which gray snapper is designated as overfished. Direct effects would not be expected from establishing an overfished threshold. Indirect effects would relate to regulatory action in response to determinations of whether gray snapper is overfished. The closer (narrower buffer) the threshold is set to MSY, the more likely for the overfished threshold to be triggered, resulting in indirect negative effects from the loss of harvest opportunities. A narrow buffer increases the uncertainty that gray snapper may enter an overfished status due to natural fluctuations in biomass. That uncertainty can have negative impacts on business planning and other aspects of both commercial and recreational fishing, as it may initiate changes in fishing behavior such as switching to other species or increased regulatory discards. On the other hand, the farther away (wider buffer) the threshold is set from B_{MSY} , the less likely the overfished threshold would be triggered. However, triggering the threshold set under a wider buffer would likely require measures that are more restrictive in a rebuilding plan, resulting in greater negative social effects, than if the threshold had been triggered sooner.

The management measures for a rebuilding plan that may follow a determination that gray snapper is overfished as a result of setting or modifying the MSST are unknown. Thus, it is not possible to describe the scope and strength of any indirect effects from triggering an overfished status. Therefore, this discussion of social effects is general and qualitative in nature. Moving into an overfished status could have negative social effects if harvest levels are reduced significantly. **Alternative 1** would not define MSST for gray snapper and there would be no change in management, and thus, no additional social effects. However, **Alternative 1** is inconsistent with NS1 guidance and MSST needs to be defined.

Alternative 2 would provide a narrow buffer related to the natural mortality rate of gray snapper, currently estimated at 0.15, and would be the most conservative alternative for setting MSST as it would be most likely for the overfished threshold to be triggered. Using a narrow buffer for a stock such as gray snapper, which has a low natural mortality rate (e.g., less than $M = 0.25$), may result in the stock being more likely to move in and out of an overfished status due to natural fluctuations in biomass. Furthermore, given the lack of precision in the estimates of B_{MSY} , MSST, and current biomass, there is increased uncertainty with respect to whether the current biomass has actually dropped below MSST. The more stable approach to setting a wider buffer (such as **Alternative 3** and **Preferred Alternative 4**) that prevents a stock from moving into an overfished status may be preferable as stability would be preferable for both commercial and recreational stakeholders and businesses. **Alternative 2** would provide a more stable approach biologically, but the possibility of short-term negative effects may be higher under some circumstances, such as when stock biomass fluctuates below MSST due to a narrow buffer. However, there may be positive long-term effects if stock status becomes more stable.

Preferred Alternative 4 would adopt the widest buffer allowed under the NS1 guidelines and also among the alternatives, and would apply the same buffer as selected for the seven stocks included in Amendment 44 (GMFMC 2017b). In that amendment, this MSST definition resulted in two stocks (red snapper and gray triggerfish) being redefined from overfished to not overfished. However, because each stock was in a rebuilding plan, that plan continues until the stock is rebuilt to B_{MSY} . By adopting the widest buffer, the overfished threshold would be least likely to be triggered, avoiding negative effects associated with development of a rebuilding plan. However, in the event the threshold under **Preferred Alternative 4** is reached and gray snapper declared overfished, the rebuilding plan would be expected to include greater harvest restrictions than if a narrower buffer had been adopted. **Alternative 3** would set a buffer that sets MSST at 75% of B_{MSY} , and is a wider buffer than **Alternative 2** and a narrower buffer than **Preferred Alternative 4**. Thus, the effects of **Alternative 3** would be intermediary between **Alternative 2** and **Preferred Alternative 4**.

In summary, the social effects from **Alternatives 2-3** and **Preferred Alternative 4** would be indirect and occur subsequent to a determination of overfished status based on the selected buffer. Wider buffers may allow for current fishing activity to continue, but risk future fishing activity being curtailed more if the stock falls into an overfished status. Narrow buffers may be more likely to result in an overfished determination and a subsequent rebuilding plan could curtail existing fishing effort, but may allow for more consistent fishing activity over the long term.

4.3.5 Direct and Indirect Effects on the Administrative Environment

This action would directly affect the administrative environment. Under **Alternatives 2-4**, MSST would be defined for gray snapper. Thus, selecting any of these alternatives as preferred would be administratively more efficient than **Alternative 1** (No Action), where MSST and the overfished status of the stock would remain undefined.

How MSST is determined under **Alternatives 2-4** also has indirect administrative implications. The lower the MSST value is (i.e., the greater the difference between B_{MSY} (or proxy) and MSST), the less likely the stock could be depressed below the MSST and be declared overfished. However, after a stock has been declared overfished, action must be taken to rebuild the stock to B_{MSY} (or proxy). The greater the difference between the overfished stock biomass and B_{MSY} (or proxy), the greater the required harvest restrictions would be to allow the stock to recover to B_{MSY} (or proxy) within the rebuilding timeframe. Therefore, the lower the MSST, the greater the likelihood that more restrictive administrative actions would be needed.

With respect to **Alternatives 2-4**, **Alternative 2** would set the highest MSST value and **Alternative 4** the lowest MSST value. Thus, the likelihood of the stock being reduced from overfishing to an overfished condition and in need of a rebuilding plan is greater under **Alternative 2**. **Alternative 3** is intermediate to **Alternative 2** and **Preferred Alternative 4**. In order, **Alternative 2** would have the greatest chance of adversely affecting the administrative environment through additional management measures, followed by **Alternative 3**, and then **Preferred Alternative 4**. However, because **Alternative 2** is closer to B_{MSY} (or proxy), the less restrictive the rebuilding plan would likely be compared to **Alternative 3**, followed by **Preferred Alternative 4**.

Based on SEDAR 51 (see Section 3.3) and subsequent SEFSC analyses, whether the stock is considered overfished depends on which proxy for MSY is chosen in Action 1. **Alternatives 2 and 3** could result in the gray snapper stock being considered overfished (Table 2.3.1). If this is the case, then a rebuilding plan would need to be initiated to allow the stock to rebuild to B_{MSY} through further action. However, until the SPR target and rebuild year are specified, final guidance can be developed for a rebuilding plan. The MSST value under **Preferred Alternative 4** is low enough that the current stock condition would not be considered overfished, negating the need to rebuild the stock.

Although the alternatives have different effects on the administrative environment, these effects are likely minor. Assessing stocks to determine if the stock biomass is above or below MSST are routine endeavors by NMFS. Actions to control harvest by the Council and NMFS are mostly routine and conducted through the Council system established by the Magnuson-Stevens Act. Additionally, using ACLs, OFLs, and AMs, the Council and NMFS can determine if overfishing is occurring annually and take measures to reduce the likelihood a stock would get into an overfished condition. This minimizes the risk that the stock size would fall below MSST and be considered overfished.

4.4 Action 4 – Establish Optimum Yield

Alternative 1. No Action. Do not establish an optimum yield (OY) for gray snapper.

Preferred Alternative 2. Set an OY for gray snapper that is the long-term yield that implicitly accounts for relevant economic, social, or ecological factors by fishing at:

Option 2a. 50% of $F_{MSY Proxy}$.

Option 2b. 75% of $F_{MSY Proxy}$.

Preferred Option 2c. 90% of $F_{MSY Proxy}$.

4.4.1 Direct and Indirect Effects on the Physical Environment

This action does not affect the gear used and therefore has no direct effects on the physical environment that are identified in Section 4.1.1. However, the definition of OY could affect the long-term harvest levels, which could result in indirect effects. This action is not expected to change how the reef fish fishery is prosecuted overall because it is a multi-species fishery targeting many species, so effects would likely be minor. This action would only affect the portion of the fishery targeting gray snapper.

Alternative 1 would leave OY undefined for gray snapper. Harvest levels would continue to be determined by the ACL, which have been derived from historical landings, but may be defined by the assessment in Action 5. There would be no change to the current effects on the physical environment under this alternative.

Preferred Alternative 2 would define OY as the yield when fishing at a fixed percentage of the $F_{MSY proxy}$. The percentage applied would depend upon which option is selected. **Option 2a** would set that percentage at the lowest level, or 50%, resulting in the lowest OY, the smallest

amount of fishing effort and would have the fewest adverse effects on the physical environment than either **Option 2b** or **Preferred Alternative 2c**. **Option 2b** would set the percentage at 75%, resulting in an intermediate level of harvest and slightly greater adverse effects on the physical environment than **Option 2a**, but less than **Preferred Alternative 2c**. **Preferred Alternative 2c** would set the percentage at the highest level, 90%, resulting in greater adverse effects than either **Option 2a** or **Option 2b** because it would allow the highest fishing effort level. All three options would likely result in lower harvest and fewer adverse effects to the physical environment than **Alternative 1**. However, the relative effects of setting an OY harvest level depend on how the OY harvest levels and the ACL harvest levels are integrated into management. That discussion is beyond the scope of this amendment.

4.4.2 Direct and Indirect Effects on the Biological/Ecological Environment

Direct and indirect effects are discussed in Section 4.1.2 in detail and incorporated by reference. Alternatives that result in greater fishing effort and landings are more likely to adversely affect the biological/ecological environment than alternatives that reduce fishing effort and landings. With respect to this action, any effects are expected to be minor, as this action is not expected to change how the reef fish fishery is prosecuted overall because it is a multi-species fishery targeting many species. This action would only affect the portion of the fishery targeting gray snapper.

Setting OY is not expected to have any direct effects on the biological/ecological environment; however, the definition of OY could affect the long-term harvest levels. Management measures that would be required to maintain harvests at or below OY would produce biological/ecological impacts. Consequently, the biological/ecological impacts of the alternatives in this action would be indirect. Furthermore, the impacts could be positive or negative depending on the level of risk that is acceptable.

Alternative 1 would leave the OY value undefined for gray snapper. This would provide no long-term harvest target and could be detrimental to the long-term health of the stock should current harvest levels be too high. Thus, this alternative is least beneficial for the biological/ecological environment.

Preferred Alternative 2, Option 2a is the most conservative of the OY proxies (50% of MSY) and would have the lowest F and highest biomass (B) levels associated with it. Thus, it would have the lowest risk of allowing the stock size becoming depleted and would be the most beneficial **Alternative 2** option to the biological/ecological environment relative to gray snapper.

Preferred Alternative 2c is the least precautionary option with the highest associated F value and the lowest associated B. Maintaining this OY proxy would be the most adverse of the **Alternative 2** options. **Option 2b** is intermediate to **Option 2a** and **Preferred Option 2c**.

4.4.3 Direct and Indirect Effects on the Economic Environment

Alternative 1 (No Action) would not define OY for gray snapper. Under **Alternative 1**, this reference point could be defined in future regulatory actions as the need arises. Therefore,

Alternative 1 would not be expected to affect gray snapper fishing practices or harvests and would not be expected to result in economic effects.

Preferred Alternative 2 would define OY for gray snapper as a fixed percentage of $F_{MSY Proxy}$. The percentages considered range from 50% (**Option 2a**) to 90% (**Preferred Option 2c**).

Option 2b would set OY at 75% of $F_{MSY Proxy}$. The definitions of OY for gray snapper considered in **Preferred Alternative 2** would not be expected to affect gray snapper fishing practices or harvest levels. Therefore, **Preferred Alternative 2** would not be expected to result in direct economic effects. However, if the gray snapper ACL is indirectly linked to future OY definitions, then **Preferred Alternative 2** may be expected to result in indirect economic effects. The direction as well as the magnitude of these potential indirect economic effects would be determined by the relationship between the gray snapper ACL and OY.

4.4.4 Direct and Indirect Effects on the Social Environment

Additional effects would not be expected under **Alternative 1**, but OY would remain undefined and the reference point would need to be defined in a plan amendment. The effects from **Preferred Alternative 2** would be indirect and relate to any changes to the total allowable harvest that results from setting OY. In general, positive effects would result in the short-term from increasing harvest levels and negative effects from a decrease in current harvest levels. However, if an increase in harvest levels jeopardizes the health of the stock, indirect long-term negative effects could result if increased catch levels trigger an overfishing or overfished status and require a rebuilding plan.

Preferred Alternative 2 specifies fixed percentages of $F_{MSY Proxy}$ at which OY would be defined. It has been assumed that long-term benefits would result from setting OY at some percentage below MSY or its proxy, as there may be less chance of overfishing or a stock becoming overfished. Without knowing what economic or social benefits are foregone, however, it is difficult to determine whether OY is truly being attained. **Alternative 2a** would result in a definition of OY that is reduced the most from the MSY proxy, and could result in the greatest negative effects among the options, as the least amount of gray snapper could be caught. **Preferred Alternative 2c** would set OY the closest to the MSY proxy, resulting in the least short-term effects by allowing the most gray snapper to be caught. However, as discussed above, higher catch levels in the short-term can increase the likelihood of triggering an overfished or overfishing status, resulting in stricter regulations during a rebuilding plan, if required. The effects of **Alternative 2b** would be intermediary between **Alternative 2a** and **Preferred Alternative 2c**.

4.4.5 Direct and Indirect Effects on the Administrative Environment

This action would directly affect the administrative environment by defining a long-term harvest goal for gray snapper assuming equilibrium levels. Under **Alternative 1** (No Action), the OY definition would be undefined and would be in conflict with NS1 guidelines. Selecting either of the options in **Alternative 2** would provide consistency with the guidelines.

Preferred Alternative 2 would set OY as a percentage of the F_{MSY} or proxy. The lower OY is, the less likely the stock could result in a depleted condition that could end up requiring a stock

rebuilding plan that allows the stock to recover to a healthy level. Therefore, of the **Alternative 2** options, **Option 2a** would have the least adverse effect on the administrative environment, **Preferred Alternative 2c** the most adverse, and **Option 2b** would be intermediate to these options.

Although the alternatives have different effects on the administrative environment, these effects are likely minor. Assessing stocks to determine if the stock biomass is above or below OY and other status determination criteria are routine endeavors by NMFS. Actions to control harvest by the Council and NMFS are mostly routine and conducted through the Council system established by the Magnuson-Stevens Act. Additionally, using ACLs and AMs, the Council and NMFS can determine if overfishing is occurring annually and take measures to reduce the likelihood a stock would get into an overfished condition. This minimizes the risk that harvest levels would deviate from OY.

4.5 Action 5 – Overfishing Limit, Acceptable Biological Catch, Annual Catch Limit, and Annual Catch Target

Alternative 1. No Action. The OFL for gray snapper will remain 2.88 million pounds (mp) whole weight (ww), the ABC will remain 2.42 mp ww, the ACL will remain at 2.42 mp ww, and the annual catch target (ACT) will remain at 2.08 mp ww (ACT reduced 14% from ACL).

Preferred Alternative 2. Use the OFL and ABC yield stream associated with the MSY proxy of $F_{26\%SPR}$ to set OFL, ABC, and ACL. Do not set an ACT.

Option 2a: The ACL for gray snapper for the years 2019 through 2021 and beyond will be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.59	2.52	2.52
2020	2.58	2.51	2.51
2021+	2.57	2.51	2.51

Preferred Option 2b: Apply the ACL/ACT Control Rule (landings from 2014 through 2017) to establish an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 and beyond will be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.59	2.52	2.24
2020	2.58	2.51	2.24
2021+	2.57	2.51	2.23

Alternative 3. Use the OFL and ABC yield stream associated with the MSY proxy of $F_{30\%SPR}$ to set OFL, ABC, and ACL. Do not set an ACT.

Option 3a: The ACL for gray snapper for the years 2019 through 2021 and beyond will be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.26	2.20	2.20
2020	2.58	2.24	2.24
2021+	2.58	2.27	2.27

Option 3b: Apply the ACL/ACT Control Rule (landings from 2014 through 2017) to establish an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 and beyond will be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	2.26	2.20	1.95
2020	2.58	2.24	1.99
2021+	2.58	2.27	2.02

Alternative 4. Use the OFL and ABC yield stream associated with the MSY proxy of $F_{40\%SPR}$ to set OFL, ABC, and ACL. Do not set an ACT.

Option 4a: The ACL for gray snapper for the years 2019 through 2021 and beyond will be equal to the ABC.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	1.64	1.59	1.59
2020	1.72	1.68	1.68
2021+	1.80	1.76	1.76

Option 4b: Apply the ACL/ACT Control Rule (landings from 2014 through 2017) to establish an 11% buffer between the ABC and the ACL. The ACL for gray snapper for the years 2019 through 2021 and beyond will be reduced from the ABC by 11%.

Year	OFL (mp ww)	ABC (mp ww)	ACL (mp ww)
2019	1.64	1.59	1.41
2020	1.72	1.68	1.49
2021+	1.80	1.76	1.56

4.5.1 Direct and Indirect Effects on the Physical Environment

Modifying gray snapper catch limits may affect the physical environment by changing the allowable harvest. Effects on the physical environment from fishing are associated with contact to the bottom habitat with fishing gear and anchoring. Gray snapper are most frequently harvested by recreational anglers using rod-and-reel that may affect benthic habitat if the gear contacts or becomes entangled with the substrate or reef. Anchor damage may also occur from vessels at well-known reef sites that may be revisited frequently with an increased potential for anchor damage. Fishing effects on the physical environment are generally associated with the amount of fishing effort, and alternatives that would reduce harvest would be expected to reduce effects to the physical environment.

Alternative 1 would retain the current OFL, ABC, ACL, and ACT for gray snapper. Of the three action alternatives, only **Alternative 2a** would allow an increase in harvest and could result

in additional fishing effort if the ACL is fully harvested (Table 4.5.1.1). To date, annual harvest has not exceeded the current ACL and thus, adverse effects to the physical environment may be similar to **Alternative 1**. **Preferred Alternative 2b**, **Alternative 3**, and **Alternative 4** would result in less harvest and likely a reduction in adverse effects to the physical environment relative to both **Alternative 1** and **Option 2a**. Ranking the allowable harvest under each of the alternatives in decreasing order are: **Alternative 2a**, **Alternative 1**, **Preferred Alternative 2b**, **Alternative 3a**, **Alternative 3b**, **Alternative 4a**, **Alternative 4b**. As adverse effects to the physical environment are linked with harvest, the alternatives with the lowest allowable catch would be expected to have the least effects on the physical environment. However, the reef fish fishery is a multispecies fishery and any reduction in effort and corresponding effects to the physical environment for gray snapper could be offset by corresponding increases in effort for other reef fish species.

Table 4.5.1.1. Alternatives for gray snapper ACLs (mp ww) for 2019 – 2021+.

Year	Alt. 1	Alt. 2a	Preferred Alt. 2b	Alt. 3a	Alt. 3b	Alt. 4a	Alt. 4b
2019	2.42	2.52	2.24	2.20	1.95	1.59	1.41
2020	2.42	2.51	2.24	2.24	1.99	1.68	1.49
2021+	2.42	2.51	2.23	2.27	2.02	1.76	1.56

4.5.2 Direct and Indirect Effects on the Biological Environment

Direct and indirect effects of increasing or decreasing fishing effort are discussed in Section 4.1.2 in detail and incorporated by reference here. Alternatives that result in greater fishing effort and landings are more likely to adversely affect the biological/ecological environment than alternatives that reduce fishing effort and landings. As described in Section 4.1.2, effects on the biological environment are associated with fishing effort and the associated landings that correspond with effort. Therefore, landings are used as a proxy for fishing effort and are presented in Table 1.1.1.

Alternative 1 would allow the highest allowable harvest and would be expected to have the greatest adverse effect on the biological environment. In contrast, **Alternative 4b** would set the lowest annual ACLs of the alternatives considered (Table 4.5.1.1) as it is based on a more conservative fishing mortality rate ($F_{40\%SPR}$) than **Alternatives 2** ($F_{26\%SPR}$) and **3** ($F_{30\%SPR}$). **Preferred Alternative 2b**, **Alternative 3b**, and **Alternative 4b** apply an 11% buffer between the ABC and the ACL, likely resulting in less fishing effort and fewer adverse effects on the biological environment than **Alternatives 2a**, **3a**, and **4a**.

4.5.3 Direct and Indirect Effects on the Economic Environment

Alternative 1 (No Action) would maintain a 2.42 mp gray snapper ACL and a 2.08 mp ACT. **Alternative 1** would not be expected to affect gray snapper fishing practices or harvests and would therefore not be expected to result in economic effects.

Preferred Alternative 2, and **Alternatives 3** and **4** consider a range of gray snapper ACL reductions starting in 2019. **Option a** for each alternative would set the gray snapper ACL equal to the ABC and **Preferred Option b** for each alternative would set an 11% buffer between the

ABC and ACL. Gray snapper ACLs would range from a minimum of 1.41 mp (**Alternative 4, Option b** in 2019) to a maximum of 2.52 mp (**Alternative 2, Option a** in 2019). Between 2013 and 2017, the recreational and commercial sectors accounted for an average of 92.5 percent and 7.5 percent of the total gray snapper landings in the Gulf (Table 1.1.1), respectively. Economic effects that would be expected to result from **Preferred Alternative 2**, and **Alternatives 3** and **4** are estimated based on these percentages. For **Preferred Alternative 2**, and **Alternatives 3** and **4**, gray snapper ACLs, ACL changes relative to **Alternative 1**, and recreational and commercial estimated portions of the ACL changes are provided in Table 4.5.3.1. For the recreational sector, estimated portions of the ACL changes expressed in number of fish were obtained by dividing the expected changes in ACLs by an average weight of 1.4 lbs per gray snapper ([A. DiLeone, SERO personal](#)- communication).

Table 4.5.3.1. Gray snapper ACLs, ACL changes, and recreational and commercial shares of the ACL changes relative to Alternative 1.

	ACL (mp)	ACL Change (lbs)	Share of the ACL Change		
			Recreational		Commercial
			lbs	Fish	lbs
Alternative 1	2.42				
Alternative 2 - Option a					
2019	2.52	100,000	92,500	66,071	7,500
2020	2.51	90,000	83,250	59,464	6,750
2021	2.51	90,000	83,250	59,464	6,750
Preferred Alternative 2 – Preferred Option b					
2019	2.24	-180,000	-166,500	-118,929	-13,500
2020	2.24	-180,000	-166,500	-118,929	-13,500
2021	2.23	-190,000	-175,750	-125,536	-14,250
Alternative 3 - Option a					
2019	2.2	-220,000	-203,500	-145,357	-16,500
2020	2.24	-180,000	-166,500	-118,929	-13,500
2021	2.27	-150,000	-138,750	-99,107	-11,250
Alternative 3 - Option b					
2019	1.95	-470,000	-434,750	-310,536	-35,250
2020	1.99	-430,000	-397,750	-284,107	-32,250
2021	2.02	-400,000	-370,000	-264,286	-30,000
Alternative 4 - Option a					
2019	1.59	-830,000	-767,750	-548,393	-62,250
2020	1.68	-740,000	-684,500	-488,929	-55,500
2021	1.76	-660,000	-610,500	-436,071	-49,500
Alternative 4 - Option b					
2019	1.41	-1,010,000	-934,250	-667,321	-75,750
2020	1.49	-930,000	-860,250	-614,464	-69,750
2021	1.56	-860,000	-795,500	-568,214	-64,500

For the recreational sector, the expected economic effects of the proposed alternatives were measured in changes in economic value, i.e., changes in consumer surplus (CS) for anglers. CS per additional fish kept during a trip is defined as the amount of money an angler would be willing to pay for a fish in excess of the cost to harvest the fish. The expected changes in CS were based on the estimated CS per gray snapper and on the recreational share of the estimated change in ACL, expressed in number of fish. Estimates of the CS per fish for most individual species are not available, and this includes gray snapper. Because the value of the CS per gray snapper is unknown, the proxy value used in this analysis is the CS value for an additional “snapper” (not specific to the species) kept on a trip, i.e., \$12.99 (Haab et al. 2012; values updated to 2018 dollars¹⁷). This analysis does not include changes in producer surplus (PS) or net operating revenue (NOR) that would accrue to for-hire operators. The NOR is based on charter angler trips, and since expected changes in trips resulting from a change in gray snapper ACL cannot be estimated, the resulting change to the NOR cannot be estimated at this time. The exclusion of PS or NOR estimates would not affect the ordinal ranking of the proposed alternatives.

For the commercial sector, the expected economic effects of the proposed ACL changes were measured in changes in ex-vessel value. Changes in ex-vessel values were based on the commercial shares of estimated ACL changes and on a 2012-2016 average ex-vessel price of \$2.57 (updated to 2018 dollars) per pound of gray snapper¹⁸. Table 4.5.3.2 provides nominal and net present values for estimated changes in recreational economic values and in commercial ex-vessel values. Net present values are based on a 7% annual discount rate.

¹⁷ Bureau of Labor Statistics Consumer Price Index Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm

¹⁸ <https://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index>

Table 4.5.3.2. Gray snapper recreational and commercial shares of ACL changes, and changes in economic value and ex-vessel value relative to Alternative 1.

	Recreational			Commercial		
	Number of Fish	Nominal Value (\$2018)	Net Present Value (\$2018)	Pounds (lbs)	Nominal Value (\$2018)	Net Present Value (\$2018)
Alternative 2 Option a						
2019	66,071	858,268	858,268	7,500	19,275	19,275
2020	59,464	772,441	721,908	6,750	17,348	16,213
2021	59,464	772,441	674,680	6,750	17,348	15,152
Total	185,000	2,403,150	2,254,855	21,000	53,970	50,640
Preferred Alternative 2 Preferred Option b						
2019	-118,929	-1,544,882	-1,544,882	-13,500	-34,695	-34,695
2020	-118,929	-1,544,882	-1,443,815	-13,500	-34,695	-32,425
2021	-125,536	-1,630,709	-1,424,324	-14,250	-36,623	-31,988
Total	-363,393	-4,720,473	-4,413,022	-41,250	-106,013	-99,108
Alternative 3 Option a						
2019	-145,357	-1,888,189	-1,888,189	-16,500	-42,405	-42,405
2020	-118,929	-1,544,882	-1,443,815	-13,500	-34,695	-32,425
2021	-99,107	-1,287,402	-1,124,467	-11,250	-28,913	-25,253
Total	-363,393	-4,720,473	-4,456,471	-41,250	-106,013	-100,084
Alternative 3 Option b						
2019	-310,536	-4,033,859	-4,033,859	-35,250	-90,593	-90,593
2020	-284,107	-3,690,552	-3,449,114	-32,250	-82,883	-77,460
2021	-264,286	-3,433,071	-2,998,578	-30,000	-77,100	-67,342
Total	-858,929	-11,157,482	-10,481,550	-97,500	-250,575	-235,395
Alternative 4 Option a						
2019	-548,393	-7,123,623	-7,123,623	-62,250	-159,983	-159,983
2020	-488,929	-6,351,182	-5,935,684	-55,500	-142,635	-133,304
2021	-436,071	-5,664,568	-4,947,653	-49,500	-127,215	-111,115
Total	-1,473,393	-19,139,373	-18,006,960	-167,250	-429,833	-404,401
Alternative 4 Option b						
2019	-667,321	-8,668,505	-8,668,505	-75,750	-194,678	-194,678
2020	-614,464	-7,981,891	-7,459,711	-69,750	-179,258	-167,530
2021	-568,214	-7,381,104	-6,446,942	-64,500	-165,765	-144,786
Total	-1,850,000	-24,031,500	-22,575,158	-210,000	-539,700	-506,993

In general, greater reductions (increases) in ACL relative to **Alternative 1** would be expected to result in greater estimated losses (gains) in recreational economic value and in commercial ex-vessel value. Therefore, single-year gains in recreational economic value or in commercial ex-vessel value would be greatest under **Preferred Alternative 2a** in 2019. Conversely, single-year losses would be greatest under **Alternative 4b** in 2019. Over the 2019-2021 time interval, **Alternative 4b**, which would implement the greatest aggregate reduction in gray snapper ACL, would be expected to result in losses in recreational economic value of more than \$24 million (with a net present value of approximately \$22.6 million). Because **Preferred Alternative 2, Option a** would correspond to the greatest aggregate increase in ACL over the three-year interval, it would be expected to result in the greatest increase in recreational economic value and in commercial ex-vessel value. Over the 2019-2021 time interval, **Preferred Alternative 2, Option a** would be expected to result in a recreational economic value of \$2.4 million (with a net present value of approximately \$2.3 million).

4.5.4 Direct and Indirect Effects on the Social Environment

Changing the harvest levels does not affect fishing behavior directly. Rather, indirect social effects would be expected if a change to allowable harvest levels results in harvest restrictions, which in turn affect existing fishing activity. In general, an increase in harvest levels would be associated with indirect positive effects by providing additional fishing opportunities, while a decrease in harvest levels would be associated with negative effects as fishing opportunities are restricted. Although this action would modify the OFL, ABC, ACL, and ACT for gray snapper, this analysis uses the magnitude of change to the ACL to discuss the indirect social effects, as the ACL is the direct limit on the amount of fish that may be retained each year. The OFL and ABC are not directly associated with fishing regulations, and the ACT is not currently used for the management of gray snapper (and would no longer be established under **Alternatives 2-4**).

This action would primarily affect the recreational sector, which makes up over 90% of the annual landings of gray snapper. Gulf-wide, approximately 78% of gray snapper is landed in Florida (SEFSC Recreational ACL Data [MRFSS], November 29, 2018). Thus, potential social effects would occur primarily in Florida among recreational anglers.

Additional effects would not be expected under **Alternative 1** and allowable harvest levels would remain unchanged. Although landings have not met the current ACL (Table 1.1.1), negative effects would be expected if landings increase in subsequent years and the ACL is met or exceeded two years in a row, therefore an in-season closure would be triggered in year two. For example, if the ACL is exceeded in year one, in year two, an in-season closure would be triggered when the ACL is estimated to be caught, prohibiting further harvest of gray snapper for the duration of the year. Negative effects would be realized through lost fishing opportunities from a shortened fishing season. On the other hand, positive effects could result in the long term if further harvest is prohibited, thereby protecting the stock and mitigating some of the negative effects from an in-season closure.

Except for **Alternative 2a**, all options under **Alternatives 2-4** would reduce the ACL (and associated harvest levels) compared to **Alternative 1** and would be more likely to result in indirect negative effects from an in-season closure. These effects would be less likely with a higher ACL and more likely with a lower ACL as the harvest level is reached faster. Following

Alternative 1, it would be least likely that the ACL is met and an in-season closure occurs under **Preferred Alternative 2b**, followed by **Alternative 3a, 3b**, and **Alternative 4a**. It would be most likely to meet or exceed the ACL under **Alternative 4b**, which proposes the lowest harvest levels for all years among the alternatives. The ACL for **Alternative 2a** is greater than under **Alternative 1**, meaning it would be less likely than **Alternative 1** to be met and less likely than **Alternative 1** to trigger an in-season closure. However, the higher catch limit under **Alternative 2a** would allow the stock to become more depleted than under the other alternatives, likely requiring more restrictive management measures if the stock is later determined to be overfished or undergoing overfishing.

4.5.5 Direct and Indirect Effects on the Administrative Environment

Modifying annual harvest levels including the OFL, ABC, ACL and ACTs does not typically result in substantial direct or indirect administrative effects. However, because **Preferred Alternative 2, Preferred Option 2b** and the options for **Alternatives 3 and 4** would reduce the allowable harvest compared to **Alternative 1** and **Preferred Alternative 2, Option 2a**, it is possible that a closure would need to be implemented, resulting in an additional administrative burden to notice and enforce such a closure. **Alternative 4, Option 4b** reduces the ACL the most, therefore the likelihood of an AM being triggered and cause an administrative action would be greater than **Option 4a**, followed by **Alternative 3, Options 3b and 3a**, and **Preferred Alternative 2b**, respectively. This increased administrative burden would not be significant because season closures for the Southeast Regional Office (SERO) are routine. All of the action alternatives and options with the exception of **Alternative 1** allow for modest increases of the ACL each year from 2019 through 2021. This should reduce or mitigate the likelihood of exceeding the ACL and trigger the AMs for this stock. Once these ACLs are implemented, the type of regulations needed to manage the reef fish fishery would remain unchanged regardless of the choice of harvest levels. SERO monitors both the recreational and commercial landings in cooperation with the SEFSC and Gulf states to determine if landings are meeting or exceeding the specified ACLs. Some administrative burden is anticipated with respect to outreach as it relates to notifying stakeholders of the changes to harvest levels.

4.6 Cumulative Effects Analysis

Federal agencies preparing an environmental assessment (EA) must also consider cumulative effects, which are those effects that result from incremental impacts of a proposed action when added to other past, present, and reasonably foreseeable future actions (RFFA), regardless of which agency (federal or non-federal) or person undertakes such actions. Cumulative effects can result from individually minor but collectively significant actions that take place over a period of time (40 C.F.R. 1508.7). NMFS is using the following five-step analysis to identify potential cumulative effects (Bass et al., 2001).

1. *The area in which the effects of the proposed action will occur* - The affected area of this proposed action encompasses federal waters of the Gulf, as well as Gulf communities that are dependent on reef fish fishing. States may adopt similar management actions for state waters. Most relevant to this proposed action is the Gulf gray snapper stock and those who fish for them. For more information about the area in which the effects of this proposed action would occur,

please see Chapter 3, Affected Environment that goes into great detail about these important resources as well as other relevant features of the human environment.

2. *The impacts that are expected in that area from the proposed action* - The proposed action would define the gray snapper status determination criteria as well as modify catch levels. The environmental consequences of the proposed action are analyzed in detail in Sections 4.1-4.5. Setting status determination criteria and OY as well as the gray snapper catch level should have very little effect on the physical and biological/ecological environment because they are not expected to substantially change fishing effort for gray snapper or the manner in which the reef fishery as a whole is prosecuted. This action would affect the social and economic environments, but effects would likely be minor for the near future as described in Sections 4.1-4.5. The reef fish fishery is a multispecies fishery where fishermen can target other species on trip. Thus, changing fishing practices on one stock like gray snapper does not generally change how the fishery is prosecuted.

3. *Other Past, Present and RFFAs that have or are expected to have impacts in the area*

Other Fishery related actions - The cumulative effects relative to reef fish management have been analyzed in the environmental impact statements for Amendments 22 (GMFMC 2004d), 26 (GMFMC 2006), and 27/14 (GMFMC 2007), Amendments 29 (GMFMC 2008a), Amendment 30A (GMFMC 2008b), Amendments 30B (GMFMC 2008c), 31 (GMFMC 2009), 40 (GMFMC 2014b), and 28 (GMFMC (2015a)). These cumulative effects analyses are incorporated here by reference. Other past actions are summarized in the history of management (Section 1.3). Currently, there are several RFFAs that are being considered by the Council for the Reef Fish FMP or are in review by the Secretary of Commerce, which could affect reef fish stocks. These include: a framework action to reduce red grouper ACLs and ACTs; Amendments 36B and 36C, which would further revise the red snapper and grouper-tilefish commercial individual fishing quota (IFQ) programs; Amendment 48, which would establish status determination criteria for many reef fish stocks; Amendment 50, which would establish state recreational management programs for red snapper; and other plan amendments to address red snapper allocation, and ABC control rule revisions and framework procedures. In addition, several framework actions are being developed to address aspects of reef fish management such as a framework action to modify greater amberjack recreational measures. Descriptions of these actions can be found on the Council's web page¹⁹.

Non-fishery related actions - Actions affecting the reef fish fishery have been described in previous cumulative effect analyses (e.g., Amendment 40). Four important events include impacts of the *Deepwater Horizon* MC252 oil spill, the Northern Gulf Hypoxic Zone, red tide and climate change, which are described in Sections 3.2 and 3.3.

4. *The impacts or expected impacts from these other actions* - The cumulative effects from managing the reef fish fishery have been analyzed in other actions as listed in part three of this section. They include detailed analysis of the reef fish fishery, cumulative effects on non-target species, protected species, and habitats in the Gulf. In general, the effects of these actions are positive as they ultimately act to restore/maintain the stocks at a level that will allow the maximum benefits in yield and recreational fishing opportunities to be achieved. However,

¹⁹ <http://gulfcouncil.org/>

some 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 by using combinations of management measures that provide the least disruption to the fishery while holding harvest to sustainable levels.

With respect to non-fishery related actions, these may affect gray snapper. Reef fish species are mobile and are often able to avoid hypoxic conditions, so any effects from the Northern Gulf Hypoxic Zone or red tide on reef fish species may be minimized regardless of this action. With red tide, some localized red tide events in coastal and estuarine areas may adversely affect reef fish species like gray snapper that inhabit these areas. Impacts from the Deepwater Horizon MC252 oil spill are still being examined; however, as indicated in Section 3.2, the oil spill had adverse effects on fish species.

There is a large and growing body of literature on past, present, and future impacts of global climate change induced by human activities. Some of the likely effects commonly mentioned are sea level rise, increased frequency of severe weather events, and change in air and water temperatures. The Intergovernmental Panel on Climate Change has numerous reports addressing their assessments of climate change. Global climate changes could affect the Gulf fisheries as discussed in Section 3.3. However, the extent of these effects cannot be quantified at this time. The proposed action is not expected to significantly contribute to climate change through the increase or decrease in the carbon footprint from fishing, as these actions should not change how the fishery is prosecuted. As described in Section 3.3, the contribution to greenhouse gas emissions from fishing is minor compared to other emission sources (e.g., oil platforms).

5. The overall impact that can be expected if the individual impacts are allowed to accumulate – This action, combined with other present actions, past actions and RFFAs, is not expected to have significant beneficial or adverse effects on the physical and biological/ecological environments because this action will only minimally affect current fishing practices (physical and biological/ecological effects descriptions in Sections 4.1-4.5). However, for the social and economic environments, short-term adverse effects, although minor, are likely under all alternatives except Action 5's **Alternative 2, Option 2a** and could result in economic losses to fishing communities (economic and social effects descriptions in Sections 4.1-4.5). Under Action 5's **Alternative 2, Option 2a**, harvest could increase and likely create a short-term beneficial effect. These short-term effects are expected to be compensated for by long-term management goals to maintain the stock at healthy levels. These effects are likely minimal as the proposed action, along with other present, past and RFFAs, are not expected to alter the manner in which the fishery is prosecuted. Because it is unlikely there would be any changes in how the fishery is prosecuted, this action, combined with past actions and RFFAs, is not expected to have significant adverse effects on public health or safety.

6. Summary - The proposed action, when combined with other past, present, and RFFAs is not expected to have individual significant effects to the biological, physical, or socio-economic environments. Any effects of the proposed action would 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 are collected through the Marine Recreational Information Program, the Southeast Region Headboat Survey, and through programs run by state marine resource agencies. Commercial data are collected through trip ticket programs, port samplers, and logbook programs, as well as dealer reporting through the IFQ program.

CHAPTER 5. REGULATORY IMPACT REVIEW

5.1 Introduction

The National Marine Fisheries Service (NMFS) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The RIR does three things: 1) it provides a comprehensive review of the level and incidence of impacts associated with a proposed or final regulatory action; 2) it provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problem; and, 3) it ensures that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost-effective way. The RIR also serves as the basis for determining whether the regulations are a “significant regulatory action” under the criteria provided in Executive Order (E.O.) 12866. This RIR analyzes the impacts this action would be expected to have on the gray snapper component of the Gulf of Mexico reef fish fishery.

5.2 Problems and Objectives

The problems and objectives addressed by this action are discussed in Section 1.2.

5.3 Description of Fisheries

A description of the Gulf of Mexico reef fish fishery is provided in Section 3.4.

5.4 Impacts of Management Measures

5.4.1 Action 1: Maximum Sustainable Yield Proxy for Gulf of Mexico Gray Snapper

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.1.3. The following discussion summarizes the expected economic effects of the preferred alternatives.

Preferred Alternative 2 would define the maximum sustainable yield (MSY) proxy for gray snapper as the yield when fishing at $F_{26\% SPR}$. **Preferred Alternative 2** would be expected to result in potential negative economic effects due to possible decreases in fishing opportunities in the short run, but the anticipated decreases in the risk of stock depletion would be expected to result in positive economic effects in the long run.

Preferred Alternative 5 would add flexibility to the determination of future gray snapper MSY proxies by streamlining modifications to the proxy without the development of regulatory

actions. As in **Preferred Alternative 2**, **Preferred Alternative 5** would be expected to result in economic effects stemming from the trade-off between short run fishing opportunities and mitigation of long term risks of stock depletion. **Preferred Alternative 5** would also be expected to result in indirect economic benefits due to more timely adjustments to the MSY proxy, when warranted. Overall, the relative magnitude of the effects considered in this section will determine the net economic effects expected to result from this action.

5.4.2 Action 2: Maximum Fishing Mortality Threshold

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.2.3. The following discussion summarizes the expected economic effects of the preferred alternative.

Preferred Alternative 2 would establish a gray snapper maximum fishing mortality threshold (MFMT) equal to $F_{26\% SPR}$. **Preferred Alternative 2** would not be expected to affect the harvest of gray snapper and would therefore not be expected to result in direct economic effects. By setting a less conservative MFMT, **Preferred Alternative 2** is expected to decrease the likelihood of an overfishing determination and reduce the likelihood that gray snapper would be rebuilt according to schedule once gray snapper are under rebuilding; thereby potentially resulting in adverse indirect economic effects. Given the MSY proxy selected in **Action 1**, **Preferred Alternative 2** is expected to result in indirect economic benefits by ensuring consistency between the MFMT and the MSY proxy for gray snapper.

5.4.3 Action 3: Establish a Minimum Stock Size Threshold for Gray Snapper

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.3.3. The following discussion summarizes the expected economic effects of the preferred alternative.

Preferred Alternative 4 would set a gray snapper MSST value equal $0.50 \cdot B_{MSY}$. **Preferred Alternative 4** is not expected to result in direct economic effects because it is an administrative action. **Preferred Alternative 4** is expected to result in indirect positive economic effects due to additional harvesting opportunities that could be made available by the increased management flexibility. However, should gray snapper be declared overfished, **Preferred Alternative 4** would be expected to require restrictive rebuilding measures, thereby resulting in negative indirect economic effects during the rebuilding period. Net economic effects expected from **Preferred Alternative 4** would be determined by the relative size of these potential adverse economic effects and benefits.

5.4.4 Action 4: Establish Optimum Yield

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.4.3. The following discussion summarizes the expected economic effects of the preferred alternative.

Preferred Alternative 2c would define optimum yield (OY) for gray snapper as 90% of F_{MSY} Proxy. **Preferred Alternative 2c** would not be expected to result in direct economic effects because it is not expected to affect gray snapper fishing practices or harvest levels. However, if the gray snapper ACL is indirectly linked to future OY definitions, then **Preferred Alternative 2c** may result in indirect economic effects. The direction and size of these potential indirect economic effects would be determined by the link between the gray snapper ACL and OY.

5.4.5 Action 5: Overfishing Limit, Acceptable Biological Catch, Annual Catch Limit, and Annual Catch Target

A detailed analysis of the economic effects expected to result from this action is provided in Section 4.5.3. The following discussion summarizes the expected economic effects of the preferred alternative.

Preferred Alternative 2b would apply the ACL/ACT Control Rule to establish an 11% buffer between the acceptable biological catch (ABC) and the annual catch limit (ACL), which results in an ACL lower than the status quo. Reductions in ACL would be expected to result in losses in recreational economic value and in commercial ex-vessel value. In nominal terms, losses in recreational economic value and in commercial ex-vessel value expected to result from **Preferred Alternative 2b** are estimated at \$4.72 million and \$106,013, respectively.

5.5 Public and Private Costs of Regulations

The preparation, implementation, and monitoring of this or any federal action involves the expenditure of public and private resources which can be expressed as costs associated with the regulations. Estimated costs associated with this action include:

Council costs of document preparation, meetings, public hearings, and information dissemination.....	\$85,000
NMFS administrative costs of document preparation, meetings and review.....	\$55,000
TOTAL	\$140,000

5.6 Determination of Significant Regulatory Action

Pursuant to E.O. 12866, a regulation is considered a “significant regulatory action” if it is likely to result in: 1) an annual effect of \$100 million or more or adversely affect 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 or communities; 2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; 3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or 4) raise 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). Based on the information provided above, this action has been determined to not be economically significant for the purposes of E.O. 12866.

CHAPTER 6. REGULATORY FLEXIBILITY ACT ANALYSIS

6.1 Introduction

The purpose of the Regulatory Flexibility Act (RFA) is to establish a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and applicable statutes, to fit regulatory and informational requirements to the scale of businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration. The RFA does not contain any decision criteria; instead, the purpose of the RFA is to inform the agency, as well as the public, of the expected economic impacts of the alternatives contained in the fishery management plan (FMP) or amendment (including framework management measures and other regulatory actions). In addition, it should ensure that the agency considers alternatives that minimize the expected impacts while meeting the goals and objectives of the FMP and applicable statutes.

With certain exceptions, the RFA requires agencies to conduct a regulatory flexibility analysis for each proposed rule. The regulatory flexibility analysis is designed to assess the impacts various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those impacts. The following regulatory flexibility analysis was conducted to determine if the proposed rule would have a significant economic impact on a substantial number of small entities or not.

6.2 Statement of the need for, objective of, and legal basis for the proposed rule.

The primary purpose and need, issues, problems, and objectives of the proposed action are presented in Section 1.2 and are incorporated herein by reference.

6.3 Identification of federal rules which may duplicate, overlap or conflict with the proposed rule.

No federal rules have been identified that duplicate, conflict or overlap with the proposed rule.

6.4 Description and estimate of the number of small entities to which the proposed action would apply

The rule concerns fishing for gray snapper in the Gulf of Mexico (Gulf) Exclusive Economic Zone (EEZ) and it would have a direct impact on anglers (recreational fishers) and commercial

fishing businesses that harvest gray snapper in those waters. Anglers are not considered small entities as that term is defined in 5 U.S.C. 601(6), whether fishing from for-hire fishing, private or leased vessels. Therefore, estimates of the number of anglers directly affected by the rule and the impacts on them are not provided here. For-hire fishing businesses with those anglers onboard would be indirectly affected, and because the effects on for-hire fishing businesses are indirect, they fall outside the scope of the RFA.

Gray snapper is part of the Gulf reef fish fishery, and commercial fishing vessels that harvest gray snapper or any other reef fish in federal waters must have a valid Gulf reef fish permit, which is a limited access permit. As shown in Table 6.1, the number of vessels with a Gulf reef fish permit has declined, and that is for multiple reasons. First, a permit that is not renewed within one year of its expiration date is terminated. Second, a person with multiple valid reef fish permits can consolidate some or all of those permits and the landings histories associated with those permits into one permit. The permits consolidated into the single permit are terminated. More recently as of May 6, 2019, there were 837 permitted vessels (737 valid and 100 renewable/transferrable).

Table 6.1. Number of permitted vessels, and number and percentage of permitted vessels that reported gray snapper landings, 2013-2017.

Year	Number of Permitted Vessels	Number of Permitted Vessels with GS Landings	Percent Permitted Vessels with GS Landings
2013	895	354	39.6%
2014	882	399	45.2%
2015	868	401	46.2%
2016	852	401	47.1%
2017	850	380	44.7%
Average	869	387	44.6%

Source: NMFS SERO Permits data for number of permitted vessels; SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System on May 6, 2019, for number of permitted vessels that reported gray snapper landings.

A condition of the permit is that vessels must report their landings by submitting logbooks to the National Marine Fisheries Service (NMFS). These logbooks (or trip forms) include pounds caught for each species, the area of catch, the type and quantity of gear, the date of departure and return, the dealer and location (county and state where the trip is unloaded), the duration of the trip (time away from dock), an estimate of the fishing time, and the number of crew.

The number of permitted vessels that report landings of gray snapper is substantially smaller than the number of permitted vessels (Table 6.1). From 2013 through 2017 an annual average of 387 (44.6% of) permitted vessels reported landing gray snapper. The following analysis assumes that average is representative of the baseline number of permitted vessels that harvest gray snapper.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliated operations, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its

affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide.

Logbook data does not include prices. In consequence, estimates of dockside revenues are generated using price information from accumulated landings system (ALS) data along with landings from logbook data. From 2013 through 2017, dockside revenue from all gray snapper landings represented, on average, 0.8% of dockside revenue from all landings of the permitted vessels that landed gray snapper. The average vessel that reported landing gray snapper received \$1,018 (2017 \$) annually from its gray snapper landings and \$127,707 (2017 \$) annually from all landings (Table 6.2).

Table 6.2. Permitted vessels’ collective dockside revenues (2017 \$) from gray snapper (GS), jointly caught species, and from all other trips, and average annual revenue from all landings per vessel, 2013 – 2017.

Year	GS Revenue	Average GS Revenue per Vessel	Jointly Caught Species Revenue	Non GS Trip Revenue	Total Revenue	Average Revenue per Vessel
2013	\$321,645	\$909	\$20,169,253	\$22,697,720	\$43,188,619	\$122,002
2014	\$473,074	\$1,186	\$25,416,064	\$26,929,939	\$52,819,077	\$132,379
2015	\$393,974	\$982	\$25,657,315	\$27,463,202	\$53,514,491	\$133,453
2016	\$439,188	\$1,098	\$26,031,867	\$27,456,482	\$53,927,537	\$134,819
2017	\$347,088	\$913	\$21,235,271	\$22,453,991	\$44,036,350	\$115,885
Average	\$394,994	\$1,018	\$23,701,954	\$25,400,267	\$49,497,215	\$127,707

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System for landings of reef fish by permitted vessels on May 6, 2019, BEA for GDP implicit price deflator.

There are substantial differences in landings and revenues by gear used by the vessels. Permitted vessels that use hook-and-line gear account for the majority of gray snapper landings; however, they have the smallest average total revenues from all landings (Tables 6.3 and 6.4).

Consequently, an action that reduces landings of gray snapper would have a greater impact on the collective permitted vessels that use hook-and-line gear.

Table 6.3. Percentage of gray snapper landings (lbs gw) of permitted vessels by gear, 2013 – 2017.

Year	Hook and Line	Bottom Longline	Divers	Total
2013	83.6%	6.5%	10.0%	100.0%
2014	72.5%	9.9%	17.6%	100.0%
2015	66.7%	12.8%	20.4%	100.0%
2016	71.7%	13.9%	14.4%	100.0%
2017	60.1%	13.8%	26.0%	100.0%
Average	70.9%	11.4%	17.7%	100.0%

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System for landings of reef fish by permitted vessels on May 6, 2019.

Table 6.4. Average total annual revenue (2017 \$) per vessel by gear, 2013 – 2017.

Year	Hook and Line	Bottom Longline	Divers
2013	\$96,235	\$629,705	\$692,930
2014	\$102,404	\$745,504	\$619,995
2015	\$108,215	\$737,126	\$646,725
2016	\$114,912	\$731,937	\$643,372
2017	\$96,062	\$539,371	\$495,674
Average	\$103,166	\$676,729	\$619,739

Source: SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System for landings of reef fish by permitted vessels on May 6, 2019, and BEA for GDP implicit price deflator.

NMFS estimates that 295 unique businesses operate the 387 permitted vessels that land gray snapper annually. Preliminary examination of total revenues of these businesses indicates that all have annual revenues less than \$11 million. Consequently, an annual average of 295 small businesses operating 387 permitted vessels would be directly affected by the rule.

6.5 Description of the projected reporting, record-keeping and other compliance requirements of the proposed rule

The actions would not impose additional reporting or record-keeping requirements. Actions 1 through 4 would change biological standards that have no direct economic impact on any of the small commercial fishing businesses. Action 5 includes changes to biological standards that have no direct impact; however, it would also change the annual catch limit (ACL). Currently the stock ACL for gray snapper is and would remain at 2.42 million pounds (mp) whole weight (ww). Action 5, **Preferred Alternative 2b**, would reduce the stock ACL to 2.24 mp in 2019 and 2020 and 2.23 mp in 2021 and years thereafter (Table 6.5).

Table 6.5. Comparison of No-Action ACL and proposed ACL.

Year	No Action (mp ww)	Proposed (mp ww)	Difference (mp ww)
2019	2.42	2.24	-0.18
2020	2.42	2.24	-0.18
2021+	2.42	2.23	-0.19

When the sum of commercial and recreational landings of gray snapper 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, the gray snapper fishing season is closed to the commercial and recreational sectors for the remainder of that fishing year. The fishing year for gray snapper is from January 1 through December 31.

ACL landings derive from ALS data, which consist of information on the quantity and value of seafood products caught and sold by commercial fishermen to established seafood dealers and brokers. The dealers and brokers report the data to the fisheries agency in each state. NMFS Southeast Regional Office has cooperative agreements with all of the states in the Southeast and relies on the states to collect and process these data. During the 5-year period from 2013 through

2017, combined recreational and commercial landings did not exceed the stock ACL in any year. Average annual combined landings were approximately 2.087 mp ww. Preliminary 2018 ACL landings as of January 28, 2019, are 101,824 lbs ww (commercial) and 936,705 lbs ww (recreational) for a total of approximately 1.039 mp ww.

Gray snapper ACL landings include those from both federally permitted and non-federally permitted commercial vessels. On average, an estimated 83% of commercial ACL landings of gray snapper are by vessels with a Gulf reef fish permit (Table 6.6). One lb gutted weight (gw) is estimated to be equivalent to 1.11 lb ww for gray snapper.

Table 6.6. Commercial ACL landings of gray snapper in lbs ww and estimate in lbs gw, logbook landings of gray snapper by permitted vessels in lbs gw, and percentage of ACL landings by permitted vessels, 2013-2017.

Year	Commercial ACL Landings (lbs ww)	Est. Commercial ACL Landings (lbs gw)	Permitted Vessel Landings (lbs gw)	Percentage Commercial ACL Landings by Permitted Vessels
2013	143,644	130,585	113,712	79.2%
2014	199,025	180,932	160,065	80.4%
2015	163,321	148,474	143,796	88.0%
2016	156,337	142,125	131,947	84.4%
2017	136,927	124,479	113,709	83.0%
Average	159,851	145,319	132,646	83.0%

Source: NMFS LAPPs for commercial ACL landings and SEFSC Socioeconomic Panel (Version 7) accessed by the SEFSC Economic Query System on May 6, 2019, for logbook landings.

Between 2013 and 2017, the commercial sector accounted for an average of 7.5 percent of the total gray snapper landings in the Gulf (Table 1.1.1). That average percentage is used to estimate a reduction in commercial ACL landings, and the average of 83.0% (Table 6.6) is used to estimate the decrease in gray snapper landings for permitted vessels by lbs ww (Table 6.7) and lbs gw (Table 6.8).

Table 6.7. Estimate of reduced landings (lbs ww) by permitted vessels.

Year	Total Reduction (Commercial & Recreational)	Commercial Reduction	Permitted Vessels Reduction
2019	180,000	13,500	11,205
2020	180,000	13,500	11,205
2021+	190,000	14,250	11,828

Table 6.8. Estimate of reduced landings (lbs ww and lbs gw) by permitted vessels.

Year	Lbs ww	Lbs gw ¹
2019	-11,205	10,186
2020	-11,205	10,186
2021+	-11,828	10,753

1. One lb gw is equivalent to 1.11 lb ww.

The average dockside price (2017 \$) of gray snapper is estimated to be \$2.79 per lb gw. Action 5, **Preferred Alternative 2b**, would reduce permitted vessels' collective dockside revenues between \$28,419 and \$30,001 (2017 \$) annually. Each of the 387 vessels would lose between \$73 and \$78 annually, on average, which represents a 0.06% reduction of the average total income (\$127,707) (Table 6.9). The average impact on the 295 small businesses would be between \$96 and \$102 (2017 \$).

Table 6.9. Reductions in collective GS landings (lbs gw), collective GS dockside revenues (2017 \$), average GS revenue per vessel and percentage of average total revenue reduced.

Year	GS Landings Change	GS Revenue Change	GS Revenue Change/Vessel	Average Total Revenue/Vessel	Percent Total Revenue Change
2019	-10,186	-\$28,419	-\$73	\$127,707	-0.06%
2020	-10,186	-\$28,419	-\$73	\$127,707	-0.06%
2021+	-10,753	-\$30,001	-\$78	\$127,707	-0.06%

The reduction in landings and revenue, however, would not be borne equally across the 387 permitted vessels. Using the average annual percentages by gear (Table 6.3), vessels that use hook-and-line (H&L) would have the largest collective reduction in landings, followed in turn by those vessels using divers (DVR) and bottom longline (BLL) (Table 6.10). The average vessel using H&L would have annual reductions ranging from 23 to 24 lbs gw and \$66 to \$69, which represent no more than 0.067% of average annual total revenue of vessels using H&L (Tables 6.11 and 6.12). The average vessel using BLL would have annual reductions ranging from 22 to 23 lbs gw and \$61 to \$65, which represent approximately 0.01% of average annual total revenue for vessels that use BLL (Tables 6.11 and 6.12). The average vessel that uses DVR would have annual reduction ranging from 43 to 45 lbs and \$122 to \$129, which represent approximately 0.02% of average annual total revenue of vessels that use DVR (Tables 6.11 and 6.12). Note that some vessels use more than one gear during the course of a year.

Table 6.10. Reduced landings (lbs gw) of and dockside revenues (2017 \$) from gray snapper by gear.

Year	H&L	BLL	DVR	Total	H&L	BLL	DVR	Total
2019	7,222	1,161	1,803	10,186	\$20,149	\$3,239	\$5,030	\$28,419
2020	7,222	1,161	1,803	10,186	\$20,149	\$3,239	\$5,030	\$28,419
2021+	7,624	1,226	1,903	10,753	\$21,271	\$3,421	\$5,309	\$30,001

Table 6.11. Average reduced landings (lbs gw) or gray snapper per vessel by gear.

Year	H&L	BLL	DVR
2019	23	22	43
2020	23	22	43
2021+	24	23	45

Table 6.12. Average reduced dockside revenues (2017 \$) per vessel and percentage of average total annual revenue reduced by gear.

Year	H&L	H&L	H&L	BLL	BLL	BLL	DVR	DVR	DVR
2019	\$64	\$103,166	0.064%	\$60	\$676,729	0.009%	\$120	\$619,739	0.020%
2020	\$64	\$103,166	0.064%	\$60	\$676,729	0.009%	\$120	\$619,739	0.020%
2021+	\$68	\$103,166	0.067%	\$68	\$676,729	0.010%	\$126	\$619,739	0.021%

6.6 Significance of economic impacts on a substantial number of small entities

Actions 1 through 4 would have no direct impact on any small business. Action 5, **Preferred Alternative 2b**, would reduce average annual dockside revenue of 44.6% of vessels with a Gulf reef fish permit, and the average impact would be a reduction of total annual revenues ranging from 0.009% to 0.067%. From that, it is concluded that the proposed rule would not have a significant economic impact on a substantial number of small entities. NMFS encourages the public to comment on this conclusion and any other part of this analysis.

CHAPTER 7. LIST OF AGENCIES CONSULTED

National Marine Fisheries Service

- Southeast Fisheries Science Center
- Southeast Regional Office
- Office for Law Enforcement

National Oceanic Atmospheric Administration General Counsel

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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Assane Diagne	Economist	Economic analyses	GMFMC
Alisha DiLeone	Fishery biologist	Data analyses	SERO
Jeff Isely	Fishery Biologist	Physical, biological, and ecological analysis and review	SEFSC
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Ava Lasseter	Anthropologist	Social 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

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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 management of stocks included in fishery management plans in federal waters of the exclusive economic zone. However, 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 include the Endangered Species Act and Marine Mammals Protection Act (Section 3.3), E.O. 12866 (Regulatory Planning and Review, Chapter 5) and E.O. 12898 (Environmental Justice, Section 3.5.2). Other applicable laws are summarized below.

Administrative Procedure Act

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the Act, 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 Act 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 NOAA regulations at 15 CFR 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 of Commerce, 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 (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 Act 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.

Fish and Wildlife Coordination Act

Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661-667e) provides the basic authority for the USFWS’s involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. It also requires federal agencies that construct, license or permit water resource development projects to first consult with the Service (and NMFS in some instances) and State fish and wildlife agency regarding the impacts on fish and wildlife resources and measures to mitigate these impacts.

The fishery management actions in the Gulf of Mexico are not likely to affect wildlife resources pertaining to water resource development as the economic exclusive zone is from the state water boundary extending to 200 nm from shore.

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, (Public Law 89-665; 16 U.S.C. 470 *et seq.*) is intended to preserve historical and archaeological sites in the United States of America. Section 106 of the NHPA requires federal agencies to evaluate the impact of all federally funded or permitted projects for sites listed on, or eligible for listing on, the National Register of Historic Places and aims to minimize damage to such places.

Typically, fishery management actions in the Gulf of Mexico are not likely to affect historic places with exception of the *U.S.S. Hatteras*, located in federal waters off Texas, which is listed in the National Register of Historic Places. Gray snapper fishing does occur off Texas;

therefore, the proposed actions are a part of the normal fishing activities that occur at this site. Thus, no additional impacts to the *U.S.S. Hatteras* would be expected.

Executive Orders (E.O.)

E.O. 12630: Takings

The E.O. 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 NOAA Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

E.O. 12962: Recreational Fisheries

This E.O. 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 (NRFCC) 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 NRFCC 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 E.O. requires NMFS and the USFWS to develop a joint agency policy for administering the ESA.

E.O. 13089: Coral Reef Protection

The E.O. on Coral Reef Protection requires federal agencies whose actions may affect U.S. coral reef ecosystems to identify those actions, utilize their programs and authorities to protect and enhance the conditions of such ecosystems, and, to the extent permitted by law, ensure actions that they authorize, fund, or carry out do not degrade the condition of that ecosystem. By definition, a U.S. coral reef ecosystem means those species, habitats, and other national resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., federal, state, territorial, or commonwealth waters).

Regulations are already in place to limit or reduce habitat impacts within the Flower Garden Banks National Marine Sanctuary. Additionally, NMFS approved and implemented Generic

Amendment 3 for Essential Fish Habitat (GMFMC 2005), which established additional habitat areas of particular concern (HAPCs) and gear restrictions to protect corals throughout the Gulf of Mexico. There are no implications to coral reefs by the actions proposed in this amendment.

E.O. 13132: Federalism

The E.O. on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The E.O. 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 E.O. 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).

No Federalism issues were identified relative to the action to modify the management of mutton snapper and gag. Therefore, consultation with state officials under Executive Order 12612 was not necessary. Consequently, consultation with state officials under Executive Order 12612 remains unnecessary.

E.O. 13158: Marine Protected Areas

This E.O. 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, HAPCs, and gear-restricted areas in the eastern and northwestern Gulf of Mexico. The existing areas are entirely within federal waters of the Gulf of Mexico. They do not affect any areas reserved by federal, state, territorial, tribal or local jurisdictions.

APPENDIX B. OVERALL GOAL AND OBJECTIVES OF THE FISHERY MANAGEMENT PLAN FOR REEF FISH RESOURCES IN THE GULF OF MEXICO, PRE-OCTOBER 2018 COUNCIL MEETING

The overall goal of the Reef Fish Fishery Management Plan (FMP) is:

To manage the reef fish fishery of the United States within the waters of the Gulf of Mexico Fishery Management Council jurisdiction to attain the greatest overall benefit to the nation with particular reference to food production and recreational opportunities on the basis of the maximum sustainable yield as reduced by relevant ecological, economic, or social factors.

The Reef Fish FMP objectives are as follows:

1. To rebuild the declining fish stocks wherever they occur within the fishery.
2. To establish a fishery reporting system for monitoring the reef fish fishery
3. To conserve and increase reef fish habitats in appropriate areas and to provide protection for juveniles while protecting existing and new habitats.
4. To minimize conflicts between user groups of the resource and conflicts for space
5. The primary objective and definition of Optimum Yield for the Reef Fish Fishery Management Plan is to stabilize long-term population levels of all reef fish species by establishing a certain survival rate of biomass into the stock of spawning age to achieve at least 20 percent spawning potential ratio.
6. To reduce user conflicts and near shore fishing mortality.
7. To re-specify the reporting requirements necessary to establish a database for monitoring the reef fish fishery and evaluating management actions.
8. To revise the definitions of the fishery management unit and fishery to reflect the current species composition of the reef fish fishery.
9. To revise the definition of optimum yield to allow specification at the species level
10. To encourage research on the effects of artificial reefs.
11. To maximize net socioeconomic benefits from the reef fish fishery.
12. To increase the stability of the red snapper fishery in terms of fishing patterns and markets.
13. To avoid to the extent practicable the "derby" type fishing season.
14. To promote flexibility for the fishermen in their fishing operations.
15. To provide for cost-effective and enforceable management of the fishery.
16. To optimize, to the extent practicable and allowed by law, net benefits from the fishery.
17. To reduce the harvesting capacity of the red snapper fleet in an equitable manner utilizing demonstrated historical dependence on the red snapper resource as a criterion.
18. To maximize the available days to recreational fishermen.

APPENDIX C. PUBLIC COMMENTS RECEIVED

Summary of Public Comment

August 6, 2019

Reef Fish Amendment 51: Establish Gray Snapper Status Determination Criteria and Modify Annual Catch Limits

Webinar Public Hearing

July 17, 2019

Council/Staff

John Sanchez
Susan Boggs
John Froeschke
Emily Muehlstein

11 members of the public attended.

Dylan Hubbard – Charter and Headboat Operator; Madeira Beach, Florida

Supports the current preferred alternatives because they're the most lenient and will allow us to avoid management changes in the gray snapper fishery. The new stock assessment caused some huge uncertainty and he is happy that the stock status criteria was changed to avoid ACL closures in this healthy fishery. He would like to have the Council reach out to the states and ask them to make gray snapper minimum size limits consistent with the federal minimum size limit, especially because this species relies on the state water habitats. He would like to ensure that they have an opportunity to grow large enough to spawn before they're harvested so that the fishery could grow to be even healthier and more robust.

Steven Atran – Former Council Staff Member; Tampa, Florida

He suggests that the MSY proxy be set at $F_{30\%SPR}$ (Action 1, Alternative 3). Most of the literature on MSY proxies suggest that it be set between 20% and 40%. The Council typically sets it at the mid-point, 30%, in the absence of any reason to make it different. Red snapper, which is managed at 26%, is the exception because there is some scientific evidence supporting a lower SPR. That evidence does not exist for mangrove snapper, in fact the mangrove snapper stock may be less resilient than red snapper because the difference in their geographic distribution. For this reason, they're more susceptible to overfishing and should be managed more conservatively.

Summary of Written Public Comment

Seven comments were received.

- Adopt criteria that avoids a rebuilding plan. This is a healthy fishery.

- Support for all current preferred alternatives. The mangrove (gray) snapper population is not overfished. The huge uncertainty in the assessment should not led to changes in our ability to prosecute the fishery.
- Support for Action 1, Preferred Alternative 2. Set the maximum sustainable yield proxy at $F_{26\%SPR}$
- Support for Action 3, Preferred Alternative 4. Set the minimum stock size threshold at $50\% * BMSY$
- The Gulf States should consider raising their minimum size limit.