

State Management Program for Recreational Red Snapper



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

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Gulf of Mexico Reef Fish Draft Amendment

Draft Environmental Impact Statement (DEIS) Cover Sheet

State Management Program for Recreational Red Snapper Draft Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

Abstract:

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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AM	accountability measure
APAIS	Access Point Angler Intercept Survey
CEP	conservation equivalency plan
Council	Gulf of Mexico Fishery Management Council
DEIS	draft environmental impact statement
DPS	distinct population segment
EFH	essential fish habitat
EFP	exempted fishing permit
EIS	environmental impact assessments
EJ	environmental justice
ESA	Endangered Species Act
F	fishing mortality
FMP	fishery management plan
Gulf	Gulf of Mexico
HAPC	habitat area of particular concern
LAPP	Limited Access Privilege Program
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
mp	million pounds
MRFSS	Marine Recreational Fishery Statistics Survey
MRIP	Marine Recreational Information Program
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOS	National Ocean Service
OFL	overfishing limit
PDARP	Programmatic Damage Assessment and Restoration Plan
RQ	regional quotient
SEAMAP	Southeast Area Monitoring and Assessment Program
Secretary	Secretary of Commerce
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SPR	spawning potential ratio
SRHS	Southeast Region Headboat Survey
SSB	spawning stock biomass
SSC	Scientific and Statistical Committee

TAC	total allowable catch
TL	total length
USCG	United States Coast Guard
ww	whole weight

Individual State Amendments: Florida, Alabama, Mississippi, Louisiana, and Texas' State Management for Recreational Red Snapper Amendments
State Management Program Amendment: State Management Program for Recreational Red Snapper Amendment

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CHAPTER 1. INTRODUCTION

1.1 Background

From 1996 – 2014, the recreational fishing season for red snapper in federal waters became progressively shorter. Despite regular increases in the recreational annual catch limit (ACL) since 2010, shorter federal seasons have continued as the quota continues to be caught in a shorter amount of time (Table 1.1.1) and inconsistent state water seasons became longer. In 2015, the recreational sector was divided into a private angling component and a federal for-hire component, which changed how recreational fishing for red snapper is prosecuted. Separate fishing seasons are established for each component based on the component annual catch targets (ACT), which are reduced from the component ACLs by the established buffer (currently 20%).

Currently, the recreational harvest of red snapper in federal waters of the Gulf of Mexico (Gulf) is constrained by a 2-fish bag limit, 16-inch total length (TL) minimum size limit, and a fishing season that begins on June 1 and closes when the ACT of each recreational component (i.e., private angling and federal for-hire) is projected to be caught.

Fishermen from different areas of the Gulf have requested more flexibility in recreational red snapper management so that regulations provide greater socioeconomic benefits to their particular area. Referred to in this amendment as *state management*, the Gulf of Mexico Fishery Management Council (Council) is exploring state management as a way to provide greater flexibility in the management of red snapper for the recreational sector. State management refers to allowing a state to set recreational regulations (e.g., bag limits and season dates) that would apply to fishing for red snapper in both state and federal waters, in contrast to uniform recreational regulations applied to fishing in all federal waters in the Gulf, regardless of the state in which the fish are landed.

Scope of Environmental Impact Statement (EIS)

This State Management Program for Recreational Red Snapper Amendment, here after referred to as the **State Management Program Amendment**, would establish the program structure to allow individual Gulf states to adopt state management for the recreational harvest of red snapper. It consists of actions affecting all Gulf states and the overall federal management of red snapper, regardless of whether or not all states pursue a state management program. The actions include 1) the components of the recreational sector that would be included under a state's management program; and 2) the apportionment of the recreational red snapper ACL among the Gulf states. In addition to this State Management Program Amendment, the Council has initiated separate amendments for each of the five Gulf states, herein referred to as the **Individual State Amendments**. Actions specific to each state's management program for the recreational harvest of red snapper are addressed in the Individual State Amendments. Because the actions in the State Management Program Amendment affect all states (i.e., how to divide the recreational ACL so states may participate in state management), the Council *must* select preferred alternatives and take final action on this State Management Program Amendment prior to taking final action on any of the Individual State Amendments.

This amendment includes a programmatic EIS that analyzes the potential effects of both the state management program structure and the individual state management programs to be developed for the recreational harvest of red snapper through the Individual State Amendments. While the selection of preferred alternatives for each amendment will be made within the respective document, the six amendments are directly related and the effects are intertwined. Thus, the cumulative impacts and reasonably foreseeable actions of the five Individual State Amendments are analyzed in this State Management Program Amendment.

Table 1.1.1. Recreational red snapper federal season lengths and landings (millions of pounds [mp] whole weight).

Year	Season dates in federal waters	Number of days open	Recreational Landings
1996	January 1 – December 31	365	5.286 mp
1997	January 1 – November 27	330	6.690 mp
1998	January 1 – September 30	272	4.827 mp
1999	January 1 – August 29	240	4.905 mp
2000	April 21 – October 31	194	4.710 mp
2001	April 21 – October 31	194	5.245 mp
2002	April 21 – October 31	194	6.522 mp
2003	April 21 – October 31	194	6.094 mp
2004	April 21 – October 31	194	6.460 mp
2005	April 21 – October 31	194	4.676 mp
2006	April 21 – October 31	194	4.131 mp
2007	April 21 – October 31	194	5.809 mp
2008	June 1 – August 4	65	4.056 mp
2009	June 1 – August 14	75	5.597 mp
2010	June 1 – July 23; Oct 1 – Nov. 21 (Fri, Sat., & Sun.)	77	2.647 mp
2011	June 1 – July 18	48	6.734 mp
2012	June 1 – July 16	46	7.524 mp
2013	June 1 – June 28; Oct 1 – Oct 14	42	9.703 mp
2014	June 1 – June 9	9	3.835 mp
2015	June 1 – June 10 (private angling) June 1 – July 14 (federal for-hire)	10 44	3.806 mp 2.153 mp
2016	June 1 – June 11 (private angling) June 1 – July 16 (federal for-hire)	11 46	5.294 mp 2.143 mp
2017	June 1-3; – June 16 – Sept 4* (private angling) June 1 – July 19 (federal for-hire)	3 + 39 49	T.B.D.

*Season was open Fridays through Sundays, plus July 3-4 and September 4.

Note: Beginning in 2014, the season length was estimated based on an ACT, reduced from the recreational sector ACL (quota) by 20%. The 2016 recreational quota is based on the reallocation implemented through Amendment 28, which was vacated on March 3, 2017. The 2017 recreational quota is based on the previous sector allocation of 49% recreational and a quota payback from an overage in 2016.

Source: Southeast Fisheries Science Center (SEFSC) MRIP-Based Recreational ACL Data (July 2017); SEFSC SEDAR 31 Update (2014) Access Point Angler Intercept Survey adjusted red snapper data.

This amendment contains two actions. The first action addresses the recreational sector components that a state management program would manage. In 2014, the Council divided the recreational red snapper ACL into two components: private angling and federal for-hire. Separate fishing seasons are estimated based on each component's ACT (reduced from the component ACL by 20%), and a separate season closure is triggered when each component's ACT is estimated to have been met. Initially established for 3 years through Amendment 40 (GMFMC 2014a), management of the separate component ACLs was extended for an additional 5 years, or through 2022, through Amendment 45 (GMFMC 2016). Because the recreational sector ACL is currently divided into two component ACLs, this action is necessary to determine the components that will participate in state management programs.

The second action would apportion the recreational sector ACL for red snapper among the five Gulf states, thereby determining the portion that would be provided to a state to manage under an approved state management program. Under an approved state management program, a state would be allowed to establish certain management measures most suited to the state for the recreational harvest of red snapper. The state would need to constrain landings to within its specified portion of the recreational sector ACL, or component ACLs, as appropriate. Because the state would receive a designated portion of the ACL, the harvest by the remaining states without state management programs would be constrained to the remaining balance of the ACL.

Providing flexibility to the states to establish management measures is expected to result in social and economic benefits by providing optimal fishing opportunities for a state's portion of the recreational ACL. Nevertheless, management measures under a state's approved state management program must achieve the same conservation goals as the current federal management measures (i.e., constrain harvest to the region's allocated portion of the recreational sector ACL). Under state management, red snapper would remain a federally managed species. The Council and the National Marine Fisheries Service (NMFS) would continue to oversee management of the stock. This includes continuing to comply with the mandate to ensure the recreational sector's red snapper stock ACL is not exceeded and that conservation objectives are achieved. The Council's Scientific and Statistical Committee would continue to determine the acceptable biological catch for red snapper, while the Council and NMFS would determine the total recreational sector ACL which would be allocated among the states and components of the recreational sector.

Because not all states may pursue a state management program, regulations, including the existing bag limit and season start date, would remain in place as default federal regulations. For a state with an approved state management program, an exemption from the default federal regulations would be made and the state would establish its bag limit and fishing season for red snapper landed in the state, from both federal and state waters, and potentially other management measures. NMFS would retain authority for the remaining management regulations including implementing ACL adjustments, regulating federal permits, and managing the commercial red snapper individual fishing quota program.

Section 407(d) of the Magnuson-Stevens Fishery Conservation and Management Act mandates that separate quotas be established for commercial fishing and recreational fishing, which includes both the private angling and federal for-hire components. When the recreational sector

quota (which equals the ACL) is reached, further harvest of red snapper is prohibited for the duration of the year. This means that even if a state under a state management program has remaining quota, the state must close its fishing season and prohibit further harvest of red snapper once the recreational sector ACL is determined to have been met.

History of Council Discussion on State (Regional) Management

The Council has explored the concept of “regional management” for red snapper for several years. Regional management was discussed by the Ad Hoc Recreational Red Snapper Advisory Panel at its October 2008 meeting, and the Red Snapper Advisory Panel at its December 2009 meeting. Staff presented papers exploring red snapper regional management to the Council at the January 2009, August 2010, and October 2010 meetings.¹

In June 2012, the Louisiana Department of Wildlife and Fisheries presented a proposal to the Council for a recreational red snapper regional management pilot program. The Council requested that Louisiana provide further details of their proposed regional management plan for red snapper, and instructed staff to begin developing a plan amendment for regional management of recreational red snapper. At the August 2012 meeting, the Council requested development of a scoping document for regional management of recreational red snapper, which was provided and discussed at the October 2012 meeting. Scoping meetings were held in January 2013. The Council reviewed an options paper at its April 2013 meeting, and the initial public hearing draft at its June 2013 meeting. Public hearings were held around the Gulf in August 2013 and the comments were presented to the Council at its August 2013 meeting.²

By the February 2014 meeting, the Council had selected preferred alternatives for all actions with the exception of allocating the recreational red snapper quota among the regions. At its February 2014 meeting, Council staff was directed to postpone further work on the regional management document until progress is made on how to allocate the quota among the regions. In turn, the Council moved forward with Amendment 40 (GMFMC 2014a) and approved the action at its October 2014 meeting.

At its January 2015 meeting, the Council reviewed a revised set of actions for regional management (Amendment 39) reflecting the regulatory changes made to recreational red snapper management since work on the document was postponed. These changes included new accountability measures (AM) and the establishment of separate components and ACLs (quotas) for the recreational harvest of red snapper (GMFMC 2015d). At its June 2015 meeting, the Council requested staff to hold an additional round of public hearings, which were held following the October 2015 Council meeting. At its January 2016 meeting, the Council postponed further work on the regional management amendment. At its April 2017 meeting, the Council began work on separate amendments for individual states to pursue state management programs for the recreational harvest of red snapper.

¹ http://www.gulfcouncil.org/resources/briefing_book_archive.php

² Written comments submitted in response to Reef Fish Amendment 39 can be found at: <https://docs.google.com/spreadsheet/cc?key=0Atgbk2rxQkqhdFViUTB3VERSX2ZwcXJmckl1QTBXZkE#gid=0>

1.2 Purpose and Need

The **purpose** of this action is to establish a program structure through which a Gulf state may establish a management program that would provide flexibility in the management of the recreational harvest of red snapper for their anglers.

The **need** is to reconsider the management of the recreational harvest of red snapper within the context of the states of the Gulf: to prevent overfishing while achieving, on a continuing basis, the optimum yield from the harvest of red snapper by the recreational sector³; take into account and allow for variations among, and contingencies in the fisheries, fishery resources, and catches⁴; and provide for the sustained participation of the fishing communities of the Gulf and to the extent practicable, minimize adverse economic impacts on such communities⁵.

1.3 History of Management

This history of management covers events pertinent to recreational red snapper and the Council's consideration of state management for the recreational harvest of red snapper. A complete history of management for the reef fish fishery management plan is available on the Council's website.⁶

Prior to 1997, the recreational red snapper season was open year-round. Catch levels were controlled through minimum size limits and bag limits. The Sustainable Fisheries Act of 1996 required the establishment of quotas for recreational and commercial red snapper that, when reached, result in a prohibition on the retention of fish caught by each sector, respectively, for the remainder of the fishing year. From 1997 through 1999, NMFS implemented the recreational quota requirement through an in-season monitoring process that projected closing dates a few weeks in advance. For the years 1997 through 1999, the recreational red snapper season was closed earlier each year (Table 1.1.1). In 1999, an emergency rule temporarily raised the recreational red snapper minimum size limit from 15 to 18 inches TL towards the end of the season from June 4 through August 29 in an attempt to slow down the retained harvest rate. Without this emergency rule, the season would have closed on August 5. However, the rule resulted in a large increase in dead discards and the size limit was allowed to revert back to 15 inches TL the following year. Additional details regarding the seasons and regulation changes for red snapper are presented in Hood et al. (2007).

A February 2000 regulatory amendment (GMFMC 2000) replaced the system of in-season monitoring and closure projections with a fixed season based on a pre-season projection of when the recreational quota would be reached. The season for 2000 and beyond was initially set at April 15 through October 31, with a 16-inch TL minimum size limit, 4-fish bag limit, and zero

³ National Standard 1 https://www.ecfr.gov/cgi-bin/text-idx?SID=71b8c6026001cb90e4b0925328dce685&mc=true&node=se50.12.600_1310&rgn=div8

⁴ National Standard 6: https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=6b0acea089174af8594db02314f26914&mc=true&r=SECTION&n=se50.12.600_1335

⁵ National Standard 8: https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=6b0acea089174af8594db02314f26914&mc=true&r=SECTION&n=se50.12.600_1345

⁶ http://www.gulfcouncil.org/fishery_management_plans/reef_fish_management.php

bag limit of red snapper by the captain and crew of for-hire vessels. Shortly before the regulatory amendment was submitted to NMFS, the Council, at the request of representatives of the for-hire industry, withdrew the zero bag limit proposal for captain and crew. NMFS recalculated the season length under the revised proposal, and as a result, implemented the regulatory amendment with a recreational fishing season of April 21 through October 31. This recreational fishing season remained in effect through 2007.

In 2008, Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007) revised the rebuilding plan for red snapper. For the recreational sector, the rule implemented a June 1 through September 30 fishing season in conjunction with a 2.45 million pound (mp) recreational quota, 16-inch TL minimum size limit, 2-fish bag limit, and zero bag limit for captain and crew of for-hire vessels. The implementing regulations for this amendment created the June 1 through September 30 fishing season by establishing fixed closed seasons of January 1 through May 31, and October 1 through December 31.

The amendment also addressed differences in shrimp and red snapper fishing effort between the western and eastern Gulf, and the impacts of fishing on the red snapper rebuilding plan. The Council considered options for modifying recreational red snapper fishing effort, including different season opening dates and weekend only or consecutive seasons, for the following regions: Texas and the rest of the Gulf; east and west of the Mississippi River; and Gulf-wide regulations. The Council ultimately opted to maintain consistent Gulf-wide regulations, with a recreational season from June 1 through September 15.

The Southeast Data Assessment and Review (SEDAR) 7 red snapper assessment provided an option to set two regional total allowable catches with the Mississippi River as the dividing line (SEDAR 7 2005; SEDAR 7 Update 2009). These assessments assumed there were two sub-units of the red snapper stock within this region, separated commercially at the Mississippi River (shrimp statistical grids 12 and 13) and recreationally at the Mississippi/Louisiana state line. The most information collected and developed thus far is based on the assessment process and follows this particular split, which was included as an alternative for regional management in Amendment 39.

The Sustainable Fisheries Act required the NMFS Regional Administrator to close the recreational red snapper season when the recreational quota is projected to be met. When Reef Fish Amendment 27/Shrimp Amendment 14 (GMFMC 2007) was submitted to NMFS, the Council requested that the five Gulf states adopt compatible regulations in state waters. Florida adopted a compatible 2-fish bag limit, but maintained its state red snapper fishing season of April 15 through October 31, 78 days longer than the federal fishing season. Texas also maintained its four-fish bag limit and year-round fishing season in its state waters. Prior to the start of the 2008 season, NMFS recalculated its projections for the recreational red snapper season in light of the state regulations, and projected that there would be a 75% probability that the recreational quota would not be exceeded if the season closed on August 5. As a result, NMFS set the 2008 season to be June 1 through August 4. In 2009, NMFS again recalculated its projections for the season length prior to the start of the recreational season and announced that the recreational season would be June 1 to August 15.

A February 2010 regulatory amendment (GMFMC 2010) increased the total allowable catch, which increased the recreational quota. However, NMFS estimated that in 2009, the recreational sector overharvested its quota by approximately 75%. In recalculating the number of days needed to fill the recreational quota, even with the quota increase, NMFS projected that the 2010 season would need to be shortened to June 1 through July 24, and published notice of those dates prior to the start of the recreational fishing season.

In April 2010, the *Deepwater Horizon* MC252 deep-sea drilling rig exploded and sank off the coast of Louisiana. Because of the resulting oil spill, approximately one-third of the Gulf was closed to fishing for much of the summer months. The direct loss of fishing opportunities due to the closure, plus the reduction in tourism throughout the coastal Gulf, resulted in a much lower catch than had been projected. After the recreational season closed on July 24, NMFS estimated that 68% of the recreational quota remained unharvested (NMFS 2010). However, due to the fixed October 1 through December 31 closed season, NMFS could not reopen the recreational season without an emergency rule to suspend the closure. Consequently, the Council requested an emergency rule to provide the NMFS Regional Administrator with the authority to reopen the recreational red snapper season. After considering various reopening scenarios, the Council requested that the season be reopened for eight consecutive weekends (Friday, Saturday and Sunday) from October 1 through November 21 (24 fishing days).

A January 2011 regulatory amendment (GMFMC 2011a) increased the red snapper total allowable catch. The final rule also established a 48-day recreational red snapper season, running June 1 through July 19. On August 12, 2011, NMFS published an emergency rule that, in part, increased the recreational red snapper quota for the 2011 fishing year and provided the agency with the authority to reopen the recreational red snapper season later in the year, if the recreational quota had not been filled by the July 19 closing date. However, based on available recreational landings data through June, NMFS calculated that 80% of the recreational quota had been caught. With the addition of July landings data plus Texas Parks and Wildlife Department survey data, NMFS estimated that total recreational landings were well above the quota. Thus, no unused quota was available to reopen the recreational fishing season.

A March 2012 regulatory amendment (GMFMC 2012) increased the commercial and recreational quotas and removed the fixed recreational season closure date of October 1. The recreational season opened June 1 through July 11. However, the north-central Gulf experienced extended severe weather during the first 26 days of the 2012 recreational red snapper fishing season, including Tropical Storm Debby. Because of the severe weather, NMFS extended the season by 6 days and closed on July 17.

A March 2013 framework action (GMFMC 2013a) increased the commercial and recreational red snapper quotas. This was the result of new rebuilding projections based on the 2009 update assessment (SEDAR 7 Update 2009) that were revised to account for actual landings during 2009-2012. NMFS published the final rule increasing the quota based on state-specific recreational red snapper seasons, which NMFS had implemented through a March 2013 emergency rule, as requested by the Council. The emergency rule reduced the recreational red snapper season in federal waters off a Gulf state that implements less restrictive regulations for their state water seasons. This reduction of the federal season was to compensate for the

additional harvest that would occur in state waters as a result of the inconsistent regulations. On May 31, 2013, the U.S. District Court in Brownsville, Texas voided the emergency rule, and the Gulf-wide federal recreational red snapper season was established from June 1 through June 28.

In July 2013, the Council reviewed a new benchmark assessment (SEDAR 31 2013) which showed that the red snapper stock was rebuilding faster than projected, partly due to strong recruitment in some recent years. Combined with a new method for calculating the acceptable biological catch (ABC), the Council's Scientific and Statistical Committee increased the ABC for 2013, but warned that the catch levels would have to be reduced in future years if recruitment returned to average levels.

After incorporating a buffer to reduce the possibility of having to later reduce the quota, the Council further increased the 2013 commercial and recreational quotas (GMFMC 2013b). This increase occurred too late to extend the June recreational season, so the Council requested that NMFS reopen the recreational season. NMFS announced a supplemental season of October 1 through 14, 2013.

In 2014, NMFS initially announced a 40-day recreational season. However, in March 2014, as a result of a legal challenge, the U.S. District Court found that there was not an adequate system of AMs in place to prevent the recreational red snapper sector from exceeding its quota. To comply with the court decision, the Council approved the setting of a 20% buffer to the recreational sector's ACL (GMFMC 2014b). The Council also adopted a quota overage adjustment, such that if the recreational sector ACL is exceeded, the ACL will be reduced in the following year by the full amount of the overage. Following adoption of the new AMs, several states extended their season for recreational red snapper in state waters. The projected increase in state water-caught red snapper reduced the amount of quota available to be caught in federal waters. As a result, the 2014 red snapper season in federal waters was shortened to 9 days.

Amendment 40 (GMFMC 2014a) formally adopted the designation of ACLs for red snapper, established private angling and federal for-hire component ACTs for the years 2015-2017, and established separate in-season closure provisions for each component. Amendment 45 (GMFMC 2016) extended the separate management of the federal for-hire and private angling components for an additional 5 years. Thus, the management of the separate components extends through December 31, 2022.

The Council approved a framework action in April 2015 (GMFMC 2015a) that increased the red snapper stock quota for the years 2015-2017. NMFS estimated the recreational red snapper fishing season length in federal waters for each component and established a 10-day season for the private angling component and a 44-day season for the federal for-hire component.

Implemented in May 2016, Amendment 28 (GMFMC 2015b) revised the commercial and recreational sector allocations of the red snapper ACLs by shifting 2.5% of the commercial sector's allocation to the recreational sector. The resulting sector allocations for red snapper were 48.5% commercial and 51.5% recreational and were applied to the 2016 quotas. For 2016, NMFS estimated the recreational red snapper fishing season length in federal waters for each

component and established an 11-day season for the private angling component and a 46-day season for the federal for-hire component.

On March 3, 2017, a U.S. district court vacated Amendment 28 and subsequently ordered that the sector quotas for 2017 be set consistent with the previous sector allocations of 51% commercial and 49% recreational. For 2017, NMFS initially established a 3-day fishing season for the private angling component and a 49-day season for the federal for-hire component. The short private angling season in 2017 was due in part to a quota overage in 2016 and was also due to landings projected to occur in state waters while federal waters were closed. Shortly thereafter, NMFS reopened the private angling component's fishing season for an additional 39 days. During this time, the fishing season was open Fridays through Sundays, plus July 3-4 and September 4.

Amendment 44 (GMFMC 2017) changes the minimum stock size threshold for seven species in the Reef Fish FMP, including red snapper. NMFS expects that with the approval of Amendment 44, the Gulf red snapper stock will be reclassified as not overfished but rebuilding, because the biomass for the stock is currently estimated to be greater than 50% of B_{MSY} .

CHAPTER 2. MANAGEMENT ALTERNATIVES

In this State Management Program for Recreational Red Snapper Amendment (State Management Program Amendment), the Gulf of Mexico Fishery Management Council (Council) would establish the program structure for each Gulf of Mexico (Gulf) state to manage its recreational harvest of red snapper. This amendment/draft environmental impact statement (DEIS) contains two actions that affect all Gulf states, whether or not they are participating in state management: 1) determining the components of the recreational sector to include in state management programs, and 2) apportioning the recreational red snapper annual catch limit (ACL) among the states. The Council would select preferred alternatives for these actions before approving the amendment for final action.

Subsequently and through separate amendments for each Gulf state (Individual State Amendments), each state would be enabled to establish its state management program for the recreational harvest of red snapper. These Individual State Amendments consist of two actions: 1) authority structure for state management, and 2) post-season accountability measures (AM). The Council would select preferred alternatives for each of these actions in the respective amendment before approving each amendment for final action. The effects of the actions in the Individual State Amendments are directly intertwined with the actions in the State Management Program Amendment. Thus, this chapter includes a discussion of these latter two actions, as context for the analysis that will be completed in the environmental consequences chapter. There, the environmental consequences and cumulative impacts of this State Management Program Amendment will be analyzed alongside the proposed actions in the Individual State Amendments. In the Individual State Amendments, tiering (40 C.F.R. § 1502.20 and 1508.28) will be used as an analytical approach through subsequent analyses under the National Environmental Policy Act that incorporates by reference the general discussions in this DEIS and concentrates on the issues specific to the amendments subsequently prepared.

2.1 Action 1 – Components of the Recreational Sector to include in State Management Programs

Alternative 1: No Action. Retain current federal management of recreational red snapper in federal waters of the Gulf. For the years 2015-2022, continue separate red snapper fishing seasons for the federal for-hire and private angling components based on the components' annual catch targets (ACT), reduced from the components' ACLs by the established buffer.

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

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

Preferred Alternative 4: For a state with an approved state management program, the state will choose whether to manage its private angling component, only, or to manage both its private angling and federal for-hire components. The state must constrain landings to the state's private angling component ACL and federal for-hire component ACL as determined in Action 2. For states without an approved state management program, separate fishing seasons based on the component ACTs for the federal for-hire and private angling components would be estimated using the remainder of the recreational sector ACL. The state management plan would end when the separate private angling and federal for-hire ACLs expire (currently 2022).

Discussion:

Amendment 40 (GMFMC 2014a) apportioned the recreational sector ACL between the federal for-hire and private angling components of the recreational sector for a period of 3 years (2015-2017), and Amendment 45 (GMFMC 2016) extended the separate management of the federal for-hire and private angling components' portions of the recreational sector ACL for an additional 5 years, through 2022. This action is only applicable if this amendment is implemented while the separate components of the recreational sector are still in effect.

This action determines whether a state with an approved state management program would manage only its private angling component (**Alternative 2**), would manage both components (**Alternative 3**), or could choose to manage the private angling component only, or manage both

components (**Preferred Alternative 4**). Depending on the alternative selected, state private angling ACLs would need to be established (**Alternative 2**) or state private angling and federal for-hire component ACLs would need to be established (**Alternative 3** and **Preferred Alternative 4**). A state or states with an approved state management program must constrain its landings to its respective ACLs.

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

Under **Alternative 2**, a state with an approved state management program would manage the state's private angling component only. Depending on the number of states that develop state management programs, up to six recreational ACLs could be established under **Alternative 2**, in addition to the total recreational ACL: five state private angling ACLs derived from the private angling component ACL, and one federal for-hire component ACL. Management of the federal for-hire component would continue Gulf-wide under the federal regulations for the federal for-hire component. Based on the Action 2 alternatives, the resulting percentages for the five potential state private angling ACLs are provided in Tables 2.2.1, 2.2.3 and 2.2.5.

Under **Alternative 3**, a state with an approved state management program would manage both the state's private angling component and federal for-hire component. Two state component ACLs would be established for each state: a state private angling component ACL and a state for-hire component ACL. Depending on the number of states that develop state management programs, up to ten component ACLs could be established under **Alternative 3**, in addition to the total recreational ACL. Federal for-hire and private angling component ACLs would continue to be used for states without an approved state management program. Based on the Action 2 alternatives, the resulting percentages for the ten potential state component ACLs are provided in Tables 2.2.2, 2.2.4, and 2.2.5.

Under **Preferred Alternative 4**, a state with an approved state management program would be able to choose whether to manage its private angling component only, or to manage both its private angling component and federal for-hire component. As with **Alternative 3**, two state component ACLs could be established for each state: a state private angling component ACL and a state for-hire component ACL. Depending on the number of states that develop state management programs, up to ten component ACLs could be established under **Preferred Alternative 4**, in addition to the total recreational ACL. For a state that decides to manage its private angling component only, the state's federal for-hire ACL would remain part of the Gulf-wide federal for-hire ACL. Federal for-hire and private angling component ACLs would continue to be used for states without an approved state management program. Based on the Action 2 alternatives, the resulting percentages for the ten potential state component ACLs are provided in Tables 2.2.2, 2.2.4, and 2.2.5.

For a state to manage both components (**Alternative 3** and optional under **Preferred Alternative 4**), the state would specify the management measures to be applied to each

component in its conservation equivalency plan or state regulations established for delegated management authority. The state must ensure that the landings by each component are constrained to that component's ACL or ACT, as appropriate. For states without an approved state management program, the federal for-hire component would continue to be managed Gulf-wide under the federal regulations for the federal for-hire component.

Regardless of the alternative selected, for-hire vessels must have a federal permit to harvest red snapper from federal waters. Although state-licensed for-hire vessels are part of the private angling component, these vessels may not harvest red snapper from federal waters, even if an approved state management program is in place.

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

2.2 Action 2 – Apportioning the Recreational ACL (Quota) among States

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

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

Option 2a: 1986-2015.

Option 2b: 1996-2015.

Option 2c: 2006-2015.

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

Alternative 3: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL and federal for-hire ACL among the states based on the average of historical landings for the years:

Option 3a: 1986-2009.

Option 3b: 1996-2009.

Option 3c: 2006-2009.

Option 3d: 50% of average historical landings for the years 1986-2009 and 50% of average historical landings for the years 2006-2009.

Alternative 4: In calculating state apportionments under **Alternative 2** or **3**, exclude from the selected time series, as appropriate:

Option 4a: 2006 landings.

Option 4b: 2010 landings.

Option 4c: 2014 landings.

Option 4d: 2015 landings.

Alternative 5: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL and federal for-hire ACL among the states based on each state's average of the best ten years of historical landings for the years 1986-2015.

Alternative 6: Establish an allocation of the recreational sector ACL that may be used for state management programs by apportioning the private angling ACL and federal for-hire ACL among the states based on spatial abundance of red snapper biomass and recreational trips using:

Option 6a: 25% biomass, 75% trips.

Option 6b: 50% biomass, 50% trips.

Option 6c: 75% biomass, 25% trips.

Discussion:

For a red snapper state management program to be enacted, a portion of the recreational sector ACL would need to be allocated to that state. The recreational sector ACL is currently divided into separate private angling and federal for-hire component ACLs. This action addresses how to apportion the total recreational ACL among the states. A state would establish its state management program through a state-specific plan amendment. For states that do not participate in state management, management would continue with the remaining private angling and federal for-hire component ACLs.

Allocation is an inherently controversial issue because a limited resource is divided among competing user groups, each of which benefits from receiving the largest portion possible. In this action, the Council is determining *the method* to calculate the allocation, not the actual percentage each state would receive. The percentages would change based on the data used in the calculation equation. Additionally, the landings are subject to high levels of uncertainty, especially for Mississippi, and should be evaluated with that in mind. Regardless of the alternative selected, in some years, each state's landings exceeded its average landings (Appendix A). This means that requiring a state with an active state management program to constrain its catches to a fixed percentage of the recreational sector ACL could restrict the fluctuations in annual landings that occur in some years.

Alternative 1 (No Action) would not apportion the recreational sector ACL among the states. Management of the private angling and for-hire components' harvest of red snapper would continue separately throughout federal waters of the Gulf through 2022, and together thereafter. Currently, the proportion of the total recreational landings made up by each state varies from year to year. Recreational landings by state from 1986 – 2015 are provided in Appendix A. Tables are provided for landings by the recreational sector as a whole, the private angling component, and the federal for-hire component. A

Alternative 2 provides four options to apportion the recreational sector ACL based on the average proportion of historical landings for various time series that end in 2015. Table 2.2.1 provides the resulting percentages from apportioning the private angling component ACL by state, which is 57.7% of the recreational sector ACL. In the table, the sum of the state private angling ACLs for each alternative totals 100% of the private angling ACL. The federal for-hire component, with 42.3% of the recreational sector ACL, would remain under federal management. If Alternative 2 is selected in Action 1, Table 2.2.1 shows the resulting percentages of the private angling ACL that would become each state's private angling component ACL under an approved state management program under **Alternative 2**.

Table 2.2.1. Resulting percentages of dividing the private angling ACL among the states based on historical landings time series of **Alternative 2**, for the *private angling component*, only (Action 1, Alternative 2). Each row totals 100% of the private angling ACL.

	AL	FL	LA	MS	TX
Alternative 2, Option 2a: 1986-2015	36.0%	28.1%	21.0%	7.9%	7.1%
Alternative 2, Option 2b: 1996-2015	38.5%	33.7%	16.7%	4.5%	6.7%
Alternative 2, Option 2c: 2006-2015	33.6%	41.6%	17.2%	2.1%	5.5%
Alternative 2, Option 2d: 50% 1986-2015; 50% 2006-2015	34.8%	34.8%	19.1%	5.0%	6.3%
Alternative 2, Option 2d plus Alt. 4, Options 4a-4d	36.0%	33.6%	19.1%	5.6%	5.6%

Note: Landings from 2010 excluded from all alternatives.

Table 2.2.2 provides the resulting percentages from apportioning the total recreational sector ACL into private angling and federal for-hire ACLs by state. For each of the options for **Alternative 2**, the sum of the private angling component's percentages of the ACL for the five states totals 57.7%, and the sum of the federal for-hire percentages of the ACL for the five states totals 42.3%. Together, these state component ACLs equal 100% of the recreational sector ACL. For Alternative 3 and Preferred Alternative 4 in Action 1, Table 2.2.2 provides the resulting percentages of the recreational sector ACL that would become the state private angling and federal for-hire component ACLs under an approved state management program for **Alternative 2**.

Table 2.2.2. Resulting percentages of dividing the federal for-hire ACL and private angling ACL among the states for **Alternative 2**, by component (Action 1, Alternatives 3 and 4). For each alternative, the sum of the private angling component ACLs totals 57.7% and the sum of the federal for-hire ACLs totals 42.3%; the sum of all cells for each alternative equals 100% of the total recreational ACL.

	Component	AL	FL	LA	MS	TX
Alt. 2, Option 2a: 1986-2015	Private	20.7%	16.2%	12.1%	4.6%	4.1%
	For-hire	10.8%	15.7%	5.3%	0.3%	10.2%
Alt. 2, Option 2b: 1996-2015	Private	22.2%	19.4%	9.6%	2.6%	3.8%
	For-hire	11.4%	18.3%	3.9%	0.2%	8.5%
Alt. 2, Option 2c: 2006-2015	Private	19.4%	24.0%	9.9%	1.2%	3.1%
	For-hire	10.6%	19.8%	3.9%	0.1%	7.9%
Alt. 2, Option 2d: 50% 1986-2015; 50% 2006-2015	Private	20.1%	20.1%	11.0%	2.9%	3.6%
	For-hire	10.7%	17.7%	4.6%	0.2%	9.0%
Alt. 2, Option 2d plus Options 4a-4d	Private	20.8%	19.4%	11.0%	3.2%	3.3%
	For-hire	10.3%	18.6%	4.7%	0.2%	8.5%

Note: Landings from 2010 excluded from all alternatives.

Alternative 3 provides four options to apportion the recreational sector ACL based on the average proportion of historical landings for various time series ending in 2009. The difference between **Alternatives 2** and **3** is that the time series ends in 2015 under **Alternative 2** and ends in 2009 under **Alternative 3**. For **Alternative 3**, Table 2.2.3 provides the resulting percentages from apportioning the private angling component ACL by state for Alternative 2 in Action 1, while Table 2.2.4 provides the resulting percentages for Alternative 3 or Preferred Alternative 4 in Action 1.

Table 2.2.3. Resulting percentages of dividing the private angling ACL among the states based on historical landings time series of **Alternative 3**, for the *private angling component*, only (Action 1, Alternative 2). Each row totals 100% of the private angling ACL.

	AL	FL	LA	MS	TX
Alternative 3, Option 3a: 1986-2009	33.9%	27.7%	21.8%	9.0%	7.6%
Alternative 3, Option 3b: 1996-2009	35.9%	35.0%	16.6%	5.1%	7.5%
Alternative 3, Option 3c: 2006-2009	18.5%	56.0%	17.6%	1.2%	6.7%
Alternative 3, Options 3d: 50% 1986-2009; 50% 2006-2009	26.2%	41.8%	19.7%	5.1%	7.2%
Alt. 3, Option 3d plus Option 4a	27.2%	39.7%	21.5%	5.2%	6.4%

Table 2.2.4. Resulting percentages of dividing the federal for-hire ACL and private angling ACL among the states for **Alternative 3**, by component (Action 1, Alternatives 3 and 4). For each alternative, the sum of the private angling component ACLs totals 57.7% and the sum of the federal for-hire ACLs totals 42.3%; the sum of all cells for each alternative equals 100% of the total recreational ACL.

	Component	AL	FL	LA	MS	TX
Alt. 3, Option 3a: 1986-2009	Private	19.6%	16.0%	12.6%	5.2%	4.4%
	For-hire	10.5%	15.1%	5.8%	0.3%	10.5%
Alt. 3, Option 3b: 1996-2009	Private	20.7%	20.2%	9.6%	2.9%	4.3%
	For-hire	11.1%	18.3%	4.3%	0.3%	8.4%
Alt. 3, Option 3c: 2006-2009	Private	10.6%	32.3%	10.2%	0.7%	3.9%
	For-hire	8.5%	21.7%	5.2%	0.0%	6.9%
Alt. 3, Option 3d: 50% 1986-2009; 50% 2006-2009	Private	15.1%	24.1%	11.4%	2.9%	4.1%
	For-hire	9.5%	18.4%	5.5%	0.2%	8.7%
Alt. 3, Option 3d plus Option 4a	Private	15.7%	22.9%	12.4%	3.0%	3.7%
	For-hire	9.2%	19.0%	5.3%	0.2%	8.5%

Alternative 4 provides options for excluding particular years from the historical landings averages. Options to exclude 2006 (**Option 4a**) and 2010 (**Option 4b**) are due to impacts that affected recreational fishing opportunities during or immediately preceding those years. Hurricane Katrina struck late in the fishing season of 2005, therefore landings from 2006 are

provided for exclusion. The *Deepwater Horizon* MC252 oil spill began in April 2010, prior to the opening of the 2010 recreational red snapper season. Due to the complexity associated with assigning landings between components given the substantial fishery closures and the extended federal season, landings from 2010 should be viewed with caution and are not included for any alternatives in Tables 2.2.1 and 2.2.2. The Southeast Regional Office has excluded 2010 landings in all season projection analyses for similar reasons. Options to exclude landings from 2014 (**Option 4c**) and 2015 (**Option 4d**) are provided because these years were not included in the allocation formula used to calculate the private angling and federal for-hire components' allocation in Amendment 40, and because the headboat collaborative pilot program operated during those years. The options under **Alternative 4** may be selected individually, or multiple options could be selected alongside any of **Options a-d** under **Alternative 2** or **3**. In Amendment 40 (GMFMC 2014a), the Council chose to exclude landings from 2010 (**Option 4b**) from the allocation formula, but did not exclude landings from 2006 (**Option 4a**).

Alternative 5 would apportion the recreational sector ACL by averaging each state's highest 10 years of red snapper landings for each component for the years 1986-2015, and then converting the average landings into percentages. The resulting allocations by state for Action 1, Alternatives 2-4 are provided in Table 2.2.5.

Table 2.2.5. Resulting percentages of dividing the private angling ACL (Action 1, Alternative 2) and the federal for-hire ACL and private angling ACL (Action 1, Alternatives 3 or 4) based on the highest 10 years of historical landings for the years 1986-2015 (Alternative 5). For Alternative 2, each state allocation is expressed as a percentage of the private angling ACL. For Alternatives 3 and 4, the states' private angling and for-hire allocations are expressed as percentages of the total recreational ACL.

Action 1	Component	AL	FLW	LA	MS	TX
Alternative 2	Private angling, only	38.4%	31.7%	16.7%	8.5%	4.7%
Alternative 3 or 4	Private angling	22.2%	18.3%	9.7%	4.9%	2.7%
	For-hire	10.4%	14.6%	6.1%	0.5%	10.6%

Alternative 6 is currently under development. At its August 2017 meeting, the Council requested an alternative that incorporates an estimate of red snapper biomass off each state and number of recreational trips by state, with options to weight each (**Options 6a-6c**). In contrast to fishery-dependent information such as landings and number of recreational trips, there is no estimate of red snapper biomass at the state level. National Marine Fisheries Service (NMFS) staff developed an approach for estimating biomass off each Gulf state that was derived from Karnauskas et al. (2017) and reviewed by the Council's Scientific and Statistical Committee (SSC) at its October 2017 meeting (Table 2.2.6). Data representing the number of trips is not provided at this time as the intended years to use have not been identified. The SSC's recommendations will be presented to the Council at its January 2018 meeting.

Table 2.2.6. Resulting percentages of the estimated red snapper biomass off each state, to be combined with recreational trips by state (**Alternative 6**).

	AL	FL	LA	MS	TX
Biomass	6.3%	29.9%	20.3%	1.3%	42.1%

It is possible that not all states will choose to participate in state management. If only one state participates, the fishing season in federal waters for the remaining states would be estimated based on the remaining aggregate portion of the ACL, as specified in the selected preferred alternative, and reduced by the established buffer. Should only one state not participate, the participating states would still receive their respective portions of the recreational ACL. The state ACL that would have been distributed to the non-participating state would be used to estimate the length of the fishing season for that one state, reduced by the established buffer and any projected landings to occur in state waters. Anglers from a non-participating state would fish under the default federal regulations.

2.3 Discussion – Authority Structure for State Management

This section describes and compares the alternatives under consideration in the first action of the Individual State Amendments. The Council will select a preferred alternative for each state in its respective amendment. This discussion provides the context for the analysis that will be completed in the environmental consequences chapter, including the potential cumulative effects that may result from this State Management Program Amendment and the Individual State Amendments, by selecting an authority structure for state management.

Currently, each Gulf state decides when to open and close its state waters to fishing, while NMFS closes fishing in federal waters to fishing consistent with the regulations implementing the Reef Fish Fishery Management Plan (FMP). This action considers two primary approaches to modify the authority structure to enact state management: **delegation** and **conservation equivalency**. By adopting state management under delegation or conservation equivalency, consistent regulations would apply to both state and adjacent federal waters by removing the fixed closed season, in-season closure requirement, and bag limit in federal waters adjacent to a state. To constrain landings to its portion of the recreational sector ACL, a state would establish the dates for the recreational harvest of red snapper, for each component or combined, and would prohibit further landings and possession of red snapper when its portion of the ACL or ACT, as appropriate, has been caught. Enforcement would primarily be carried out dockside. When a state closes its season, further landings or possession of red snapper would be prohibited.

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

For any of the proposed alternatives, if a state's red snapper management plan is determined to be inconsistent with the requirements of delegation or if the conservation equivalency plan is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the federal waters adjacent to that state would be subject to the **default federal regulations** for red snapper.

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

is inconsistent (Appendix B), while CEPs would require a periodic determination that the plan is acceptable and is the conservation equivalent of the default federal regulations (Appendix C).

Currently, the federal regulations include a 2-fish bag limit, minimum size limit of 16 inches total length, and a June 1 season opening; the season closes when the recreational ACT is projected to be met. These regulations have been established and revised over time through past actions, which considered a variety of alternatives that were analyzed as part of the decision-making process.

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

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

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

Alternative 1 (No Action) would retain current management measures for the recreational harvest of red snapper in federal waters of the Gulf. Currently, these measures include a two-fish per angler per day bag limit and a June 1 fishing season start date.

Delegation

- **Alternative 2:** Establish a management program that **delegates** some management authority in federal waters to a state. The state must establish the red snapper season structure and bag limit for the harvest of its assigned portion of the recreational sector ACL.
- **Alternative 3:** Establish a management program that **delegates** management authority in federal waters to a state. The scope of authority to include in this delegation must be defined.

The Magnuson-Stevens Act allows for the delegation of management to a state to regulate fishing vessels beyond their state waters, provided its regulations are consistent with the FMP. The delegation of management authority requires a three-quarters majority vote of the voting members of the Council. See Appendix B for additional information on the requirements of delegation including the Secretary of Commerce's procedure for addressing a state's regulations that are deemed inconsistent with the FMP.

Under **Alternative 2**, state management is defined as the delegation of limited management authority to a state, which would then establish appropriate management measures to constrain recreational harvest to the state's assigned portion of the recreational sector ACL. A state would have management authority to establish the red snapper fishing season and bag limit. In setting the fishing season, the state would have the flexibility to select the season start date and could

establish a fixed closed season, split seasons (e.g., spring and fall season), and alternate season structures (e.g., weekends, only). A state could also establish regional seasons, such as separate fishing seasons for the Florida Panhandle and west Florida. Provided the state constrains its landings of each component to that component's portion of the ACL, a state could establish different seasons and bag limits for each component, if the state is managing both the private angling and federal for-hire components. **Alternative 3** proposes to delegate authority to manage red snapper beyond what would be possible under **Alternative 2**. However, the extent of this expansion must be defined.

To delegate management, specific regulations in the Code of Federal Regulations (Appendix D) would need to be modified, removed, or exemptions made for a particular state. Many regulations that apply to the recreational harvest of red snapper are not red snapper specific, but rather, apply to all reef fish or apply to fishing in federal waters, generally. For example, the requirement to use non-stainless steel circle hooks when fishing with natural baits applies to all reef fish, while the provision that bag limits apply to a person on a daily basis, regardless of the number of trips the person takes in a day applies to bag limits in federal waters, generally. Because authority would be delegated only for the management of red snapper, delegating authority for some management measures could become more complicated if a state enacts a regulation that applies to red snapper, but not to other reef fish.

Some regulations would not be applicable under delegated authority and would be modified to identify a state's exemption as long as the state's delegation is active. For example, existing regulations for in-season AMs would no longer be applicable as the state would have the authority to establish its own fishing season and to prohibit further harvest when its portion of the quota is estimated to have been met. Further, under an approved state management program for which the state will manage both its private angling and federal for-hire components, the provision that prohibits federally permitted for-hire vessels from possessing red snapper outside of the federal season would no longer be applicable, as there would not be an inconsistency between state and federal waters. Nevertheless, this regulation applies to all reef fish and would still apply to other reef fish species if state waters are open while federal waters are closed.

Conservation Equivalency

- **Alternative 4:** Establish a management program in which a state submits a plan to **NMFS** describing the **conservation equivalency** measures the state will adopt for the management of its portion of the recreational sector ACL in federal waters. The plan must specify the red snapper season and bag limit. To be a CEP, the plan must be reasonably expected to limit the red snapper harvest to the state's assigned portion of the recreational sector ACL.
- **Alternative 5:** Establish a management program in which a state submits a plan to a **technical review committee** describing the **conservation equivalency** measures the state will adopt for the management of its portion of the recreational sector ACL in federal waters. The plan must specify the red snapper season and bag limit. To be a CEP, the plan must be reasonably expected to limit the red snapper harvest to the state's assigned portion of the recreational red snapper ACL. The technical review committee reviews and may make recommendations on the plan, which is either returned to the state for revision or forwarded to NMFS for final review.

Alternatives 4 and 5 would adopt a process by which a state submits a CEP describing its intended management measures for the recreational harvest of red snapper. While conservation equivalency would grant less management authority directly to a state than delegation, the conservation equivalency alternatives provide flexibility to a state to modify the season structure and bag limit for the harvest of its designated portion of the red snapper recreational ACL. The procedure and requirements for conservation equivalency are provided in Appendix C.

Alternatives 4 and 5 differ based on the review process for the CEPs. Under **Alternative 4**, a state would submit its plan directly to NMFS for review, while under **Alternative 5**, the state would first submit its CEP to a technical review committee, which will consist of one member from each state designated by the state fisheries director. The technical review committee would provide the initial review of the CEPs and may make recommendations on the plan, which is either returned to the state for revision or forwarded to NMFS for final review and approval. Because of the additional time needed for the technical review committee to meet and review the CEPs, **Alternative 5** would potentially entail a longer process for consistency determination than under **Alternative 4**. On the other hand, the process under **Alternative 5** provides for greater participation and input by state-level managers and stakeholders, increasing the involvement of local-level entities in the state management process. The proposed process under **Alternative 5** is more similar to the Mid-Atlantic Fishery Management Council's management of summer flounder than is **Alternative 4**.

Additional Considerations

In the event two bordering states have approved state management programs but different fishing seasons, federal waters adjacent to one state (e.g., Florida) could remain open when its fishing season is closed and the bordering state's season is open (e.g., Alabama). In this example, anglers from Alabama would be able to harvest red snapper in federal waters adjacent to Florida, provided the fish will be landed in Alabama and would count against Alabama's quota. In turn, should Florida's fishing season be open while Alabama's season is closed, anglers participating in Florida's state management program would be able to harvest red snapper from federal waters adjacent to Alabama and land the fish in Florida; such fish would count against Florida's quota.

In addition to different seasons, bag limits may also differ between bordering states. Therefore, enforcement will primarily be conducted dockside. At-sea enforcement could be most complicated near the boundaries between states with different management measures, as it could be difficult for enforcement agents to determine which state's jurisdiction applies to a recreational vessel. In these cases, enforcement agents would consider the most liberal of the state's management measures in place at the time, to serve as guidelines for determining regulatory compliance. For example, if no region has a bag limit greater than four red snapper per person per day, then a vessel possessing red snapper in excess of this bag limit, regardless of where in federal waters it is fishing, could be in violation if stopped by enforcement agents.

Under all alternatives, red snapper would remain under federal management jurisdiction, subject to Gulf-wide closure of federal waters when the recreational sector ACL is met. Essentially, while a state would be given some management authority to determine the regulations to be

applied to anglers participating in the state management program, none of the alternatives provide the complete authority to manage red snapper advocated for by some supporters of state management. A state would be able to establish the season start and end dates, season structure, and bag limit at the state level. However, the state must adopt the current federal minimum size limit. The management measures implemented by the state must adhere to the goals of the rebuilding plan and be consistent with federal and other applicable laws.

In recognition of the stock assessment issues with allowing the states to adopt different minimum size limits for the recreational harvest of red snapper, the Council considered modifying the minimum size limit through the State Management Program Amendment. States participating in state management would be required to adopt a minimum size limit consistent with the selected federal minimum size limit. At its August 2017, meeting, the Council removed from further consideration the action to modify the recreational minimum size limit for red snapper, because at that time, the three states with Individual State Amendments (Louisiana, Mississippi, and Alabama) already establish a state minimum size limit that is consistent with the current federal minimum size limit and were not considering a change at the state level. Immediately after removing the action, however, the Council moved to begin development of Individual State Amendments for Florida and Texas. Because Texas has a different minimum size limit for red snapper for its state waters, the Council may wish to reconsider the action to modify the minimum size limit.

2.4 Discussion – Post-Season Accountability Measures (AMs)

This section describes and compares the alternatives under consideration in the second action of the Individual State Amendments. The Council will select a preferred alternative for each state in its respective amendment. This discussion provides context for the environmental consequences analysis of the potential cumulative effects that may result from this State Management Program Amendment and the Individual State Amendments, by modifying the post-season AMs for a state's state management program.

Section 407(d) of the Magnuson-Stevens Act requires that the Council ensure the FMP (and its implementing regulations) have conservation and management measures that establish a separate sector quota for recreational fishing (private and for-hire vessels) and prohibit the possession of red snapper caught for the remainder of the fishing year once the sector quota is reached. The National Standard 1 guidelines identify two types of AMs: in-season and post-season. These AMs are not mutually exclusive and should be used together where appropriate. In 2014, the Council adopted an in-season AM to create an ACT calculated by deducting 20% from the ACL. To correct or mitigate any overages during a specific fishing year (50 CFR 600.310(g)), the Council also adopted a post-season AM that applies when red snapper is classified as overfished and which would reduce the recreational sector ACL in the year following an overage of the total recreational ACL by the full amount of the overage unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. Under either of the alternatives, if the combined recreational landings do not exceed the Gulf-wide recreational sector ACL in that year, neither the recreational sector ACL nor any state or component ACLs would be reduced to account for a state or component ACL overage.

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

- **Alternative 1:** No Action – Retain the current post-season AMs for managing overages of the respective recreational sector ACL in federal waters of the Gulf. While red snapper is overfished (based on the most recent Status of U.S. Fisheries Report to Congress), if the combined recreational landings exceed the recreational sector ACL, reduce the recreational sector ACL and reduce the total recreational quota, and applicable recreational component quota in the following year by the full amount of the overage, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. The applicable component ACT (through 2022) will be adjusted to reflect the previously established percent buffer.

Alternative 1 (No Action), would continue to apply the existing post-season AM Gulf-wide. In the event red snapper landings exceed the Gulf-wide recreational ACL, the amount of the overage would be deducted from the recreational ACL. This would occur whether or not a particular state was successful in constraining landings to below its ACL, and would result in a decrease to that state's ACL, because the state's ACL would be based on a percentage of the Gulf-wide ACL. Although the possibility of triggering an overage adjustment would encourage a state to constrain harvest to its ACL, the Gulf-wide approach may be perceived as inequitable. For example, if the recreational ACL is greatly exceeded, then the necessary overage adjustment (applied to the recreational ACL before a state's ACL is deducted) may reduce fishing opportunities under the state's ACL the following year, even if that state had not exceeded its portion of the recreational ACL. If this occurs, it may reduce the flexibility provided under state management. Alternately, if a state's landings cause the entire recreational sector ACL to be exceeded, while landings by other components remain within their respective portions of the ACL, anglers in the other components would lose fishing opportunities despite remaining within their respective portions of the ACL.

- **Alternative 2:** While red snapper is overfished (based on the most recent Status of U.S. Fisheries Report to Congress), if the combined recreational landings of a state exceed that state's recreational ACL, then in the following year reduce the total recreational quota and that state's ACL by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. If appropriate, the state recreational ACT (or component ACTs) will be adjusted to reflect the previously established percent buffer.
 - **Option 2a:** If a state has both a private-angling ACL and a federal for-hire ACL, the reduction will be applied only to the component(s) that exceeded the applicable ACL.
 - **Option 2b:** If a state has both a private-angling ACL and a federal for-hire ACL, the reduction will be applied equally to both components.

Alternative 2 would apply the post-season AM to a particular state, only in the event that the Gulf-wide recreational sector ACL was exceeded. With the apportionment of the recreational

sector ACL such that individual states may establish state management programs (Action 2), **Alternative 2** would prevent an overage of the Gulf-wide ACL from affecting a state that did not exceed its state ACL. However, if both a state's and the Gulf-wide ACLs were exceeded, the portion of the overage for which that state was responsible would be deducted from that state's ACL for the next year. The overage adjustments would need to be taken into account when a state develops its management plan (delegation or CEP), including the length of the fishing season for the following year. **Alternative 2** would encourage a state to constrain harvest to its ACL to ensure that the overage adjustment is not applied to the recreational season for the following year. Regardless of a state exceeding its ACL, an overage adjustment would only be applied if the Gulf-wide recreational sector ACL was exceeded.

Option 2a and **Option 2b** under **Alternative 2** would apply only if the Council decides to include the federally permitted for-hire vessels in state management, through Action 1 in this State Management Amendment. Either option would apply the post-season AM to the state's component (for-hire and/or private angling) that exceeds its component ACL in the prior fishing year. In the event the Gulf-wide recreational sector ACL is exceeded, **Option 2a** would apply the overage adjustment only to the state's component that exceeded its ACL. That component ACL would be reduced in the following year by the full amount of the overage, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. This option would prevent the overage adjustment from affecting the state's other component that does not exceed its ACL. **Option 2b** would apply the overage adjustment evenly to both of the state's component ACLs, regardless if only one of the components exceeded its component ACL. Although the possibility of triggering an overage adjustment would encourage the state and its components to constrain harvest to the respective ACLs, applying the overage equally to both components may be perceived as inequitable, should one component remain within its portion of the ACL, yet have its portion of the ACL reduced in the following year due to overages by the other component.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Red Snapper Component of the Reef Fish Fishery

Commercial harvest of red snapper from the Gulf of Mexico (Gulf) began in the mid-1800s (Camber 1954). In the 1930s, party boats built exclusively for recreational fishing began to appear (Chester 2001). Further history on the management of red snapper is provided in Section 1.3. The red snapper stock annual catch limit (ACL) is divided into commercial (51%) and recreational (49%) allocations determined by the Gulf of Mexico Fishery Management Council (Council) based on historical landings. Further, the red snapper recreational ACL is allocated 57.7% to the private angling component and 42.3% to the federal for-hire component through 2022 (GMFMC 2016). The federal for-hire component operates in two modes, charter vessels and headboats. Quotas for the commercial and recreational sectors, and for each of the recreational components, are set equal to the respective ACLs. However, for the recreational sector, annual catch targets (ACT) for the sector as a whole and for each component are set 20% below the respective ACLs to account for management uncertainty. The season for each recreational component is closed when the respective ACT is projected to be reached.

Stock Status

The red snapper stock has been found to be in decline or overfished in every stock assessment conducted, beginning with the first assessment in 1986 (Parrack and McClellan 1986). However, following the Southeast Data Assessment and Review (SEDAR) 31 benchmark assessment (2013), the Scientific and Statistical Committee (SSC) concluded that, as of 2011, overfishing was no longer occurring (GMFMC 2013c). Based on an update assessment presented to the SSC in January 2015 (GMFMC 2015c), and landings data through 2014, the determination that overfishing was not occurring was continued through 2014. For years when there is no stock assessment, overfishing is defined as exceeding the overfishing limit (OFL). Based on this definition, overfishing has not been occurring through 2016. Amendment 44 changed the minimum stock size threshold (MSST), which defines when a stock is overfished, for seven reef fish species including red snapper (GMFMC 2017). The National Marine Fisheries Service (NMFS) expects that with the approval of Amendment 44, the Gulf red snapper stock will be reclassified as not overfished but rebuilding. See Section 3.3 for more detailed information on the status of the stock.

Stock Allocation History

In 1990, Amendment 1 (GMFMC 1989) established the first red snapper rebuilding plan. From 1990 through 2009, red snapper harvest was managed through the setting of an annual total allowable catch (TAC⁷), which was divided into allocations of 51% commercial, and 49% recreational based on historical landings during 1979 through 1987. Amendment 1 also established a commercial red snapper quota of 3.1 million pounds (mp) whole weight (ww).

⁷ Beginning in 2010, usage of TAC was phased out in favor of ACL.

There was no explicit recreational allocation specified, only a bag limit of 7 fish and a minimum size limit of 13 inches total length (TL). Based on the 51:49 commercial to recreational sector allocation, the commercial quota implied a TAC of about 6.1 mp ww in 1990, followed by explicit TACs of 4.0 mp ww in 1991 and 1992, 6.0 mp ww in 1993 through 1995, and 9.12 mp ww from 1996 through 2006. The TAC was reduced to 6.5 mp ww in 2007 and 5.0 mp ww in 2008 and 2009.

Beginning in 2010, new biological reference points were introduced under revised National Standard 1 guidelines. An OFL, set by the SSC, was the catch level above which overfishing occurs. An acceptable biological catch (ABC), also recommended by the SSC, was a catch level set at or below the OFL to account for scientific uncertainty. From 2010 until the development of an ABC control rule (GMFMC 2011b), the SSC set the red snapper ABC at 75% of the OFL. An ACL was set by the Council at or below the ABC. An optional ACT could also be set at or below the ACL. However, the Council did not set an ACT for red snapper until 2014 (GMFMC 2014b). TAC was considered functionally equivalent to the ACL, and usage of the term TAC was phased out in favor of ACL. The Council would set an ACL at or below the ABC, which would then be allocated between the commercial and recreational sectors. These sector allocations would then be considered quotas.

In 2010, the ACL was increased to 6.945 mp ww. In 2011, it was initially raised to 7.185 mp ww, and then increased in August by another 345,000 lbs (7.530 mp total) which was allocated to the recreational sector. In 2012 the ACL was raised to 8.080 mp.

A scheduled quota increase in 2013 to 8.690 mp ww was cancelled due to an overharvest in 2012 by the recreational sector. After an analysis of the impacts of the overharvest on the red snapper rebuilding plan, the 2013 ACL was increased to 8.460 mp ww. In July 2013, the Council reviewed a new benchmark assessment (SEDAR 31 2013) which showed that the red snapper stock was rebuilding faster than projected, partly due to strong recruitment in some recent years. Combined with a new method for calculating the ABC, the SSC increased the ABC for 2013 to 13.5 mp ww, but warned that the catch levels would have to be reduced in future years if recruitment returned to average levels. After incorporating a buffer to reduce the possibility of having to later reduce the quota, the Council set the 2013 ACL to 11.0 mp ww (GMFMC 2013b). Beginning in 2014, the Council set a recreational ACT at 20% below the recreational allocation of ACL, and added an accountability measure (AM) that required an overage adjustment if the recreational ACL was exceeded while the stock was overfished (GMFMC 2014b). Season length would be calculated by NMFS based on when the ACT was projected to be reached. The ACL was set at 10.4 mp ww in 2014, 14.3 mp ww in 2015, and 13.9 mp ww in 2016.

The commercial and recreational sectors have had quota overruns. Before sector separation was implemented in 2015 (GMFMC 2014a), the recreational sector had quota overruns in 21 out of 23 years in which a quota was specified, while the commercial sector had overruns in 10 of 23 years. The commercial sector has not had overruns since 2005. Since sector separation began in 2015 the private angling component has had overruns in both 2015 and 2016, while the federal for-hire component has not had any overruns.

3.1.1 Commercial Sector

Prior to 2007, the red snapper commercial sector was managed through quotas, size limits, trip limits, seasonal closures, fishing days per month, time and area/gear restrictions, and gear requirements. Since 2007, the commercial sector's harvest of red snapper has operated under an individual fishing quota program. Commercial operators harvesting red snapper from federal waters, must have a Gulf reef fish permit, which is a limited access permit. As of November 13, 2017, a total of 844 vessels have the permit. Vessels that use bottom longline gear in federal waters east of 85°30'W longitude must also have a valid Eastern Gulf longline endorsement. As of November 13, 2017, 62 of the Gulf reef fish permit holders also have the longline endorsement, and all but one of the endorsement holders have a mailing address in Florida. In addition to these restrictions, operators of reef fish fishing vessels who want to commercially harvest red snapper must participate in the red snapper individual fishing quota program.

This amendment only affects the recreational sector; therefore, no additional description of the commercial sector is included.

3.1.2 Recreational Sector

Red snapper is an important component of the recreational sector's harvest of reef fish in the Gulf. Recreational red snapper fishing includes charter vessels, headboats, and private anglers fishing primarily from private or rental boats.

The recreational sector is currently managed through ACLs, ACTs, AMs, a minimum size limit of 16 inches TL, a 2-fish per person bag limit, seasonal closures (the fishing season opens June 1 and closes when the ACT is projected to be met), time and area/gear restrictions, and gear requirements. In addition, charter vessels and headboats are required to have a charter vessel/headboat permit for reef fish to fish for red snapper in federal waters. State regulations are different than federal regulations in some cases. In those circumstances (e.g., red snapper seasons), private angling fishermen in state waters must obey the regulations for the waters they are fishing in. Anglers fishing from federally permitted charter vessels and headboats must abide by the more restrictive of state or federal regulations when fishing in state waters.

For federal waters, if landings are projected to meet the for-hire or private angling component ACT, then the season for that component will be closed. If the total recreational ACL is reached, then the federal season is closed for both components. The primary gear type in the harvest of red snapper is vertical line (rod-and-reel).

Recreational Sector Management Measures History

Recreational red snapper harvest allocations since 1991 have been set at 49% of the TAC, or 1.96 mp ww in 1991 and 1992, 2.94 mp ww for 1993 through 1995, and 4.47 mp ww from 1996 through 2006. In 1997, the recreational red snapper allocation was converted into a quota with accompanying quota closure should the sector reach its quota (GMFMC 1997). Recreational quota closures occurred in 1997, 1998, and 1999, and the fishing season becoming progressively shorter each year even though the quota remained a constant 4.47 mp. In 2007, the recreational

quota was reduced to 3.185 mp ww. It was reduced again to 2.45 mp ww in 2008 and 2009. The recreational quota was increased to 3.403 mp ww in 2010, 3.866 mp ww in 2011, 3.959 mp ww in 2012, and 5.390 mp ww in 2013 and 2014. In 2015, the recreational sector was separated into a federal for-hire and private angling component, each with its own allocation, and is discussed in more detail below.

Before 1984, there were no restrictions on the recreational harvest of red snapper. In November 1984, a 12-inch fork length minimum size limit was implemented, but with an allowance for five undersized fish per person. In 1990, the undersized allowance was eliminated, the minimum size limit changed to 13 inches TL (approximately equal to 12 inches fork length), and the recreational sector was managed through bag and size limits with a year-round open season.

A fixed recreational season of April 21 through October 31 (194 days) was established for 2000 through 2007. However, NMFS returned to variable length seasons beginning in 2008. Under this management approach, due to a lag in the reporting of recreational catches, catch rates over the course of the season were projected in advance based on past trends and changes in the average size of a recreationally harvested red snapper. The recreational season opened each year on June 1 and closed on the date when the quota was projected to be reached. In 2008, the season length was reduced from 194 days to 65 days in conjunction with a reduction in quota to 2.45 mp. The season length then increased to 75 days in 2009. In 2010, the recreational red snapper season was originally projected to be 53 days. However, due to reduced effort and large emergency area closures resulting from the *Deepwater Horizon* MC252 oil spill, catches were below projections, and a one-time supplemental season of weekend only openings (Friday, Saturday, and Sunday) was established from October 1 through November 22. This added 24 fishing days to the 2010 season for a total of 77 days. In 2011, the season was reduced to 48 days despite an increase in the quota, due to an increase in the average size of a recreationally harvested fish. In 2012 the season was initially scheduled to be 40 days, but was extended to 46 days to compensate for the loss of fishing days due to storms (Table 1.1.1).

At the request of the Council at its February 2013 meeting, NMFS developed an emergency rule to adjust seasons off each Gulf state based on the extent to which their state-water seasons and bag limits were consistent with federal regulations. This was done to compensate for the additional harvest that would occur in state waters as a result of inconsistent regulations. A legal challenge was made to the emergency rule and it was subsequently set aside by the U.S. District Court. As a result, the federal recreational red snapper season continued to be the same in federal waters off all five Gulf states. Initially, NMFS set a 28-day season beginning on June 1 for the recreational sector. However, in September 2013, NMFS announced an increase in the ACL which added 1.245 mp to the recreational quota, and a supplemental 14-day season beginning October 1. This resulted in a total of 42 recreational fishing days.

In 2014, NMFS initially announced a 40-day recreational season. However, in March 2014, as a result of a legal challenge, the U.S. District Court found that there was not an adequate system of AMs in place to prevent the recreational red snapper sector from exceeding its quota. To comply with the court decision, the Council approved the setting of a 20% buffer for the recreational sector catch. Also in 2014, a 2-year project by the headboat collaborative was initiated under an exempted fishing permit (EFP) to evaluate the use of an allocation-based management program.

A portion of the red snapper recreational quota (256,487 lbs) was allocated to the headboat collaborative. At the same time, several states extended their season for recreational red snapper harvest in state waters. The projected increase in state water caught red snapper reduced the amount of quota available to be caught in federal waters. As a result, the 2014 red snapper season in federal waters was shortened to 9 days (Table 1.1.1). The headboat collaborative was allowed to continue fishing under the EFP, and headboat collaborative trips continued throughout the year, although the number of trips dropped off markedly after August.⁸

In 2015, Amendment 40 (GMFMC 2014a) separated the recreational sector into a federal for-hire component and a private angling component, with the recreational sector ACL split between the two components. The headboat collaborative EFP's year-2 allocation of 215,027 lbs ww was deducted from the federal for-hire component's quota. Some states further increased their state water recreational seasons, which further reduced the amount of quota available to be caught in federal waters by the private angling component. Federally permitted for-hire vessels were unaffected by the expanded state seasons since they are prohibited from fishing in state waters when the federal season is closed (50 CFR §622.20(b)) and they were fishing under a separate quota. This resulted in a federal season of 44 days for the federal for-hire component, and 10 days for the private angling component.

In 2016, Amendment 28 (GMFMC 2015b) reallocated the red snapper stock ACL between the commercial and recreational sectors from 51%:49% to 48.5%:51.5%, respectively. The resulting ACTs were 2.434 mp ww for the for-hire component, and 3.320 mp ww for the private angling component. Based on the ACTs and accounting for the red snapper harvest in state waters outside the federal season, the federal season for the private angling component was set at 9 days. Due to the impacts from tropical storm Colin, the private angling fishing season was extended 2 days, for an 11-day federal season.

In 2017, the allocation reverted back to 51% for the commercial sector and 49% for the recreational sector. Also the overage from the private angling component exceeding its quota in 2016, needed to be paid back. The total recreational quota was exceeded by 129,906 lbs. The 2017 ACT for the private angling component was reduced to 3,004,075 lbs ww and the federal season for the private angling component was set at 3 days.

Recreational Sector For-Hire Fishing Effort

Any for-hire fishing vessel that takes paying anglers into Gulf federal waters where they harvest red snapper or any other species in the reef fish fishery must have a valid limited-access Gulf charter/headboat permit for reef fish that is specifically assigned to that vessel. Since 2003, there has been a moratorium on the issuance of new federal reef fish for-hire permits. This means that participation in the federal for-hire component is capped; no additional federal permits are available. As of November 13, 2017, there were 1,278 vessels with a for-hire permit and another 32 with a historical captain for-hire permit. Approximately 58% of the for-hire reef fish permits

⁸ Presentation from NMFS at the March 2015 Council meeting on a review of year 1 of the headboat collaborative EFP. Available on the Council website's briefing book archives for the March 2015 meeting under Reef Fish Committee.

have mailing recipients in Florida. Texas recipients hold the second highest number of permits (Table 3.1.2.1).

Table 3.1.2.1. Number and percentage of charter/headboat permits for reef fish by state of hailing port of vessel, 2012-2016.

Year	For-Hire Reef Fish Permits by Hailing Port of Vessel						
	2012	2013	2014	2015	2016	Average	Percent Change 2012-2016
AL	157	159	153	143	134	149	-14.7%
FL	812	803	787	778	776	791	-4.4%
LA	123	120	117	121	119	120	-3.3%
MS	48	47	42	38	35	42	-27.1%
TX	221	219	230	232	232	227	5.00%
Gulf States	1,361	1,348	1,329	1,312	1,296	1,329	-4.8%
Other	17	15	16	16	18	16	5.9%
Total	1,378	1,363	1,345	1,328	1,314	1,346	-4.6%

Source: NMFS Southeast Regional Office (SERO).

Individuals who hold a charter/headboat permit can either transfer the permit or not renew it. After a permit expires, it is no longer valid, but the permit holder has up to one year to renew or transfer the expired permit before it is terminated. A valid permit may also be transferred. There are multiple brokers online that offer Gulf charter/headboat permits; however, current regulation limits Gulf for-hire permit transfers and renewals to vessels that have the same passenger capacity or a lower passenger capacity. This measure was put in place to limit reef fish fishing effort by the for-hire component.

From 2012 through 2016, there were an average of 269 charter/headboat reef fish permits (approximately 20%) transferred each year (Table 3.1.2.2). A permit transfer occurs anytime there is a change in the relationship between a vessel and its permit holder, such as when there is a new owner of the vessel, change in the permit holder(s), or the permit holder obtains a new vessel.

Table 3.1.2.2. Number and percentage of transferred charter/headboat reef fish permits, 2012 - 2016.

Year	Number of Charter/Headboat Reef Fish Permits		
	Total	Transferred	Percent Transferred
2012	1,378	221	16.0%
2013	1,363	267	19.6%
2014	1,345	291	21.6%
2015	1,328	295	22.2%
2016	1,314	272	20.7%
Average	1,346	269	20.0%

The distribution of charter/headboat reef fish permits by hailing port state changed little from 2012 through 2016 (Table 3.1.2.3). The largest relative change was an increase in Texas's share, which rose from 16.0% to 17.7%.

Table 3.1.2.3. Percentage 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	Average	Change 2012-2016
AL	11.4%	11.7%	11.4%	10.8%	10.2%	11.1%	-1.2%
FL	58.9%	58.9%	58.5%	58.6%	59.1%	58.8%	0.1%
LA	8.9%	8.8%	8.7%	9.1%	9.1%	8.9%	0.1%
MS	3.5%	3.5%	3.1%	2.9%	2.7%	3.1%	-0.8%
TX	16.0%	16.1%	17.1%	17.5%	17.7%	16.9%	1.6%
Gulf States	98.8%	98.9%	98.8%	98.8%	98.6%	98.8%	-0.1%
Other	1.2%	1.1%	1.2%	1.2%	1.4%	1.2%	0.1%
Total	100%	100%	100%	100%	100%	100%	

Source: NMFS SERO.

As of October 25, 2017, there were 1,308 for-hire fishing vessels with a valid or renewable charter/headboat reef fish permit: 1,276 vessels with a charter/headboat permit and another 32 with a historical captain charter/headboat permit. The current distribution of permits is consistent with past years; however, there has been a consistent decline in the relative share of permitted vessels that hail out of Mississippi (Tables 3.1.2.3 and 3.1.2.4).

Table 3.1.2.4. Number and percentage of permitted for-hire fishing vessels by state of hailing port, as of October 25, 2017.

Hailing Port State	Permitted For-Hire Fishing Vessels	
	Number	Percentage
AL	140	10.7%
FL	792	60.6%
LA	117	8.9%
MS	33	2.5%
TX	211	16.1%
Gulf States	1,293	98.9%
Other	15	1.1%
Total	1,308	100.0%

Source: NMFS SERO.

Recreational Sector Private Angler Fishing Effort

Private recreational fishing vessels are not required to have a federal permit to catch red snapper or any other reef fish species in federal waters. Anglers aboard these vessels, however, 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.

Angler fishing effort refers to the estimated number of angler fishing trips taken, and an angler trip is an individual fishing trip taken by a single angler for any amount of time, whether it is half an hour or an entire day. Currently, angler fishing effort is estimated by conducting telephone surveys of coastal households (Coastal Household Telephone Survey) and charter vessel captains (For-Hire Survey), as well as on-site survey methods (Marine Recreational Information Program [MRIP] Access Point Angler Intercept Survey [APAIS]). From these surveys, NMFS estimates how many people are fishing, where people are fishing, and how often people go fishing. Moreover, with the MRIP APAIS (survey of anglers by the private boat, charter vessel and shore modes as they complete a trip), NMFS estimates how many trips target red snapper, how many trips catch red snapper and how many are being caught, how many red snapper are kept, how many are discarded, the condition of discarded fish, and the size and weight of red snapper caught.

There are different types of angler effort, such as targeted trips, where red snapper was targeted as the first or second primary species; catch trips, where red snapper was caught and observed at its landing; harvest trips, where red snapper was caught and harvested prior to landing (not observed at the dock); and directed trips where red snapper was either targeted or caught.

Target effort refers to the number of individual angler trips, regardless of duration, where the intercepted angler indicated that red snapper was targeted as either the first or second primary target for the trip. Red snapper did not have to be caught. Catch effort refers to the number of individual angler trips, regardless of duration and target intent, where red snapper was caught and those caught did not have to be kept. Those trips can result in double counting of trips, such as when red snapper was both targeted and caught during a specific angler trip.

Similar analysis of recreational effort is not possible for the headboat mode because headboat data are not collected at the angler level. Estimates of effort by the headboat mode are provided in terms of angler days, or the number of standardized 12-hour fishing days that account for the different half, three-quarter, and full-day fishing trips by headboats. The stationary "fishing for demersal (bottom-dwelling) species" nature of headboat fishing, as opposed to trolling, suggests that most, if not all, headboat trips and, hence, angler days, are demersal or reef fish trips by intent. Nonetheless, estimates of directed angler trips are provided that include the headboat mode.

Landings

Long-term recreational landings for red snapper are provided in Table 1.1.1 and Appendix A. Table 3.1.2.5 provides recent federal for-hire and private angling landings by state for red snapper. In general, recent trends indicate that Florida and Alabama consistently land the most red snapper with each state reporting 30% of the total recreational harvest, or higher, except in 2015 when Florida reported 27%.

Table 3.1.2.5. Recent for-hire and private angling landings for red snapper by component and state from 2012-2016.

State	2012 Landings (lbs whole weight)			% by State
	For-Hire Charter/Headboat	Private Angling	All Components	
FL (west)	1,025,320	1,420,620	2,445,940	32.5%
AL	503,927	2,197,377	2,701,304	35.9%
MS	7,300	306,854	314,154	4.2%
LA	257,344	1,188,763	1,446,106	19.2%
TX	445,429	171,308	616,737	8.2%
Total	2,239,320	5,284,921	7,524,241	
% by Mode	30%	70%		

State	2013 Landings (lbs whole weight)			% by State
	For-Hire Charter/Headboat	Private Angling	All Components	
FL (west)	671,642	3,105,730	3,777,372	38.9%
AL	546,564	3,877,683	4,424,247	45.6%
MS	3,792	418,737	422,529	4.4%
LA	100,438	489,204	589,642	6.1%
TX	234,549	254,563	489,112	5.0%
Total	1,556,985	8,145,917	9,702,902	
% by Mode	16%	84%		

State	2014 Landings (lbs whole weight)			% by State
	For-Hire Charter/Headboat	Private Angling	All Components	
FL (west)	184,957	1,459,885	1,644,841	42.9%
AL	152,614	1,006,166	1,158,780	30.2%
MS	1,693	43,425	45,118	1.2%
LA	33,909	557,189	591,098	15.4%
TX	193,705	201,894	395,599	10.3%
Total	566,878	3,268,558	3,835,436	
% by Mode	15%	85%		

State	2015 Landings (lbs whole weight)			% by State
	For-Hire Charter/Headboat	Private Angling	All Components	
FL (west)	865,058	766,237	1,631,295	27.4%
AL	757,388	1,711,421	2,468,809	41.4%
MS	10,485	34,209	44,694	0.7%
LA	155,669	1,059,302	1,214,971	20.4%
TX	365,077	235,305	600,382	10.1%
Total	2,153,677	3,806,474	5,960,151	
% by Mode	36%	64%		

State	2016 Landings (lbs whole weight)			% by State
	For-Hire Charter/Headboat	Private Angling	All Components	
FL (west)	822,599	1,713,799	2,536,397	34.1%
AL	763,511	2,047,404	2,810,915	37.8%
MS	18,721	354,645	373,366	5.0%
LA	179,586	1,042,389	1,221,975	16.4%
TX	358,399	135,398	493,797	6.6%
Total	2,142,815	5,293,635	7,436,450	
% by Mode	29%	71%		

Source: Southeast Fisheries Science Center (SEFSC) MRIP-Based Recreational ACL Data (July 2017); SEFSC SEDAR-31 Update (2014) APAIS-adjusted red snapper data.

Savolainen et al. (2012) surveyed the charter vessel and headboat fleets in the Gulf. For charter vessels, they found that most trips occurred in Gulf federal waters (68%), and targeted rig-reef species (64%; snappers and groupers). Pelagic (mackerel and cobia) trips accounted for 19% of trips. If examined by state, more trips targeted rig-reef species with the exception of Louisiana where rig-reef species and pelagic species had almost the same proportion of trips. In a similar survey conducted in 1998, Holland et al. (1999) found species targeted by Florida charter vessel operators were king mackerel (41%), grouper (~37%), snapper (~34%), cobia (25%), and Spanish mackerel (20%). For the rest of the Gulf and using the same survey, Sutton et al. (1999) reported that the majority of charter vessels targeted snapper (91%), king mackerel (89%), cobia (76%), and tuna (55%).

For headboats, Savolainen et al. (2012) found most headboats target offshore species and fish in federal waters (81% of trips), largely due to vessel size and consumer demand. On average, 84% of trips targeted rig-reef species, while only 10% targeted inshore species and 6% pelagic species. Holland et al. (1999) reported approximately 40% of headboats did not target any

particular species. The species targeted by the largest proportion of Gulf coast Florida headboats were snapper (60%), grouper (60%) and sharks (20%), with species receiving the largest percentage of effort being red grouper (46%), gag (33%), black grouper (20%), and red snapper (7%). For the other Gulf states, Sutton et al. (1999) reported that the majority of headboats targeted snapper (100%), king mackerel (85%), shark (65%), tuna (55%), and amberjack (50%). The species receiving the largest percentage of total effort by headboats in the four-state area were snapper (70%), king mackerel (12%), amberjack (5%), and shark (5%).

3.2 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.⁹ In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

⁹ NODC 2012: <http://accession.nodc.noaa.gov/0072888>

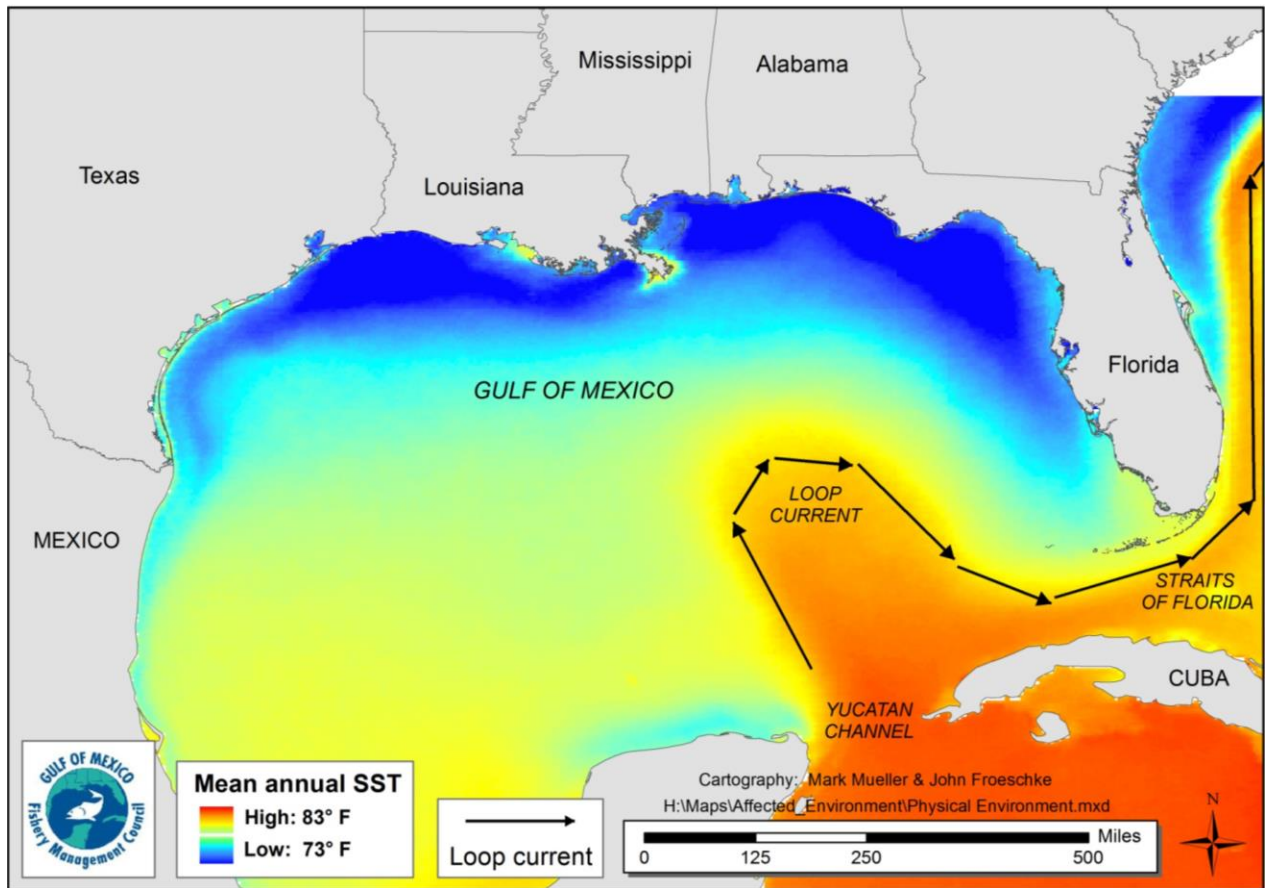


Figure 3.2.1. Physical environment of the Gulf including major feature names and mean annual sea surface temperature as derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://accession.nodc.noaa.gov/0072888>).

The physical environment for Gulf reef fish, including red snapper, is also detailed in the Generic Essential Fish Habitat (EFH) Amendment, the Generic ACL/AM Amendment, and Reef Fish Amendment 40 (GMFMC 2004; GMFMC 2011b; GMFMC 2014a, respectively) and are incorporated by reference and further summarized below. In general, reef fish are widely distributed in the Gulf, occupying both pelagic and benthic habitats during their life cycle. A planktonic larval stage lives in the water column and feeds on zooplankton and phytoplankton (GMFMC 2004). 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. However, several species are found over sand and soft-bottom substrates. For example, juvenile red snapper are common on mud bottoms in the northern Gulf, particularly off Texas through Alabama. Also, some juvenile snapper (e.g., mutton, gray, red, dog, lane, and yellowtail snappers) and grouper (e.g., goliath grouper, red, gag, and yellowfin groupers) have been documented in inshore seagrass beds, mangrove estuaries, lagoons, and larger bay systems.

In the Gulf, fish habitat for adult red snapper consists of submarine gullies and depressions, coral reefs, rock outcroppings, gravel bottoms, oilrigs, and other artificial structures (GMFMC 2004); eggs and larvae are pelagic; and juveniles are found associated with bottom inter-shelf habitat (Szedlmayer and Conti 1998) and prefer shell habitat over sand (Szedlmayer and Howe 1997). Adult red snapper are closely associated with artificial structures in the northern Gulf (Szedlmayer and Shipp 1994; Shipp and Bortone 2009) and larger individuals have been found to use artificial habitats, but move further from the structure as they increase in size and based on the time of day (Topping and Szedlmayer 2011). Detailed information pertaining to the closures and preserves is provided in the February 2010 Regulatory Amendment (GMFMC 2010) and is incorporated here by reference.

There are environmental sites of special interest that are discussed in the Generic EFH Amendment (GMFMC 2004) that are relevant to red 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 2004).

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 have been scientifically excavated by archaeologists for the benefit of generations to come. Further information can be found at: <http://www.boem.gov/Environmental-Stewardship/Archaeology/Shipwrecks.aspx>.

3.3 Biological Environment

The biological environment of the Gulf, including that of red snapper, is described in detail in the final environmental impact statement for the Generic EFH Amendment (GMFMC 2004) and is incorporated here by reference.

Red Snapper Life History and Biology

Red snapper demonstrate the typical reef fish life history pattern. Eggs and larvae are pelagic while juveniles are found associated with bottom features or over mud bottom and oyster shell reef. Spawning occurs over firm sand bottom with little relief away from reefs during the summer and fall. Adult females mature as early as 2 years and most are mature by 4 years (Schirripa and Legault 1999). Red snapper have been aged up to 57 years. Until 2013, most red snapper caught by the directed fishery were 2 to 4 years old (Wilson and Nieland 2001), but the SEDAR 31 benchmark stock assessment suggested that the age and size of red snapper in the directed fishery has increased (SEDAR 31 2013). A more complete description of red snapper life history can be found in the Generic EFH Amendment (GMFMC 2004).

Status of the Red Snapper Stock

The first stock assessment conducted by NMFS in 1986 suggested that the red snapper stock was in decline (Parrack and McLellan 1986) and since 1988 (Goodyear 1988) the stock biomass had been found to be below threshold levels. With approval of Amendment 44 in 2017, the calculation for estimating the red snapper MSST was changed. NMFS expects that the Gulf red snapper stock will be reclassified as not overfished but rebuilding (GMFMC 2017).

SEDAR 31 Benchmark Stock Assessment

The most recent benchmark red snapper stock assessment was completed in 2013 (SEDAR 31 2013), and was updated in 2015 (see below). In the SEDAR 31 benchmark stock assessment, the primary assessment model selected for the Gulf red snapper stock evaluation assessment was Stock Synthesis (Methot 2010). Stock Synthesis is an integrated statistical catch-at-age model which is widely used for stock assessments in the U.S. and throughout the world. Commercial landings data included commercial handline and longline landings from the accumulated landings system from 1964 through 2011. For landings between 1880 and 1963, previously constructed historical landings were used. Recreational landings data included the MRIP/Marine Recreational Fishery Statistics Survey (MRFSS) from 1981-2011,¹⁰ Southeast Region Headboat Survey (SRHS) for 1981-2011, and Texas Parks and Wildlife Department survey. For the years 2004-2011, landings were calibrated to MRIP by adjusting the MRFSS data to the sample weighting from the new MRIP design, and also to changes made in the APAIS survey. For earlier years, MRFSS data were calibrated to MRIP estimates using a standardized approach for calculating average weight that accounts for species, region, year, state, mode, wave, and area.

Standardized indices of relative abundance from both fishery-dependent and independent data sources were included in the model. The fishery-dependent indices came from the commercial handline and longline fleet, and recreational private angling/federal for-hire components. Fishery-independent indices came from the Southeast Area Monitoring and Assessment Program (SEAMAP) bottom trawl survey, SEAMAP reef fish video survey, NMFS bottom longline survey, and the SEAMAP plankton survey.

Red snapper discards in the Gulf were calculated from data collected by the self-reported commercial logbook data and the NMFS Gulf reef fish observer program. In addition to these directed fisheries discards, estimates of red snapper bycatch from the commercial shrimp fleet were also generated.

The results of the SEDAR 31 assessment, including an assessment addendum that was prepared after a review of the SEDAR Assessment Panel Report by the SEDAR Review Panel, was presented to the SSC in May 2013. Under the base model, it was estimated that the red snapper stock had been overfished since the 1960s.

The stock status was estimated relative to two possible proxies for F_{MSY} : $F_{SPR26\%}$ (i.e., the fishing mortality rate that would produce an equilibrium spawning potential ratio (SPR) of 26%)

¹⁰ MRIP methodology was implemented in 2013.

and F_{MAX} , which corresponded to $F_{SPR20.4\%}$ (i.e., the fishing mortality rate that would produce an equilibrium SPR 20.4%). The SSC decided that the $F_{SPR26\%}$ proxy, while still somewhat low for species with life history parameters similar to red snapper, was more realistic than the 20.4% SPR associated with F_{MAX} . Furthermore, the $F_{SPR26\%}$ proxy was consistent with the current fishery management plan (FMP) and rebuilding plan for red snapper.

The spawning stock biomass (SSB) was estimated to remain below both the MSST and the spawning stock size associated with maximum sustainable yield ($SSB_{MSY\ proxy}$) using either proxy described above. Therefore, the SSC concluded that the stock remained overfished. With respect to overfishing, the then current fishing mortality rate (geometric mean of 2009-2011) was estimated to be below both F_{MSY} proxies. Therefore, the SSC estimated the stock was not currently experiencing overfishing.

SEDAR 31 Update Assessment

In January 2015, NMFS presented an update of the SEDAR 31 assessment to the SSC (GMFMC 2015c). The methods used were the same as SEDAR 31, except for instances when the assessment team was responding to specific terms of reference from the Council. The SEDAR 31 red snapper base model was used with data updated through 2013. Recreational catch data was adjusted using methods from the September 2014 MRIP Calibration workshop and the rescaled MRIP landings were used. A selectivity block (2011-2013) was applied on all recreational fleets to accommodate recent changes in fishing behavior that indicated a shift in selectivity to older (heavier) fish in recent years. The revised recreational landings were generally 10% to 20% higher than in SEDAR 31, but the revised discards also showed proportionately higher rates than in SEDAR 31. The results of the update assessment indicated that Gulf-wide, the stock biomass estimates are continuing to increase, but remain below the management target of 26% SPR. Stock biomass is continuing to increase in the western Gulf, but in the eastern Gulf, stock biomass estimates have shown a slight downward trend in recent years, which resulted from strong year-classes exiting the stock, as well as recent low recruitment estimates.

The combined east and west stock biomass estimates, while increasing, remains below the MSST, indicating that the stock remained in an overfished condition. However, estimated fishing mortality remained below the maximum fishing mortality threshold, indicating that overfishing is not occurring.

Definition of Overfishing

In January 2012, the Generic ACL/AM Amendment (GMFMC 2011b) became effective. One of the provisions in this amendment was to redefine overfishing. In years when there is a stock assessment, overfishing is defined as the fishing mortality rate exceeding the maximum fishing mortality threshold. In years when there is no stock assessment, overfishing is defined as the catch exceeding the OFL. The SEDAR 31 update assessment indicates that, as of the terminal year of the assessment data, 2013, overfishing was not occurring. In 2014, the recreational sector landings remained below their respective quota (Table 3.1.2.5). Therefore, total landings remained below the OFL in 2014, and overfishing was again not occurring in the red snapper

stock. Note that, because the overfishing threshold is now re-evaluated each year instead of only in years when there is a stock assessment, this status could change on a year-to-year basis.

Change in Minimum Stock Size Threshold (MSST)

The MSST is the SSB level at which a stock is declared overfished and a rebuilding plan must be implemented. MSST for red snapper was previously estimated using the formula $(1-M)*B_{MSY}$, where M is the natural mortality rate and B_{MSY} is the stock biomass level at which the maximum sustainable yield (MSY) can be harvested on a continuing basis. Using this formula, red snapper was considered overfished through 2017. Amendment 44 changed the calculation for the red snapper MSST to be 50% of B_{MSY} , which is the widest buffer between SSB at MSY and MSST allowed under the National Standard 1 guidelines. NMFS expects that the resulting estimate of MSST reclassifies red snapper to not overfished but rebuilding. Therefore, despite the reclassification, the rebuilding plan for the stock remains in place until the stock has recovered to its B_{MSY} (GMFMC 2017).

General Information on Reef Fish Species

The National Ocean Service (NOS) collaborated with NMFS and the Council to develop distributions of reef fish (and other species) in the Gulf (SEA 1998). The NOS obtained fishery-independent data sets for the Gulf, including SEAMAP and state trawl surveys. Data from the Estuarine Living Marine Resources Program contain information on the relative abundance of specific species (highly abundant, abundant, common, rare, not found, and no data) for a series of estuaries, by five life stages (adult, spawning, egg, larvae, and juvenile) and month for five seasonal salinity zones (0-0.5, 0.5-5, 5-15, 15-25, and >25 parts per thousand). NOS staff analyzed these data to determine relative abundance of the mapped species by estuary, salinity zone, and month. For some species not in the Estuarine Living Marine Resources Program database, distribution was classified as only observed or not observed for adult, juvenile, and spawning stages.

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 FMP currently encompasses 31 species (Table 3.3.1). Eleven other species were removed from the FMP in 2012 through the Generic ACL/AM Amendment (GMFMC 2011b). The NMFS Office of Sustainable Fisheries updates its Status of U.S. Fisheries Report to Congress on a quarterly basis using the most current stock assessment information.¹¹ The status of both assessed and unassessed stocks as of the third quarter Status of U.S. Fisheries Report is provided in Table 3.3.1. Stock assessments and stock assessment reviews have been conducted

¹¹ http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/

for 20 species, of which 12 stocks have designated status determinations (Table 3.3.2). Based on the third quarter report, three of these stocks are classified as overfished (red snapper, greater amberjack, and gray triggerfish), and one is undergoing overfishing (greater amberjack). All three stocks are under rebuilding plans. With approval of Amendment 44 (GMFMC 2017), NMFS expects that the Gulf red snapper and gray triggerfish stocks will be reclassified as not overfished but rebuilding, while greater amberjack remains overfished and undergoing overfishing. Additional information can be found on the Council¹² and SEDAR¹³ websites.

Table 3.3.1. Species of the Reef Fish FMP grouped by family, their stock status, and most recent stock assessment.

Common Name	Scientific Name	Stock Status	Most Recent Stock Assessment ⁺
Family Balistidae – Triggerfishes			
Gray Triggerfish	<i>Balistes capriscus</i>	Overfished, no overfishing	SEDAR 43 2015
Family Carangidae – Jacks			
Greater Amberjack	<i>Seriola dumerili</i>	Overfished, and overfishing	SEDAR 33 Update 2016a
Lesser Amberjack	<i>Seriola fasciata</i>	Unknown	SEDAR 49 2016
Almaco Jack	<i>Seriola rivoliana</i>	Unknown	SEDAR 49 2016
Banded Rudderfish	<i>Seriola zonata</i>	Unknown	
Family Labridae - Wrasses			
*Hogfish	<i>Lachnolaimus maximus</i>	Not overfished, no overfishing	SEDAR 37 2014
Family Malacanthidae - Tilefishes			
Tilefish (Golden)	<i>Lopholatilus chamaeleonticeps</i>	Not overfished, no overfishing	SEDAR 22 2011a
Blueline Tilefish	<i>Caulolatilus microps</i>	Unknown	
Goldface Tilefish	<i>Caulolatilus chrysops</i>	Unknown	
Family Serranidae - Groupers			
Gag	<i>Mycteroperca microlepis</i>	Not overfished, no overfishing	SEDAR 33 Update 2016b
Red Grouper	<i>Epinephelus morio</i>	Not overfished, no overfishing	SEDAR 42 2015
Scamp	<i>Mycteroperca phenax</i>	Unknown	
Black Grouper	<i>Mycteroperca bonaci</i>	Not overfished, no overfishing	SEDAR 19 2010
Yellowedge Grouper	‡ <i>Hyporthodus flavolimbatus</i>	Not overfished, no overfishing	SEDAR 22 2011b
Snowy Grouper	‡ <i>Hyporthodus niveatus</i>	Unknown	SEDAR 49 2016
Speckled Hind	<i>Epinephelus drummondhayi</i>	Unknown	SEDAR 49 2016
Yellowmouth Grouper	<i>Mycteroperca interstitialis</i>	Unknown	SEDAR 49 2016
Yellowfin Grouper	<i>Mycteroperca venenosa</i>	Unknown	
Warsaw Grouper	‡ <i>Hyporthodus nigritus</i>	Unknown	
†Atlantic Goliath Grouper	<i>Epinephelus itajara</i>	Unknown	SEDAR 23 2011
Family Lutjanidae - Snappers			
Queen Snapper	<i>Etelis oculatus</i>	Unknown	

¹² www.gulfcouncil.org

¹³ www.sefsc.noaa.gov/sedar

Mutton Snapper	<i>Lutjanus analis</i>	Not overfished, no overfishing	SEDAR 15A Update 2015
Blackfin Snapper	<i>Lutjanus buccanella</i>	Unknown	
Red Snapper	<i>Lutjanus campechanus</i>	Overfished, no overfishing	SEDAR 31 Update 2014
Cubera Snapper	<i>Lutjanus cyanopterus</i>	Unknown, no overfishing	
Gray Snapper	<i>Lutjanus griseus</i>	Unknown, no overfishing	
Lane Snapper	<i>Lutjanus synagris</i>	Unknown, no overfishing	SEDAR 49 2016
Silk Snapper	<i>Lutjanus vivanus</i>	Unknown	
Yellowtail Snapper	<i>Ocyurus chrysurus</i>	Not overfished, no overfishing	SEDAR 3 2003; O'Hop et al. 2012
Vermilion Snapper	<i>Rhomboplites aurorubens</i>	Not overfished, no overfishing	SEDAR 45 2016
Wenchman	<i>Pristipomoides aquilonaris</i>	Unknown	SEDAR 49 2016

Notes: †Copies of the stock assessment final reports can be found at the Southeast Data, Assessment, and Review (SEDAR) web site (<http://sedarweb.org/>).

* The East Florida/Florida Keys hogfish stock is considered overfished and undergoing overfishing.

‡ In 2013 the genus for yellowedge grouper, snowy grouper, and warsaw grouper was changed by the American Fisheries Society from *Epinephelus* to *Hyporthodus* (American Fisheries Society 2013).

† Atlantic goliath grouper is a protected grouper and benchmarks do not reflect appropriate stock dynamics. In 2013 the common name was changed from goliath grouper to Atlantic goliath grouper by the American Fisheries Society to differentiate from the Pacific goliath grouper, a newly named species (American Fisheries Society 2013).

Table 3.3.2. Reef fish stock that have assessments and accepted status determinations.

Stock	Stock Status		Most Recent SSC Determination	Most Recent Stock Assessment
	Overfishing	Overfished		
black grouper	N	N	Mar 2010	SEDAR 19 2010
yellowedge grouper	N	N	May 2011	SEDAR 22 2011b
tilefish (golden)	N	N	May 2011	SEDAR 22 2011a
yellowtail snapper	N	N	Oct 2012	SEDAR 27A 2012
red snapper	N	N	Jan 2015	SEDAR 31 Update 2015
hogfish	N	N	Oct 2014	SEDAR 37 2013
mutton snapper	N	N	May 2015	SEDAR 15A Update 2015
gray triggerfish	N	Y	Jan 2016	SEDAR 43 2015
red grouper	N	N	Jan 2016	SEDAR 42 2015
vermilion snapper	N	N	Jun 2016	SEDAR 45 2016
gag	N	N	Jan 2017	SEDAR 33 Update 2016b
greater amberjack	Y	Y	Mar 2017	SEDAR 33 Update 2016a

A stock assessment was conducted for Atlantic goliath grouper (Table 3.3.3). The SSC accepted the assessment's general findings that the stock was not overfished nor experiencing overfishing. However, the Atlantic goliath grouper assessment was not deemed suitable for stock status and management advice. Thus, there is no assessment-based status determination.

Table 3.3.3. Reef fish stock deemed unsuitable by the SSC for stock status and management advice.

Stock	Stock Status		Most Recent SSC Determination	Most Recent Stock Assessment
	Overfishing	Overfished		
Atlantic goliath grouper	N	unknown	Sep 2016	SEDAR 47 2016

Note: OFL and ABC for the above stock was assigned based on tier 3a of the ABC control rule.

For SEDAR 49 (2016), a data limited method was attempted for seven reef fish stocks listed in Table 3.3.4. This method allows the setting of OFL and ABC based on limited data and life history information, but does not provide assessment-based status determinations. Data were requested for the following stocks, but it was determined not enough information was available to complete an assessment, even using the Data Limited Methods Toolkit. These stocks are not experiencing overfishing based on annual harvest remaining below the OFL, but no overfished status determination has been made (Table 3.3.4).

Table 3.3.4. Reef fish stocks for which data limited assessments were attempted, but without stock status determinations.

Stock	Stock Status		Most Recent SSC Determination	Most Recent SSC Workshop
	Overfishing	Overfished		
lane snapper	N	unknown	Mar 2017	SEDAR 49 2016
wenchman	N	unknown	Mar 2017	SEDAR 49 2016
almaco jack	N	unknown	Mar 2017	SEDAR 49 2016
lesser amberjack	N	unknown	Mar 2017	SEDAR 49 2016
speckled hind	N	unknown	Mar 2017	SEDAR 49 2016
snowy grouper	N	unknown	Mar 2017	SEDAR 49 2016
yellowmouth grouper	N	unknown	Mar 2017	SEDAR 49 2016

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 of the reef fish fishery have been provided in several reef fish amendments and focused to some degree on the component of the fishery affected by the actions covered in the amendment. The bycatch related to this action may impact red snapper, other reef fish species, protected resources, and birds. However, these impacts are not expected to change from status quo.

Protected Species

The Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) provide special protections to some species that occur in the Gulf, and more information is available on the NMFS Office of Protected Resources website.¹⁴ All 22 marine mammals in the Gulf are protected under the MMPA (Waring et al. 2016). Two marine mammals (sperm whales and manatees) are also protected under the ESA. Other species protected under the ESA include five sea turtle species (Kemp's ridley, loggerhead, green, leatherback, and hawksbill), two fish species (Gulf sturgeon and smalltooth sawfish), and seven coral species (elkhorn, staghorn, pillar, rough cactus coral, lobed star, mountainous star, and boulder star). Critical habitat designated under the ESA for smalltooth sawfish, Gulf sturgeon, and the Northwest Atlantic Ocean distinct population segment (DPS) of loggerhead sea turtles also occur in the Gulf, though only loggerhead critical habitat occurs in federal waters.

The following sections provide a brief overview of the marine mammals, sea turtles, and fish that may be present in or near areas where Gulf reef fish fishing occurs and their general life history characteristics. Because none of the listed corals or designated critical habitats in the Gulf are likely to be adversely affected by the Gulf reef fish fishery, they are not discussed further.

Marine Mammals

The 22 species of marine mammals in the Gulf include 1 sirenian species (a manatee), which is under U.S. Fish and Wildlife Service's jurisdiction, and 21 cetacean species (dolphins and whales), all under NMFS' jurisdiction. Manatees primarily inhabit rivers, bays, canals, estuaries, and coastal waters rich in seagrass and other vegetation off Florida, but can occasionally be found in seagrass habitats as far west as Texas. Although most of the cetacean species reside in the oceanic habitat (greater than or equal to 200 m), the Atlantic spotted dolphin is found in waters over the continental shelf (20-200 m), and the common bottlenose dolphin (hereafter referred to as bottlenose dolphins) is found throughout the Gulf, including within bays, sounds, and estuaries; coastal waters over the continental shelf; and in deeper oceanic waters.

Sperm whales are one of the cetacean species found in offshore waters of the Gulf (greater than 200 m) and are listed endangered under the ESA. Sperm whales are the largest toothed whales and are found year-round in the northern Gulf along the continental slope and in oceanic waters (Waring et al. 2016). There are several areas between Mississippi Canyon and De Soto Canyon where sperm whales congregate at high densities, likely because of localized, highly productive habitats (Biggs et al. 2005; Jochens et al. 2008).

Gulf Bryde's whales are the only resident baleen whales in the Gulf and are currently being evaluated to determine if listing under the ESA is warranted. Sightings of Bryde's whales in the Gulf have been consistently located in the DeSoto Canyon area in all seasons, along the continental shelf break between 100 m and 400 m depth (Mullin and Hoggard 2000; Maze-Foley and Mullin 2006; Mullin 2007; DWH MMIQT 2015). Consequently, LaBrecque et al. (2015) designated this area, home to the small resident population of Bryde's whales in the northeastern

¹⁴ <http://www.nmfs.noaa.gov/pr/laws/>

Gulf, as a Biologically Important Area. On September 18, 2014, NMFS received a revised petition from the Natural Resource Defense Council to list the Gulf Bryde's whale as an endangered DPS. On April 6, 2015, NMFS found the petitioned action may be warranted and convened a Status Review Team to prepare a status review report. On December 8, 2016, NMFS published a proposed rule to list the Gulf Bryde's whale as endangered (81 FR 88639).

Bottlenose dolphins in the Gulf are separated into and managed as demographically independent populations called stocks. Bottlenose dolphins are currently managed by NMFS as 36 distinct stocks within the Gulf. These include 31 bay, sound, and estuary stocks; 3 coastal stocks; 1 continental shelf stock; and 1 oceanic stock (Waring et al. 2016). It is assumed that the dolphins occupying habitats with dissimilar climatic, coastal, and oceanographic characteristics might be restricted in their movements, and thus constitute separate stocks (Waring et al. 2016). The Eastern Coastal Stock ranges from 84°W to Key West, FL, the Northern Coastal Stock ranges from 84°W to the Mississippi River Delta, and the Western Coastal stock ranges from the Mississippi River Delta to the Texas/Mexico border (Waring et al. 2016). The Continental Shelf stock inhabits waters from 20 to 200 m deep in the northern Gulf from the U.S. - Mexican border to the Florida Keys (Waring et al. 2016). Marine Mammal Stock Assessment Reports and additional information on these stocks in the Gulf are available on the NMFS Office of Protected Species website.¹⁵

Bottlenose dolphin adults range from 6 to 9 feet (1.8 to 2.8 m) long and weigh typically between 300 to 600 lbs (136 to 272 kg). Females and males reach sexual maturity between ages 5 to 13 and 9 to 14, respectively. Once mature, females give birth once every 3 to 6 years. Maximum known lifespan is estimated to be 40-45 years for males and greater than 60 years for females (Reynolds 2000).

The MMPA requires that each commercial fishery be classified into one of three categories based on the level of incidental mortality or serious injury of marine mammals. NMFS's List of Fisheries classifies U.S. commercial fisheries categories based on the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals relative to a stock's Potential Biological Removal level (i.e., sustainable levels of human-caused mortality). More information about the List of Fisheries and the classification process can be found online.¹⁶

NMFS classifies reef fish bottom longline/hook-and-line gear in the MMPA 2016 List of Fisheries as a Category III fishery (81 FR 20550). This classification indicates the fishery has a remote likelihood of or no known incidental mortality or serious injury of marine mammals. There have been three observed takes of bottlenose dolphins from this fishery, all belonging to the continental shelf stock.

¹⁵ <http://www.nmfs.noaa.gov/pr/sars/species.htm>

¹⁶ <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>

Sea turtles

Green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles are all highly migratory and travel widely throughout the Gulf. Several volumes exist that cover the biology and ecology of these species (Lutz and Musick 1997; Lutz et al. 2003; Wyneken et al. 2013).

Green On April 6, 2016, the original listing was replaced with the listing of 11 DPSs (81 FR 20057). The North and South Atlantic, which encompass Gulf populations, were listed as threatened.

Turtle hatchlings are thought to occupy pelagic areas of the open ocean and are often associated with *Sargassum* rafts (Carr 1987; Walker 1994). At approximately 20 to 25 cm carapace length, juveniles migrate from pelagic habitats to benthic foraging areas (Bjorndal 1997). As juveniles move into benthic foraging areas a diet shift towards herbivory occurs. They consume primarily seagrasses and algae, but are also known to consume jellyfish, salps, and sponges (Bjorndal 1980, 1997; Paredes 1969; Mortimer 1981, 1982). The diving abilities of all sea turtles species vary by their life stages. The maximum diving depth of green sea turtles is estimated at 110 m (360 ft) (Frick 1976), but they are most frequently making dives of less than 20 m (65 ft) (Walker 1994). The time of these dives also varies by life stage. The maximum dive length is estimated at 66 minutes with most dives lasting from 9 to 23 minutes (Walker 1994).

The **hawksbill's** pelagic stage lasts from the time they leave the nesting beach as hatchlings until they are approximately 22-25 cm in straight carapace length (Meylan 1988; Meylan and Donnelly 1999). The pelagic stage is followed by residency in developmental habitats (foraging areas where juveniles reside and grow) in coastal waters. Little is known about the diet of pelagic stage hawksbills. Adult foraging typically occurs over coral reefs, although other hard-bottom communities and mangrove-fringed areas are occupied occasionally. Hawksbills show fidelity to their foraging areas over several years (van Dam and Diéz 1998). The hawksbill's diet is highly specialized and consists primarily of sponges (Meylan 1988). Gravid females have been noted ingesting coralline substrate (Meylan 1984) and calcareous algae (Anderes Alvarez and Uchida 1994), which are believed to be possible sources of calcium to aid in eggshell production. The maximum diving depths of these animals are not known, but the maximum length of dives is estimated at 73.5 minutes. More routinely, dives last about 56 minutes (Hughes 1974).

Kemp's ridley hatchlings are also pelagic during the early stages of life and feed in surface waters (Carr 1987; Ogren 1989). After the juveniles reach approximately 20 cm carapace length they move to relatively shallow (less than 50 m) benthic foraging habitat over unconsolidated substrates (Márquez-M. 1994). They have also been observed transiting long distances between foraging habitats (Ogren 1989). Kemp's ridley sea turtles feeding in these nearshore areas primarily prey on crabs, though they are also known to ingest mollusks, fish, marine vegetation, and shrimp (Shaver 1991). The fish and shrimp Kemp's ridley sea turtles ingest are not thought to be a primary prey item but instead may be scavenged opportunistically from bycatch discards or discarded bait (Shaver 1991). Given their predilection for shallower water, Kemp's ridley sea turtles most routinely make dives of 50 m or less (Soma 1985; Byles 1988). Their maximum diving range is unknown. Depending on the life stage a Kemp's ridley sea turtle may be able to

stay submerged anywhere from 167 minutes to 300 minutes, though dives of 12.7 minutes to 16.7 minutes are much more common (Soma 1985; Mendonca and Pritchard 1986; Byles 1988). Kemp's ridley sea turtles may also spend as much as 96% of their time underwater (Soma 1985; Byles 1988).

Leatherbacks are the most pelagic of all ESA-listed sea turtles and spend most of their time in the open ocean. Although they will enter coastal waters and are seen over the continental shelf on a seasonal basis to feed in areas where jellyfish are concentrated. Leatherbacks feed primarily on cnidarians (medusae, siphonophores) and tunicates. Unlike other sea turtles, leatherbacks' diets do not shift during their life cycles. Because leatherbacks' ability to capture and eat jellyfish is not constrained by size or age, they continue to feed on these species regardless of life stage (Bjorndal 1997). Leatherbacks are the deepest diving of all sea turtles. It is estimated that this species can dive in excess of 1,000 m (Eckert et al. 1989) but more frequently dive to depths of 50 m to 84 m (Eckert et al. 1986). Dive times range from a maximum of 37 minutes to more routines dives of 4 to 14.5 minutes (Standora et al. 1984; Eckert et al. 1986; Eckert et al. 1989; Keinath and Musick 1993). Leatherbacks may spend 74% to 91% of their time submerged (Standora et al. 1984).

Loggerhead In 2011, NMFS and U.S. Fish and Wildlife Service published a Final Rule which designated 9 DPSs for loggerhead sea turtles (76 FR 58868, September 22, 2011, and effective October 24, 2011). This rule listed the Northwest Atlantic Ocean DPS, the only one that occurs within the action area, as threatened.

Hatchlings forage in the open ocean and are often associated with *Sargassum* rafts (Hughes 1974; Carr 1987; Walker 1994; Bolten and Balazs 1995). The pelagic stage of these sea turtles are known to eat a wide range of things including salps, jellyfish, amphipods, crabs, syngnathid fish, squid, and pelagic snails (Brongersma 1972). Stranding records indicate that when pelagic immature loggerheads reach 40-60 cm straight-line carapace length, they begin to live in coastal inshore and nearshore waters of the continental shelf throughout the U.S. Atlantic (Witzell 2002). Here they forage over hard and soft-bottom habitats (Carr 1986). Benthic foraging loggerheads eat a variety of invertebrates with crabs and mollusks being an important prey source (Burke et al. 1993). Estimates of the maximum diving depths of loggerheads range from 211 m to 233 m (692-764 ft.) (Thayer et al. 1984; Limpus and Nichols 1988). The lengths of loggerhead dives are frequently between 17 and 30 minutes (Thayer et al. 1984, Limpus and Nichols 1988; Limpus and Nichols 1994; Lanyon et al. 1989) and they may spend anywhere from 80 to 94% of their time submerged (Limpus and Nichols 1994; Lanyon et al. 1989).

All of the above sea turtles are adversely affected by the Gulf reef fish fishery. Incidental captures are infrequent, but occur in all commercial and recreational hook-and-line and longline components of the reef fish fishery. Observer data indicate that the bottom longline component of the fishery interacts solely with loggerhead sea turtles. Captured loggerhead sea turtles can be released alive or can be found dead upon retrieval of bottom longline gear as a result of forced submergence. Sea turtles caught during other reef fish fishing with other gears are believed to all be released alive due to shorter gear soak times. All sea turtles released alive may later succumb to injuries sustained at the time of capture or from exacerbated trauma from fishing hooks or lines that were ingested, entangled, or otherwise still attached when they were released. Sea

turtle release gear and handling protocols are required in the commercial and for-hire reef fish fisheries to minimize post-release mortality.

NMFS has conducted specific analyses (“Section 7 consultations”) evaluating potential effects from the Gulf reef fish fishery on sea turtles (as well as on other ESA-listed species and critical habitat) as required by the ESA. On September 30, 2011, SERO completed a biological opinion, which concluded that the continued authorization of the Gulf reef fish fishery is not likely to jeopardize the continued existence of any sea turtles (loggerhead, Kemp’s ridley, green, hawksbill, and leatherback) (NMFS 2011). An incidental take statement was issued specifying the amount and extent of anticipated take, along with reasonable and prudent measures and associated terms and conditions deemed necessary and appropriate to minimize the impact of these takes. On September 29, 2016, NMFS reinitiated consultation on the continued authorization of the Gulf reef fish fishery because new species (Nassau grouper and green sea turtle North Atlantic and South Atlantic DPSs) have been listed under the ESA that may be affected by the fishery.

Fish

Gulf sturgeon are anadromous fish, inhabiting coastal rivers from Louisiana to Florida during the warmer months, and the Gulf and its estuaries and bays in the cooler months. Sturgeon are primitive fish characterized by bony plates, or scutes, and a hard, extended snout; they have a heterocercal caudal fin--their tail is distinctly asymmetrical with the upper lobe longer than the lower. Adults range from 4-8 ft (1-2.5 m) in length; females attain larger sizes than males. They can live for up to 60 years, but average about 20-25 years. Gulf sturgeon are bottom feeders, and eat primarily macroinvertebrates, including brachiopods, mollusks, worms, and crustaceans. All foraging occurs in brackish or marine waters of the Gulf and its estuaries; sturgeon do not forage in riverine habitat. Gulf sturgeon migrate into rivers to spawn in the spring; spawning occurs in areas of clean substrate comprised of rock and rubble. Their eggs are sticky, sink to the bottom, and adhere in clumps to snags, outcroppings, or other clean surfaces.

On September 30, 1991, the Gulf sturgeon was listed as a threatened species under the ESA (56 FR 49653). In 1995, a recovery/management plan was published for the Gulf sturgeon. In addition, all U.S. fisheries for the Gulf sturgeon have been closed. NMFS completed a 5-year review of Gulf sturgeon in September 2009.¹⁷

Smalltooth sawfish historically ranged in the U.S. from New York to the Mexico border. Their current range is poorly understood but believed to have contracted from these historical areas. Smalltooth sawfish primarily occur in the Gulf off peninsular Florida and are most common off Southwest Florida and the Florida Keys. Historical accounts and recent encounter data suggest that immature individuals are most common in shallow coastal waters less than 25 m (Bigelow and Schroeder 1953; Adams and Wilson 1995), while mature animals occur in waters in excess of 100 m (Simpfendorfer and Wiley 2005). Smalltooth sawfish feed primarily on fish. Mullet, jacks, and ladyfish are believed to be their primary food resources (Simpfendorfer 2001).

¹⁷ Information on Gulf sturgeon is from <http://www.fisheries.noaa.gov/pr/species/fish/gulf-sturgeon.html>

Smalltooth sawfish also prey on crustaceans (mostly shrimp and crabs) by disturbing bottom sediment with their saw (Norman and Fraser 1938; Bigelow and Schroeder 1953).

Smalltooth sawfish are also adversely affected by the Gulf reef fish fishery, but takes are less frequent than those for sea turtles. Although the long, toothed rostrum of the smalltooth sawfish causes this species to be particularly vulnerable to entanglement in fishing gear, incidental captures in the commercial and recreational hook-and-line components of the reef fish fishery are rare events. Only eight smalltooth sawfish are anticipated to be incidentally caught every 3 years in the entire reef fish fishery, and none are expected to result in mortality (NMFS 2011). In the September 30, 2011, biological opinion, NMFS concluded that the continued authorization of the Gulf reef fish fishery is not likely to jeopardize the continued existence of smalltooth sawfish (NMFS 2011). An incidental take statement was issued specifying the amount and extent of anticipated take, along with reasonable and prudent measures and associated terms and conditions deemed necessary and appropriate to minimize the impact of these takes. Fishermen in this fishery are required to follow smalltooth sawfish safe handling guidelines.

Nassau grouper is a shallow-water grouper species that has supported fisheries throughout the wider Caribbean, South Florida, Bermuda, and the Bahamas (Carter et al. 1994). Like other grouper species, they are slow-growing and long-lived (at least to age 29 years; Bush et al. 1996). Eggs and larvae are pelagic, but transition as juveniles to macroalgal and seagrass habitats. Adults are primarily found on high relief coral reefs and rocky substrates (Sadovy and Eklund 1999). Adults undergo annual migrations to discrete locations where they aggregate in large numbers to spawn (Smith 1972; Olsen and LaPlace 1979; Colin et al. 1987; Fine 1990; Fine 1992; Colin 1992). After spawning, they return to their home reef (Sadovy and Eklund 1999).

Nassau grouper are caught with spear, traps, and hook-and-line (NMFS 2016). Because many of the spawning aggregations were well known, fishermen have fished these aggregations to the point that in U.S. waters, there are no known spawning aggregations. To protect Nassau grouper from this overharvest, the Caribbean, South Atlantic, and Gulf Councils, as well as Florida have prohibited the take and possession of Nassau grouper since 1997 (GMFMC 1997). On June 29, 2016, NMFS published a final rule (81 FR 42268) listing Nassau grouper as threatened under the ESA.

The **Oceanic whitetip shark** is a large open ocean apex predatory shark found in subtropical waters around the globe. In the Western Atlantic, oceanic whitetips occur from Maine to Argentina, including the Caribbean and Gulf. It is a tropical, epipelagic species usually found offshore in the open ocean, on the outer continental shelf, or around oceanic islands in deep water, occurring from the surface to at least 152 m depth.

This species has a clear preference for open ocean waters between 10°N and 10°S, but can be found in decreasing numbers out to latitudes of 30°N and 35°S, with abundance decreasing with greater proximity to continental shelves (Backus et al. 1956; Strasburg 1958; Compagno 1984; Bonfil et al. 2008). Oceanic whitetip sharks are top level predators in open ocean ecosystems feeding mainly on teleosts and cephalopods (Bonfil et al. 2008), but studies have also reported that they consume sea birds, marine mammals, other sharks and rays, molluscs, crustaceans, and

even garbage (Compagno 1984; Cortés 1999). Backus et al. (1956) recorded various fish species in the stomachs of oceanic whitetip sharks, including blackfin tuna, barracuda, and white marlin. The available evidence suggests that oceanic whitetip sharks are opportunistic feeders. Oceanic whitetip sharks are one of the more common tropical pelagic species taken as bycatch primarily in tuna and swordfish fisheries using pelagic longlines, purse seines, and probably also with pelagic gillnets, handlines, and occasionally pelagic and even bottom trawls. This species was proposed for listing as threatened (ESA proposed rule issued December 29, 2016; 81 FR 96304).

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.¹⁸ 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. The “dead zone” refers to Gulf waters where 2 parts per million or less of oxygen are measured. For 2015, the extent of the hypoxic area was estimated to be 6,474 square miles and is similar to the running average for the past 5 years of 5,543 square miles (Figure 3.3.1).¹⁹

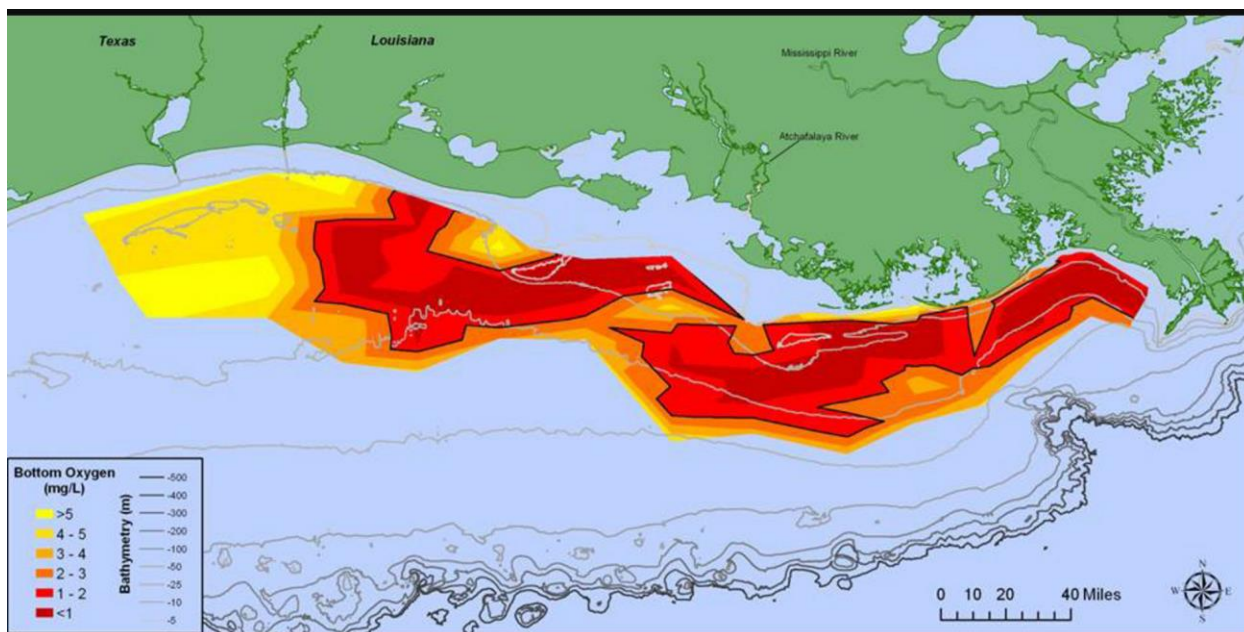


Figure 3.3.1. Map showing distribution of bottom-water dissolved oxygen from July 28 to August 3, west of the Mississippi River delta. Black lined areas – areas in red to deep red – have less than 2 milligrams per liter of dissolved oxygen.

Source: Nancy Rabalais, LUMCON; R. Eugene Turner, LSU. Credit: NOAA;

<http://www.noaanews.noaa.gov/stories2015/080415-gulf-of-mexico-dead-zone-above-average.html>

¹⁸ <http://www.gulfhypoxia.net/>

¹⁹ Ibid.

The hypoxic conditions in the northern Gulf directly impact less mobile benthic macroinvertebrates (e.g., polychaetes) by influencing density, species richness, and community composition (Baustian and Rabalais 2009). However, more mobile macroinvertebrates and demersal fishes 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 (Craig 2012).

Climate Change

Climate change projections show increases in sea surface temperature and sea level; decreases in sea ice cover; and changes in salinity, wave climate, and ocean circulation (Intergovernmental Panel on Climate Change²⁰). These changes are likely to affect plankton biomass and fish larvae abundance that could adversely impact fish, marine mammals, seabirds, and ocean biodiversity. Kennedy et al. (2002) and Osgood (2008) have suggested global climate change could bring about temperature changes in coastal and marine ecosystems that, in turn, can influence organism metabolism; alter ecological processes, such as productivity and species interactions; change precipitation patterns and cause a rise in sea level that could change the water balance of coastal ecosystems; alter 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. National Oceanic and Atmospheric Administration's (NOAA) Climate Change Web Portal²¹ indicates that the average sea surface temperature in the Gulf will increase by 1.2-1.4°C for 2006-2055 compared to the average over the years 1956-2005. For reef fishes, Burton (2008) speculated that climate change could cause shifts in spawning seasons, changes in migration patterns, and changes to basic life history parameters such as growth rates. The OceanAdapt model²² shows distributional trends both in latitude and depth over the time period 1985-1913. For some species such as the smooth puffer, 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. Finally, for other 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.

²⁰ <http://www.ipcc.ch/>

²¹ <http://www.esrl.noaa.gov/psd/ipcc/ocn/>

²² http://oceanadapt.rutgers.edu/regional_data/

Greenhouse gases

The Intergovernmental Panel on Climate Change²³ has indicated that 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 3.3.5 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 (1.43% and 0.59%, respectively).

Table 3.3.5. Total Gulf greenhouse gas emissions estimates (tons per year) from oil platform and non-oil platform sources, commercial fishing and recreational vessels, and percent greenhouse gas emissions from commercial fishing and recreational vessels of the total emissions.

Emission source	CO ₂	Greenhouse CH ₄	Gas N ₂ O	Total CO _{2e} *
Oil platform	11,882,029	271,355	167	17,632,106
Non-platform	22,703,695	2,029	2,698	23,582,684
Total	34,585,724	273,384	2,865	41,214,790
Commercial fishing	585,204	2	17	590,516
Recreational vessels	244,483	N/A	N/A	244,483
Percent commercial fishing	1.69	>0.01	0.59	1.43
Percent recreational vessels	0.71	NA	NA	0.59

Source: Compiled from Tables 7.9 and 7.10 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.

Deepwater Horizon MC252 Oil Spill Incident

On April 20, 2010, an explosion occurred on the *Deepwater Horizon* semi-submersible oil rig approximately 36 nautical miles (41 statute miles) off the Louisiana coast. Two days later the rig sank. An uncontrolled oil leak from the damaged well continued for 87 days until the well was successfully capped by British Petroleum on July 15, 2010. The *Deepwater Horizon* MC252 oil spill affected at least one-third of the Gulf area from western Louisiana east to the Florida Panhandle and south to the Campeche Bank in Mexico. In response to the spill, NMFS closed waters in the Gulf to fishing, and at its height, closed over 88,000 square miles (Figure 3.3.2).

A final Programmatic Damage Assessment and Restoration Plan (PDARP) and Final Programmatic Environmental Impact Statement, incorporated by reference, were conducted by NOAA and many cooperating agencies to assess the damage caused by the spill (DWH Trustees 2016). Key findings by NOAA with regards to the injury assessment were:

²³ <http://www.ipcc.ch/>

- Oil came into contact with a variety of northern Gulf habitats ranging from the deep-sea floor to coastal and nearshore areas.
- Species affected included deep-sea corals, fish and shellfish, birds, among others.
- The oil was toxic to a wide variety of organisms including fish, invertebrates, plankton, birds, deep-sea corals, sea turtles, and marine mammals.
- Toxic effects included death, disease, reduced growth, impaired reproduction, and physiological impairments that made it more difficult for organisms to survive and reproduce.
- The extent and degree of toxic levels of oil has declined substantially from 2010 to the present.

The PDARP outlines ways fish, including reef fish, were likely adversely affected. Effects include reduced recruitment, changes in trophic structure, changes in community structure, reduced growth, impaired reproduction, and adverse health effects. A more detailed description of these effects can be found in Chapter 4 of the PDARP.²⁴

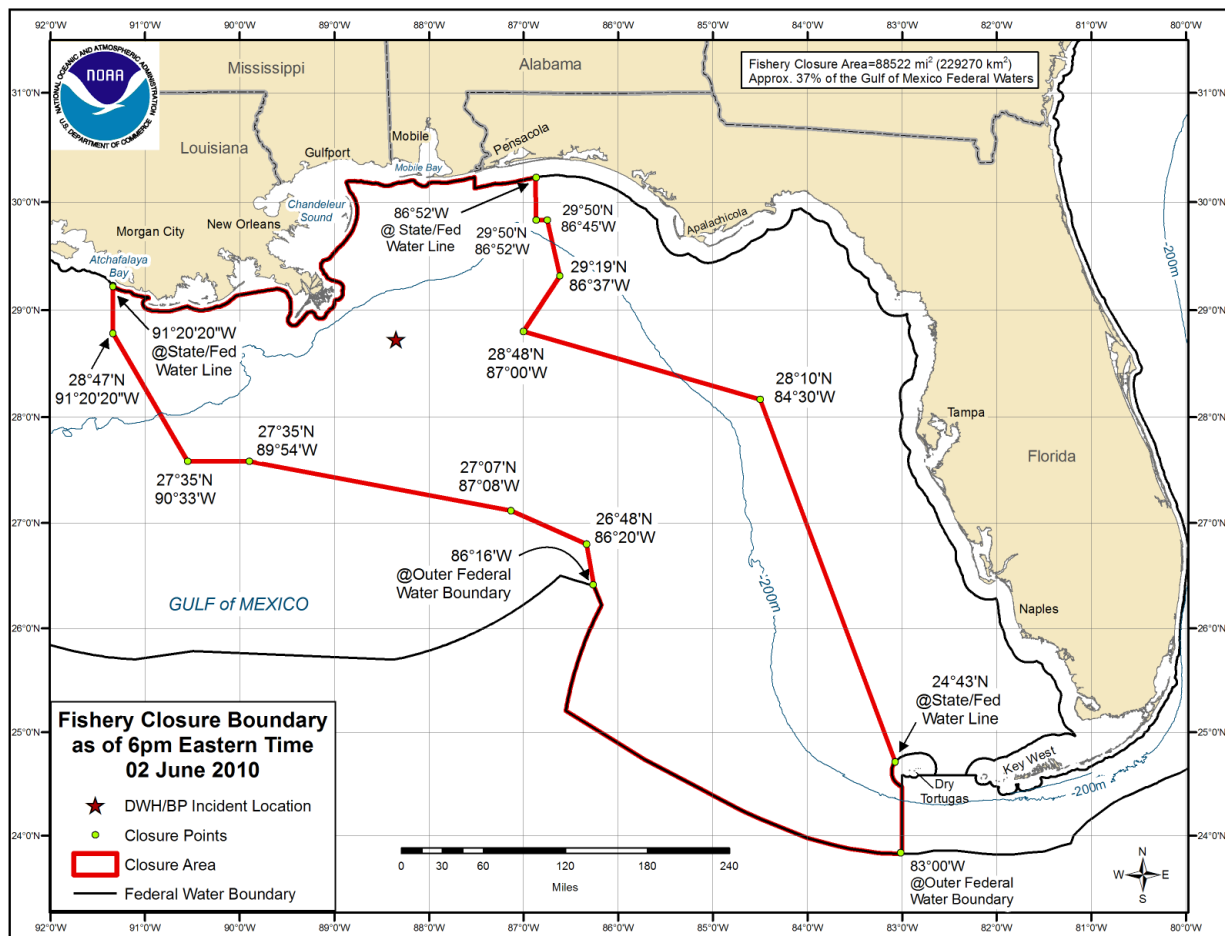


Figure 3.3.2. Fishery closure at the height of the *Deepwater Horizon* MC252 oil spill.

²⁴ <http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>

3.4 Economic Environment

3.4.1 Commercial Sector

A description of the red snapper individual fishing quota program can be found on NMFS' Limited Access Privilege Programs (LAPP) webpage.²⁵ That description is incorporated herein by reference. Additional economic information on the commercial harvest of red snapper in the Gulf is contained in Amendment 28 (GMFMC 2015b). This proposed amendment does not concern the commercial harvest of red snapper or any other reef fish. Therefore, no additional information on the commercial sector is provided.

3.4.2 Recreational Sector

The following section focuses on the economic contribution of the recreational effort and harvest of red snapper. Recreational fishing for red snapper or any Gulf reef fish means fishing or fishing activities which result in the harvest of fish, none of which (or parts thereof) is sold, traded, or bartered (50 CFR 622.2).

In 2014, Amendment 40 divided the recreational sector of harvesting red snapper from federal waters into two parts based on the mode of transportation that anglers use to fish for red snapper in those waters: federal for-hire (vessel) and private (vessel) angling components (GMFMC 2014a). The for-hire component applies to businesses that operate vessels that have been issued a federal Gulf reef fish for-hire permit during any time of the fishing year. These permits may be valid or renewable/transferable; however, the vessel must have a valid permit for any person onboard to fish for or possess Gulf red snapper in federal waters (50 CFR 622.20(b)).

The private angling component applies to vessel operators that have not been issued a federal charter/headboat permit for Gulf reef fish any time during the year. Amendment 40 defined the private angling component as including operators of private vessels and state-permitted for-hire vessels. Although vessels used by these operators may have multiple purposes (commercial, for-hire, and personal), trips involving and landings of red snapper by this component of the recreational sector occur only when the vessels are not operating as a business in federal waters.

Each component has its share of the recreational ACL, which in 2017 is 6,603,094 lbs ww. The federal for-hire component has an ACL of 2,848,000 lbs ww (43.13%) and the private angling component has an ACL of 3,755,094 lbs ww (56.87%). Additional information about the recreational sector of the reef fish fishery can be found in the description of the fishery (Section 3.1.2) and Amendment 45 (GMFMC 2016).

Federal For-Hire Component

An annual average of 1,329 vessels had a valid or renewable/transferable federal charter/headboat permit from 2012 through 2016 (Table 3.1.2.2). The distribution of vessels with the permit by hailing port state changed little from 2012 through 2016 (Table 3.1.2.4). The

²⁵ http://sero.nmfs.noaa.gov/sustainable_fisheries/lapp_dm/index.html

current distribution of permitted vessels is consistent with past years; however there has been a consistent decline in the relative share of permitted vessels that hail out of Mississippi (Tables 3.1.2.4 and 3.1.2.5).

As of October 24, 2017, there were 1,313 for-hire fishing vessels with the permit, and approximately 84% of those vessels have a passenger capacity of six (Table 3.4.2.1). Among the vessels with a homeport in one of the Gulf states, Alabama has the largest average federally permitted for-hire vessel by passenger capacity, while Louisiana has the smallest (Table 2.4.2.2). Although the average Florida vessel is not the largest, Florida's combined permitted vessels represent approximately 61% of the total passenger capacity (Table 3.4.2.2). Approximately 98% of Louisiana's permitted vessels carry up to six passengers (Table 3.4.3).

Table 3.4.2.1. Number and percentage of permitted for-hire fishing vessels by passenger capacity as of October 24, 2017.

Passenger Capacity	Vessels	
	Number	Percentage
6	1,107	84.38%
7 to 10	6	0.46%
11 - 14	14	1.07%
15 - 20	53	4.04%
21 - 25	25	1.91%
26 - 30	11	0.84%
31 - 40	16	1.22%
41 - 50	34	2.59%
51 - 80	22	1.68%
> 80	24	1.83%
Total	1,312	100.00%

Source: NMFS SERO LAPPS, November 21, 2017.

Table 3.4.2.2. Range, average, median, total and percent of total passenger capacity by homeport state of vessels as of October 24, 2017.

Homeport State	Passenger Capacity				
	Range	Average	Median	Total	Percentage of Total
AL	6 - 75	13	6	1,736	11.6%
FL	6 - 150	12	6	9,052	60.6%
LA	6 - 41	6	6	768	5.1%
MS	6 - 44	10	6	354	2.4%
TX	6 - 132	11	6	2,659	17.8%
Other	6 - 149	22	6	376	2.5%
All	6 - 150	11	6	14,945	100.0%

Source: NMFS SERO LAPPS, November 21, 2017.

Table 3.4.2.3. Number of permitted vessels by passenger capacity and homeport state as of October 24, 2017.

Homeport State	Number of Vessels by Passenger Capacity				Percentage of Vessels	
	6	7 - 14	15 and greater	Total	6	15 and greater
AL	100	0	36	136	73.5%	26.5%
FL	642	20	112	774	82.9%	14.5%
LA	117	0	2	119	98.3%	1.7%
MS	26	0	8	34	76.5%	23.5%
TX	209	0	23	232	90.1%	9.9%
Other	13	0	4	17	76.5%	23.5%
All	1,107	20	185	1,312	84.4%	14.1%

Source: NMFS SERO LAPPS, November 21, 2017.

Permit data as of October 25, 2017, were used to estimate both the number of businesses with a charter/headboat permit and the sizes of their individual fleets of permitted for-hire vessels. As of that date, there were 1,308 permitted for-hire fishing vessels²⁶, and an estimated 1,099 businesses own these 1,308 vessels. Approximately 88% (972) of the businesses have only one permitted for-hire vessel (Table 3.4.2.4). Collectively, the other 12% of businesses own 26% (336) of the permitted for-hire vessels. Seven businesses collectively own approximately 4.2% of the permitted vessels.

Table 3.4.2.4. Numbers and percentages of businesses and total permitted for-hire vessels by number of permitted for-hire fishing vessels per business, October 25, 2017.

Permitted Vessels per Business	Number of Business	Total Number of Permitted Vessels	Percentage of Businesses	Percentage of Total Permitted Vessels
1	972	972	88.1%	74.3%
2	87	174	7.9%	13.3%
3	25	75	2.3%	5.7%
4	8	32	0.7%	2.5%
5	4	20	0.4%	1.5%
6 or more	3	35	0.3%	2.7%
All	1,099	1,308	100.0%	100.0%

Source: NMFS SERO, October 26, 2017.

When operating under the for-hire permit, these businesses participate in the charter fishing and party fishing boats industry (North American Industry Classification System [NAICS] code 4872102). The U.S. Census Bureau conducts the Economic Census of the United States every 5

²⁶ The decline from 1,312 to 1,308 federally permitted for-hire vessels in one day is expected to be due to permits being terminated and/or having status as pending and, as pending, permits are not valid or renewable/transferrable. When an application for renewal of an expired permit is submitted but does not include all required documentation, the status of the permit is pending.

years, which surveys businesses with employees. Over the past four economic censuses, there was an average of 323 employee establishments in the charter fishing and party fishing boats industry in the Gulf states (Table 3.4.2.5).

Table 3.4.2.5. Number of employer establishments in NAICS code 4872012 (charter fishing and party fishing boats industry).

State	Number of Establishments				
	1997	2002	2007	2012	Average
Alabama	21	18	22	22	21
Florida	249	237	259	259	251
Louisiana	13	11	12	9	11
Mississippi	9	12	7	11	10
Texas	36	32	27	24	30
Total	328	310	327	325	323

Source: 1997, 2002, 2007, 2012 Economic Census of the United States.

The Economic Census can be used to estimate the average annual receipts for employer establishments in an industry, and the average establishment in the charter fishing and party fishing boats industry in any of the Gulf states had annual receipts less than \$600,000 in 2012 (Table 3.4.2.6). Each establishment does not necessarily represent a unique business; a business may have multiple establishments.

Table 3.4.2.6. Number of establishments, total receipts and average receipts establishments in NAICS code 4872012 in 2012.

State	2012 Establishments	2012 Receipts	
		Total	Average
Alabama	22	\$5,163,000	\$234,682
Florida	259	\$74,785,000	\$288,745
Louisiana	9	\$4,819,000	\$535,444
Mississippi	11	Undisclosed	\$192,143*
Texas	24	\$13,293,000	\$553,875

*Estimate from total receipts for all establishments in NAICS code 487210.

Source: 2012 Economic Census of the United States.

The employee establishments in the charter fishing and party fishing boats industry represent part of the broader scenic and sightseeing water transportation industry (NAICS code 487210), and tend to represent the majority of employer establishments in the broader industry, except in Louisiana where there are more establishments in the excursion and sightseeing boats industry (NAICS code 4872011) (Table 3.4.2.7). Average receipts for establishments in the excursion and sightseeing boats industry tend to be higher than those for establishments in the charter fishing and party fishing boats industry. In Texas, for example, the average receipts for an establishment in the excursion and sightseeing boats industry in 2012 was approximately 59% larger than for an establishment in the charter fishing and party fishing boats industry. It is

expected that there are vessels in the for-hire component that are also used for excursions and sightseeing.

Table 3.4.2.7. Percentage of employer establishments in NAICS code 487210 that are in the charter fishing and party fishing boats industry.

State	Percentage of Establishments in Charter and Party Fishing Boat Industry				
	1997	2002	2007	2012	Average
Alabama	77.8%	72.0%	75.9%	73.3%	74.7%
Florida	69.2%	66.0%	64.1%	58.6%	64.5%
Louisiana	33.3%	36.7%	48.0%	32.1%	37.5%
Mississippi	100.0%	80.0%	87.5%	84.6%	88.0%
Texas	70.6%	58.2%	47.4%	48.0%	56.0%
Total	67.5%	64.0%	62.5%	57.7%	62.9%

Source: 1997, 2002, 2007, 2012 Economic Census of the United States.

The U.S. Census surveys non-employer businesses as well; however, non-employer statistics are not publically available at the relevant 6 or 7-digit NAICS code level. In 2015, there were 1,528 non-employer establishments in the scenic and sightseeing (water and land) transportation industry (NAICS code 487) in the Gulf states, and most (approximately 81%) were individual (or sole) proprietorships (Table 3.4.2.8). Self-employed individuals are included in the individual proprietorship category.

Table 3.4.2.8. Number of establishments by legal form in the scenic and sightseeing transportation industry (NAICS code 487), 2015.

State	C-corporations	S-corporations	Individual proprietorships	Partnerships	Total
Alabama		7	62		71
Florida	20	130	728	69	947
Louisiana		10	151	8	169
Mississippi		5	44	5	54
Texas	6	17	248	16	287
Total	26	169	1,233	98	1,528

Source: Census, 2015 Nonemployer Statistics by Legal Form.

The for-hire fishing industry can be divided by the vessels used: charter vessels and headboats. These vessels vary by passenger capacity and the methods that passengers pay. A charter fishing vessel is typically a vessel that is limited to carry six passengers or fewer and typically is less than 100 gross tons (90.8 mt) and that engages in charter fishing at any time during the calendar year (50 CFR 622.2). A headboat or party boat is a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard (USCG) to carry more than six passengers for hire (50 CFR 622.2).

For the purpose of this and related documents, charter vessels and headboats are differentiated by passenger capacity and the method passengers pay. Specifically, a headboat is defined as a federally permitted for-hire vessel that participates in the SRHS, and a vessel in the SRHS meets all or a combination of the following criteria: 1) is licensed to carry 15 or more passengers, 2) fishes in federal waters or state and adjoining waters for federally managed species, and 3) charges primarily per angler (by the head). A charter vessel is defined as a federally permitted for-hire fishing vessel that does not participate in the SRHS.

There were annual averages of 68 headboats and 1,277 charter vessels from 2012 through 2016 (Table 3.4.2.9). Headboats tend to represent approximately 5% of those federally permitted vessels. See Section 3.5.1 and Figures 3.5.1.2 and 3.5.1.3 for the distribution of charter vessels and headboats by state.

Table 3.4.2.9. Number of headboats and charter vessels, 2012 - 2016.

Year	Federally Permitted Charter/Headboats			Percent Headboat
	Headboats	Charter	Total	
2012	68	1,310	1,378	4.9%
2013	68	1,295	1,363	5.0%
2014	68	1,277	1,345	5.1%
2015	68	1,260	1,328	5.1%
2016	69	1,245	1,314	5.3%
Average	68	1,277	1,346	5.1%

Source: SRHS, SERO LAPPs/Data Management database.

Data from MRIP and the Louisiana and Texas creel surveys are used to generate estimates of effort of the charter vessel component. From 2012 through 2016, charter vessels took an average of 201,348 directed angler trips annually (Table 3.4.2.10). These are trips when red snapper was the primary or secondary target or was caught by anglers. Approximately 60% of the annual directed angler trips by charter vessels are out of west Florida.

Table 3.4.2.10. Estimates of numbers of directed angler trips by for-hire component by state and percentage of total by Alabama and west Florida, 2012 - 2016.

Year	Estimates of Number of Directed Angler Trips					
	AL	West FL	LA	MS	TX	Total
2012	34,459	115,928	11,353	652	29,323	191,715
2013	42,438	110,782	9,077	552	25,652	188,501
2014	29,277	90,991	3,111	292	20,055	143,726
2015	52,417	140,881	8,849	908	32,885	235,940
2016	57,108	146,847	10,317	2,001	30,585	246,858
Average	43,140	121,086	8,541	881	27,700	201,348

Source: NMFS SERO LAPPs, August 28, 2017.

Directed angler trips by charter vessels generate jobs and other economic impacts. For example, the average annual 121,086 directed trips by west Florida charter vessels generate 631 jobs, approximately \$28 million in income, \$77.9 million in sales, and \$43 million in value-added impacts in Florida (Table 3.4.2.11).

Table 3.4.2.10. Estimates of economic impacts of directed angler trips by charter boats and their economic impacts to the state by state.

State	Directed Trips	Jobs	Thousands of Dollars (2015 \$)		
			Income	Sales	Value-added
AL	43,140	221	\$9,208	\$25,828	\$13,486
West FL	121,086	631	\$28,043	\$77,865	\$42,960
LA	8,541	31	\$1,764	\$4,543	\$2,621
MS	881	3	\$136	\$394	\$196

Source: Estimates of economic impacts calculated by NMFS SERO using model developed for NMFS, see http://sero.nmfs.noaa.gov/sustainable_fisheries/lapp_dm/index.html.

There is insufficient information to estimate the economic impacts of the directed trips made by Texas charter vessels to the state of Texas. However, the impacts of the trips by Texas charter vessels are evaluated at the Gulf region level (Table 3.4.2.11).

Table 3.4.2.11. Estimates of economic impacts of directed angler trips by Texas charter vessels to the Gulf region.

State	Directed Trips	Jobs	Thousands of Dollars (2015 \$)		
			Income	Sales	Value-added
Texas	27,700	172	\$8,585	\$24,838	\$13,308

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

Similar analysis of recreational effort is not possible for headboats because headboat trip data are not collected at the individual angler level, but instead at the vessel level, and target intent are not included, only species caught and landed. The length of a headboat trip varies considerably, from 3 to 5.5 hours (half a day) to 10 hours or more; however, the majority of trips are no more than 6 hours and no more than approximately 3% are 10 hours or more (Tables 3.4.2.12 and 3.4.2.13). The USCG requires a vessel that makes a trip over 12 hours long to have two captains and two deckhands, which increases the cost of a trip. Also, if overnight, a headboat will have fewer paying passengers on board to free up space for passengers to have a place to sleep.

Table 3.4.2.12. Number of annual headboat trips by length (hours) of trip, 2012 – 2016.

Year	Number of Vessels	3 – 5.5 Hours	6 Hours	8 to 9.5 Hours	10 or more Hours	Total
2012	68	3,200	4,032	1,219	234	8,685
2013	68	2,902	2,363	3,316	243	8,824
2014	68	3,281	2,260	3,343	275	9,159
2015	68	3,649	2,265	3,499	313	9,726
2016	69	3,757	2,483	3,544	298	10,082
Average	68	3,358	2,681	2,984	273	9,295

Source: NMFS SEFSC.

Table 3.4.2.13. Percentage of annual headboat trips by length of trip, 2012 – 2016.

Year	Percentage of Headboat Trips				
	Half Day	Three-quarter Day	Full Day	More than Full Day	Total
2012	36.8%	46.4%	14.0%	2.7%	100.0%
2013	32.9%	26.8%	37.6%	2.8%	100.0%
2014	35.8%	24.7%	36.5%	3.0%	100.0%
2015	37.5%	23.3%	36.0%	3.2%	100.0%
2016	37.3%	24.6%	35.2%	3.0%	100.0%
Average	36.1%	29.2%	31.8%	2.9%	100.0%

Source: NMFS SEFSC.

Estimates of effort by headboats are provided in terms of angler days, or the number of standardized 12-hour fishing days that account for the different half, three-quarter, full-day and longer fishing trips by these vessels. For purposes of estimating angler days and landings, the SRHS divides the Gulf into several areas.

The distribution of angler days by geographic area is presented in Table 3.4.2.14. On average, from 2012 through 2016, the area from the Dry Tortugas through the Florida Middle Grounds (FLW) accounted for the largest number of angler days, followed in turn by northwest Florida through Alabama, Texas and Mississippi through Louisiana (Tables 3.4.2.14 and 3.4.2.15).

Table 3.4.2.14. Number of angler days by area, 2012 – 2016.

Year	Number of Angler Days				
	FLW	NWFL-AL ¹	MS-LA ²	TX	Total
2012	84,205	77,770	3,680	51,776	217,431
2013	94,752	80,048	3,406	55,749	233,955
2014	102,841	88,524	3,257	51,231	245,853
2015	107,910	86,473	3,587	55,135	253,105
2016	109,101	90,877	2,955	54,083	257,016
Average	99,762	84,738	3,377	53,595	241,472

Source: SERO SRHS.

1. Beginning in 2013, SRHS data was reported separately for NW Florida and Alabama, but has been combined here for consistency with previous years.

2. Combined for confidentiality purposes.

Table 3.4.2.15. Percentages of total angler days by area, 2012 – 2016.

Year	Percentage of Total Angler Days				
	FLW	NWFL-AL ¹	MS-LA ²	TX	Total
2012	38.7%	35.8%	1.7%	23.8%	100.0%
2013	40.5%	34.2%	1.5%	23.8%	100.0%
2014	41.8%	36.0%	1.3%	20.8%	100.0%
2015	42.6%	34.2%	1.4%	21.8%	100.0%
2016	42.4%	35.4%	1.1%	21.0%	100.0%
Average	41.2%	35.1%	1.4%	22.3%	100.0%

Source: SERO SRHS.

1. Beginning in 2013, SRHS data was reported separately for NW Florida and Alabama, but has been combined here for consistency with previous years.

2. Combined for confidentiality purposes.

Fifty-eight of the 69 headboats in 2016 had red snapper landings (SEFSC SRHS). The majority of these headboats with red snapper landings are registered in Florida, with smaller numbers of vessels registered in the other Gulf states (Table 3.4.2.16).

Table 3.4.2.16. Number and percentage of headboats with red snapper landings in 2016 by state.

Headboats with Red Snapper Landings				
AL	FL	MS& LA ¹	TX	Total
8	30	5	15	58
13.79%	51.72%	8.62%	25.86%	100.00%

Source: SERO SRHS 2016.

1. Combined for confidentiality purposes.

Because SRHS data do not identify species that are targeted during a trip, the economic impacts of headboat trips that may target red snapper cannot be estimated. For estimates of the average

fee per angler charged by headboats, see Carter 2015, 2016; for species targeted by the for-hire component, see Savolainen et al, 2012; and for estimates of producer surplus, see Amendment 45 (GMFMC 2016), which are incorporated by reference.

Private Angling Component

Angler fishing effort refers to the estimated number of angler fishing trips taken, and an angler trip is an individual fishing trip taken by a single angler for any amount of time, whether it is half an hour or an entire day. Currently, angler fishing effort is estimated by conducting telephone surveys of coastal households (Coastal Household Telephone Survey) and for-hire (charter) vessel captains (For-Hire Survey), as well as on-site survey methods (MRIP APAIS). From these survey interviews, NMFS can estimate how many people are fishing, where people are fishing, and how often people go fishing. Moreover, with the MRIP APAIS (survey of anglers by the private boat, charter vessel and shore modes as they complete a trip), NMFS can estimate how many trips target red snapper, how many trips catch red snapper and how many are being caught, how many red snapper are kept, how many are discarded, the condition of discarded fish, and the size and weight of red snapper caught.

Data from MRIP and the Louisiana creel survey are used to estimate effort of the private angling component for each Gulf state, except Texas. From 2012 through 2016, the private angling component of the recreational sector took an average of at least 228,122 directed angler trips annually (Table 3.4.2.17). Those were trips where red snapper was the primary or secondary target or was caught or harvested by anglers. Alabama has the largest number of average annual trips, with west Florida second during the 5-year period.

Table 3.4.2.17. Estimates of numbers of directed angler trips by private angling component, 2012 – 2016.

Year	Estimates of Number of Directed Angler Trips					
	AL	FLW	LA	MS	TX	Total
2012	51,794	77,457	38,413	13,515	0	181,179
2013	176,719	166,239	31,049	19,478	0	393,485
2014	46,909	50,415	60,146	3,433	0	160,903
2015	99,446	11,194	53,165	2,641	0	166,446
2016	124,091	51,488	43,571	19,446	0	238,596
Average	99,792	71,359	45,269	11,703	0	228,122

Source: NMFS SERO LAPPS, August 28, 2017.

Directed angler trips generate economic impacts and the average annual directed angler trips by the private angling component generated income impacts annually (Table 3.4.2.18). Annual landings of red snapper by the private angling component for 2012 – 2016 are stated in Section 3.1.2 (Table 3.1.2.5) and are incorporated here by reference.

Table 3.4.2.18. Economic impacts of average number of annual directed angler trips by private angling component in Gulf states, except Texas (2015 dollars).

State	Directed Trips	Jobs	Thousands of Dollars (2015 \$)		
			Income	Sales	Value-added
AL	99,792	53	\$1,588	\$5,281	\$2,734
West FL	71,359	24	\$901	\$2,621	\$1,553
LA	45,269	23	\$852	\$3,249	\$1,577
MS	11,703	3	\$97	\$375	\$163

Source: Estimates of economic impacts calculated by NMFS SERO using model developed for NMFS, see http://sero.nmfs.noaa.gov/sustainable_fisheries/lapp_dm/index.html.

Additional information about the private angling component can be found in Amendments 40 (GMFMC 2014a), 28 (GMFMC 2015b), and 45 (GMFMC 2016), and are incorporated by reference.

3.5 Social Environment

This amendment affects recreational management of red snapper in the Gulf. Recreational landings by state, federal for-hire permits for Gulf reef fish by state, and federal for-hire vessels included in the SRHS with landings of red snapper by state are included to provide information on the geographic distribution of fishing involvement. Descriptions of the top recreational fishing communities based on recreational engagement are included, along with the top ranking communities by the number of federal for-hire permits for Gulf reef fish, number of charter vessels by homeport, number of headboats by homeport, and communities with SRHS landings of red snapper. Community level data are presented in order 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 concerns.

3.5.1 Fishing Communities

Red snapper is harvested recreationally in all five Gulf states. Total recreational landings by state for the years 1986 through 2016 is provided in Appendix A, Table A-1. Landings by state are not constant; the proportion of the quota represented by each state varies from year to year. Across time, the proportion of landings made up by the eastern Gulf states (Alabama and western Florida) has increased compared to the western Gulf states (Texas and Louisiana), as the rebuilding plan has proceeded.

Recreational Fishing Communities

Red snapper landings for the recreational sector are not available at the community level, making it difficult to identify communities as dependent on recreational fishing for red snapper. Because

limited data are available concerning how recreational fishing communities are engaged and reliant on specific species, indices were created using secondary data from permit and infrastructure information for the southeast recreational fishing sector at the community level (Jepson and Colburn 2013; Jacob et al. 2013). Recreational fishing engagement is represented by the number of recreational permits and vessels designated as “recreational” by homeport and owners address. Fishing reliance includes the same variables as fishing engagement, divided by population. Factor scores of both engagement and reliance were plotted.

Figure 3.5.1.1 identifies the top Gulf communities that are engaged and reliant upon recreational fishing in general. Two thresholds of one and one-half standard deviation above the mean were plotted to help determine a threshold for significance. Communities are presented in ranked order by fishing engagement and all 20 included communities demonstrate high levels of recreational engagement, although this is not specific to fishing for red snapper. Because the analysis used discrete geo-political boundaries, Panama City and Panama City Beach, Florida had separate values for the associated variables. Calculated independently, each still ranked high enough to appear in the top 20 list suggesting a greater importance for recreational fishing in that area.

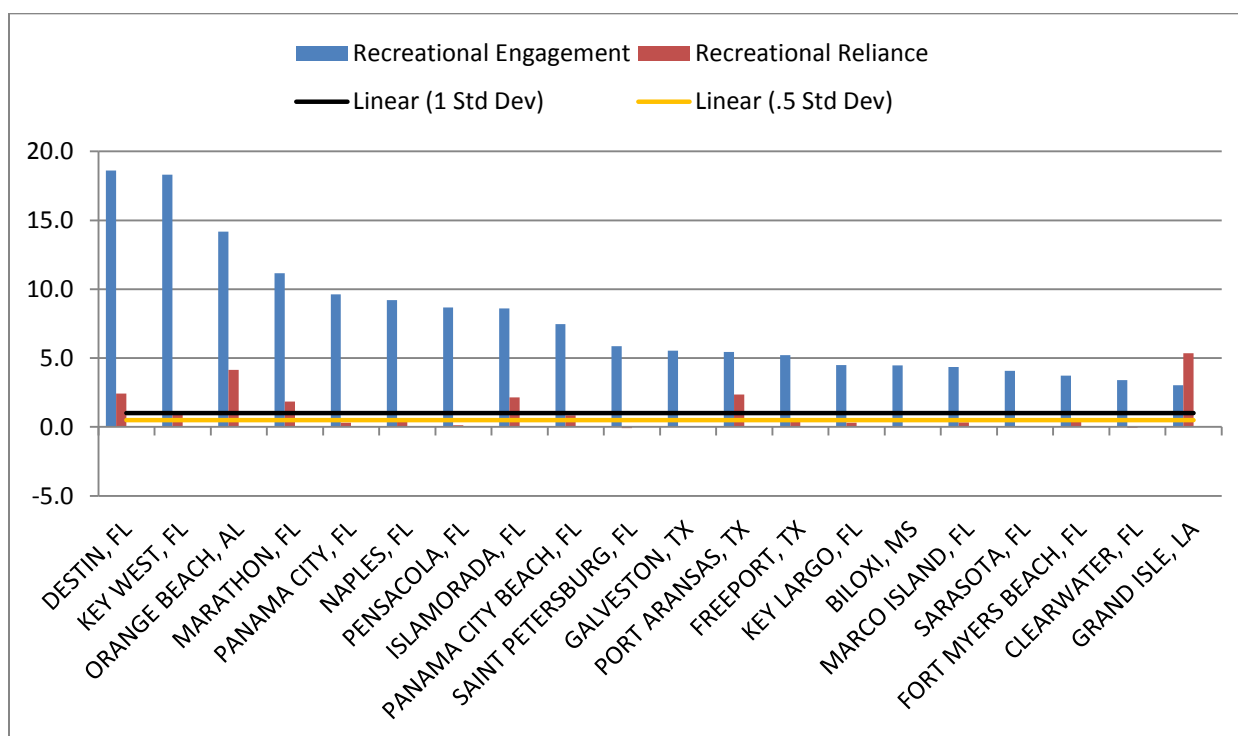


Figure 3.5.1.1. Top 20 recreational fishing communities’ engagement and reliance.

Source: SERO, Community Social Vulnerability Indicators Database 2014 (American Community Survey 2010-2014).

Charter Vessels and Headboats by Community

In order to present information about the charter vessels and headboats that are engaged in the recreational red snapper fishery, all vessels with a federal for-hire permit for reef fish, including

historical captain permits, are included in following analysis as a proxy. However, it cannot be assumed that every included permitted vessel is engaged in the red snapper fishery.

The majority of federal for-hire permits for reef fish are held by operators in Florida (59% in 2016), followed by Texas (17.6%), Alabama (10.2%), Louisiana (9%), Mississippi (2.7%), and other states (1.4%; Table 3.5.1.1). The distribution of permits by state has followed a similar pattern throughout the last five years. These data may deviate from the numbers included elsewhere in the document because of the date on which data were gathered. Data included in Table 3.5.1.1 are based on the number of permits throughout the year, rather than from a specific date, and include permits that were valid or renewable sometime during the year. However, if the permit was sold, then only the most current permit has been counted.

Table 3.5.1.1. Number of federal for-hire permits for Gulf reef fish including historical captain permits, by state and by year.

State	2012	2013	2014	2015	2016
AL	157	159	153	143	134
FL	812	803	787	778	776
LA	123	120	117	121	119
MS	48	47	42	38	35
TX	221	219	230	232	232
Other	17	15	16	16	19
Total	1378	1363	1345	1328	1315

Source: NMFS SERO permit office, SERO Access database. Includes valid and renewable permits.

Federal for-hire permits are held by those with mailing addresses in a total of 348 communities, located in 21 states (SERO permit office, October 25, 2017). The communities with the most for-hire permits for reef fish are provided in Table 3.5.1.2.

Table 3.5.1.2. 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	49
FL	Key West	42
FL	Pensacola	27
FL	St. Petersburg	24
TX	Galveston	24
FL	Sarasota	19
TX	Corpus Christi	19

FL	Panama City Beach	18
LA	Metairie	18
FL	Clearwater	17
FL	Ft. Meyers	16
FL	Marco Island	15
MS	Biloxi	15
TX	Freeport	15
TX	Houston	15
TX	Port Aransas	15

Source: NMFS SERO permit office, October 25, 2017.

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). Figure 3.5.1.2 shows the spatial distribution of charter vessels with federal for-hire permits around the Gulf; whereas Figure 3.5.1.3 shows the spatial distribution of headboats with federal for-hire permits around the Gulf.

A pattern of abundance for charter vessels is evident with large clusters of charter vessels in Florida communities along the Panhandle, along the mid-Florida and southwest Florida coast, and in the Keys; in Alabama (Orange Beach and Dauphin Island); in Texas (Galveston, Freeport, Corpus Christi, Port Aransas, Port O'Connor, and Matagorda); Mississippi (Biloxi); and in Louisiana (Venice, Chauvin, and Grand Isle, Figure 3.5.1.2).

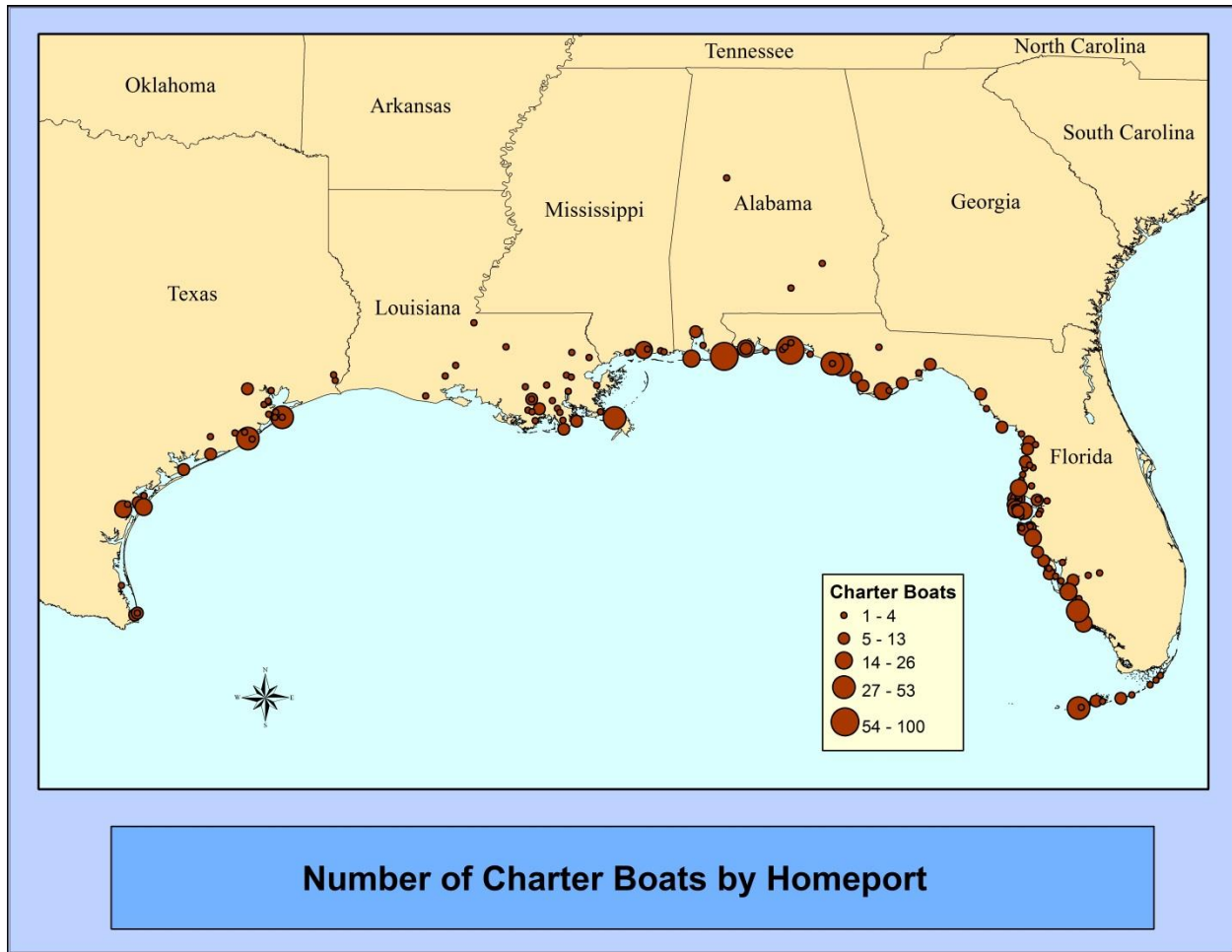


Figure 3.5.1.2. Distribution of charter vessels with federal for-hire permits for Gulf reef fish in Gulf states, by community.

Source: NMFS SERO permit office, September 20, 2016.

The pattern of abundance for headboats is evident with large clusters of headboats in Florida communities in Bay, Okaloosa, and Pinellas Counties; in Alabama in Baldwin County; and in Texas in Nueces County (Figure 3.5.1.3).

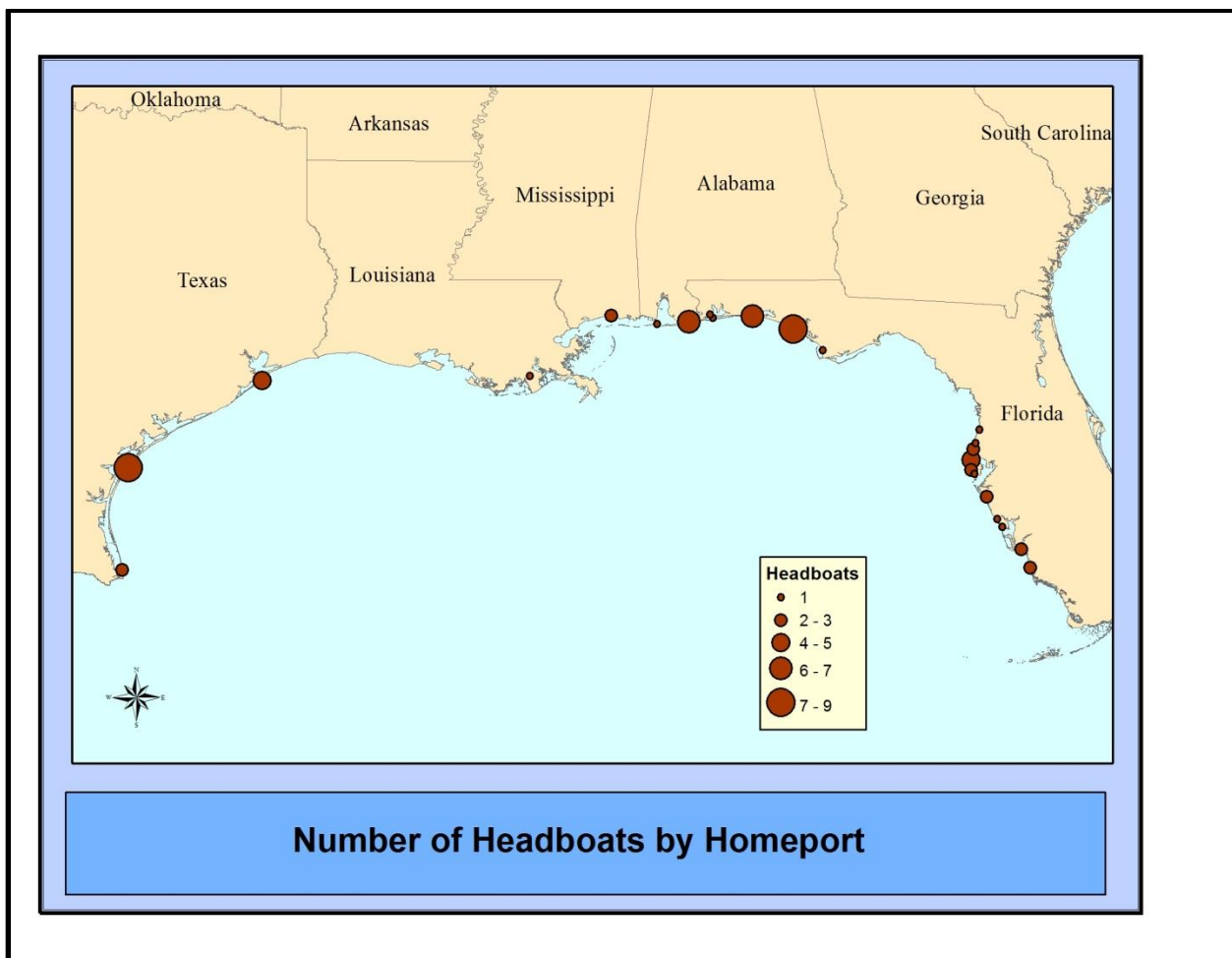


Figure 3.5.1.3. Distribution of headboats with federal for-hire permits for Gulf reef fish in Gulf states, by community.

Source: NMFS SERO permit office, September 20, 2016.

Charter vessels and headboats target red snapper throughout the Gulf. At this time it is not possible to determine which species are targeted by specific charter vessels and associate those vessels with their homeport communities. However, harvest data are available for headboats by species and can be linked to specific communities through the homeport identified for each vessel. These data are available for headboats registered in the SRHS.

In 2016, 69 federal for-hire vessels in the Gulf were registered in the SRHS (SRHS, SERO LAPPs/Data Management database). Of these, 57 vessels landed red snapper in 2016 (SEFSC SRHS). The majority of these headboats with red snapper landings are registered in Florida, with smaller numbers of vessels registered in the other Gulf states (Table 3.5.1.3).

Table 3.5.1.3. Number of federal for-hire vessels in the Gulf registered in the SRHS with landings of red snapper in 2016, by state.

State	Number of Vessels
AL	9
FL	28
LA/MS	5
TX	15

Source: SEFSC SRHS (2016).

Figure 3.5.1.4 includes all Gulf communities based on a ‘regional quotient’ (RQ) of recreational headboat landings for red snapper. The RQ is the proportion of landings out of the total SRHS landings for that region, and is a relative measure. Headboats with red snapper landings are based in 21 homeports (13 homeports were located in Florida, 3 in Texas, 2 in Louisiana, 2 in Alabama, and 1 in Mississippi, Figure 3.5.1.4). The top four homeports represent about 73% of the red snapper landings by vessels participating in the SRHS. Homeports with the greatest landings of red snapper include Galveston, Texas (27.2% of red snapper landed by SRHS vessels in 2016); Port Aransas, Texas (23.5%); Panama City Beach, Florida (11.4%); and Orange Beach, Alabama (10.5%; SEFSC SRHS 2016). Other homeports represent a smaller portion of landings.

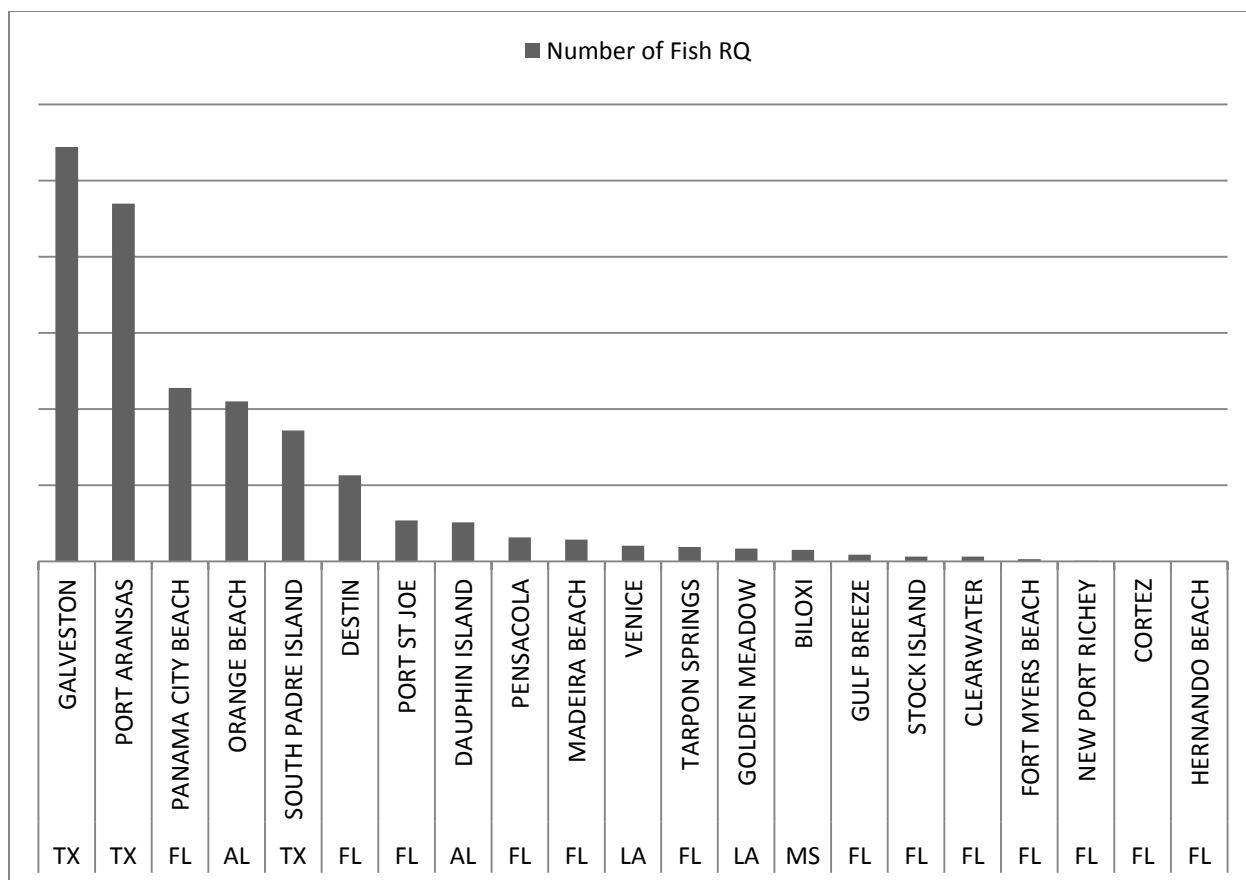


Figure 3.5.1.4. All Gulf communities ranked by number of fish landed by headboats included in the SRHS RQ for red snapper. The actual RQ values (y-axis) are omitted from the figure to maintain confidentiality.

Source: SEFSC SRHS (2016).

3.5.2 Environmental Justice Considerations

Executive Order 12898 requires federal agencies conduct their programs, policies, and activities in a manner to ensure individuals or populations are not excluded from participation in, or denied the benefits of, or subjected to discrimination because of their race, color, or national origin. In addition, and specifically with respect to subsistence consumption of fish and wildlife, federal agencies are required to collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. The main focus of Executive Order 12898 is to consider “the disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories...” This executive order is generally referred to as environmental justice (EJ).

Recreational fishermen 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 fishermen 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 3.5.2.1 and 3.5.2.2 provide the social vulnerability of the top recreational communities (Figure 3.5.1.1), top ranking communities based on the number of federal for-hire permits for Gulf reef fish (Table 3.5.1.2), and all Gulf communities with headboats included in the SRHS and with landings of red snapper (Figure 3.5.1.4). One community exceeds the threshold of one standard deviation above the mean for all three indices, Freeport, Texas. Several communities exceed the threshold of one-half standard deviation above the mean for more than one index (Fort Myers Beach, Florida; New Port Richey, Florida; Panama City, Florida; Sarasota, Florida; Stock Island, Florida; Freeport, Texas; Galveston, Texas; and Houston, Texas). These communities would be the most likely to exhibit vulnerabilities to social or economic disruption due to regulatory change.

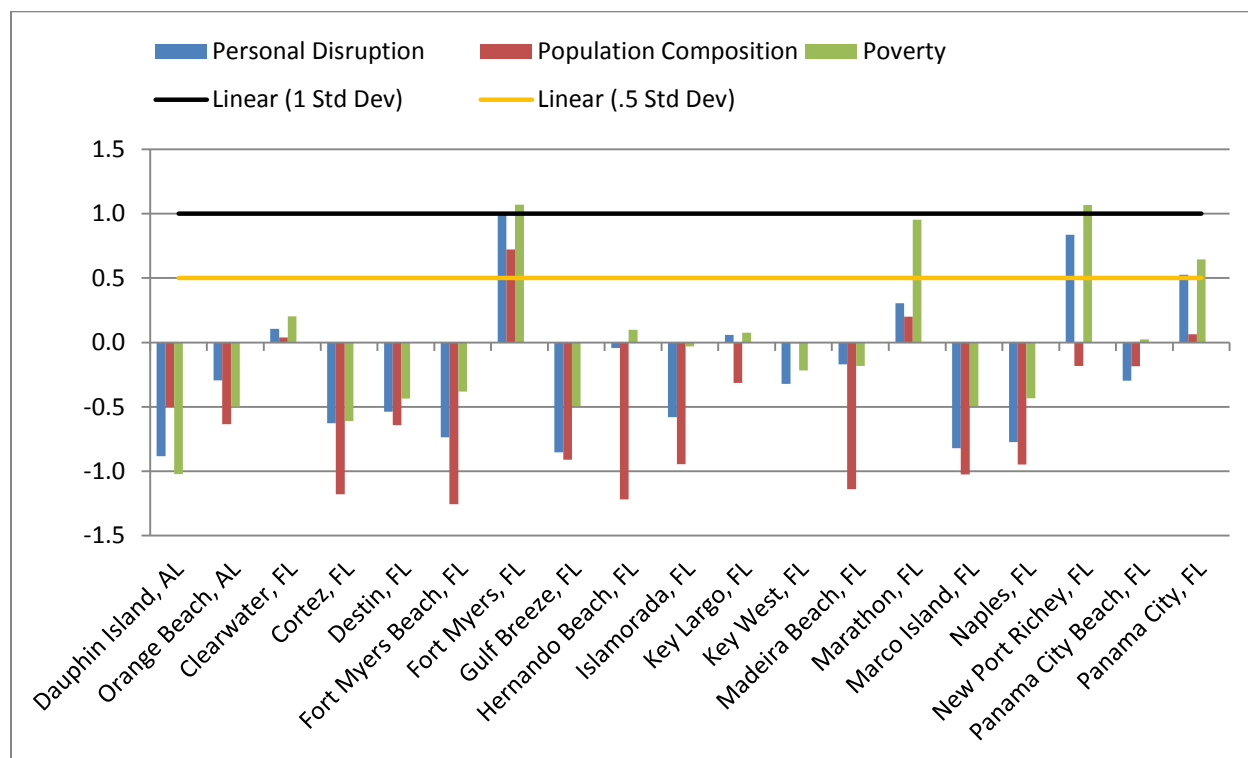


Figure 3.5.2.1. Social vulnerability indices for recreational fishing communities.

Source: SERO, Community Social Vulnerability Indicators Database 2014 (American Community Survey 2010-2014).

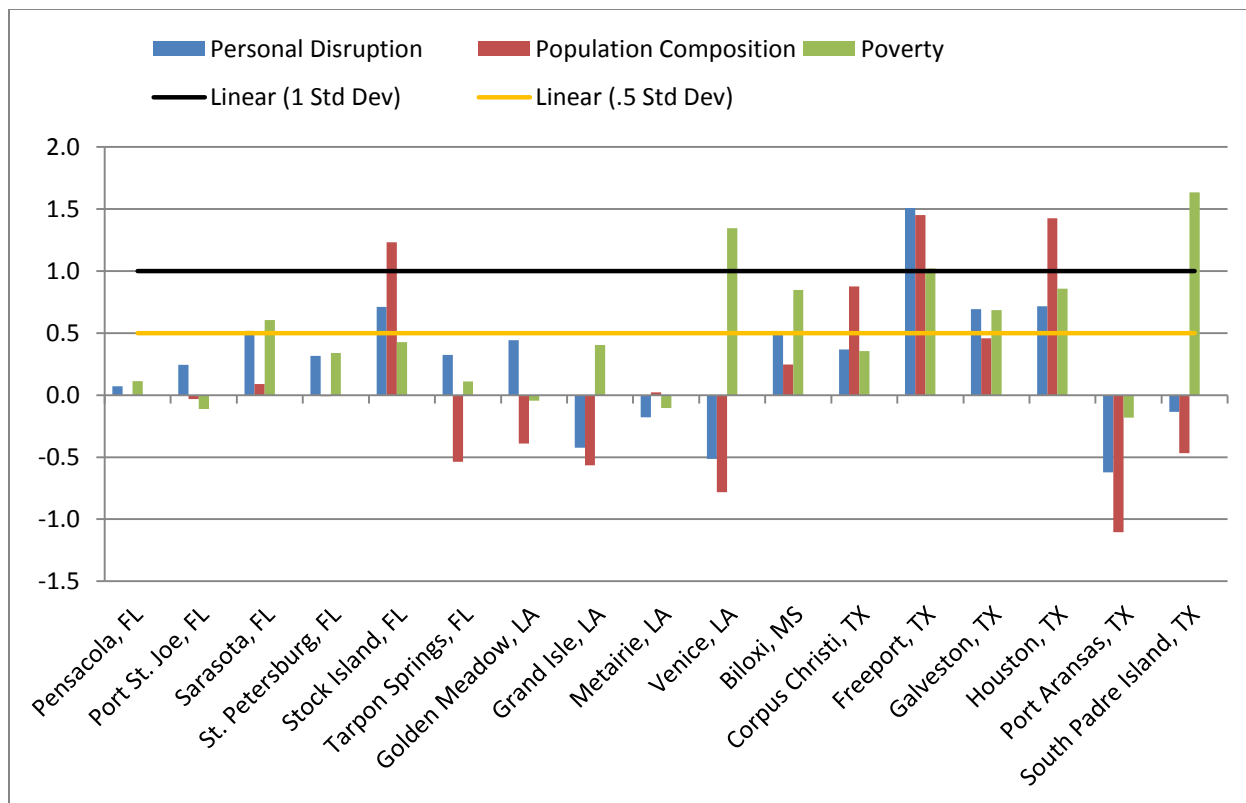


Figure 3.5.2.2. Social vulnerability indices for recreational fishing communities continued.

Source: SERO, Community Social Vulnerability Indicators Database 2014 (American Community Survey 2010-2014).

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 red 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 red 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 Administrative Environment

3.6.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the exclusive economic zone, an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the exclusive economic zone.

Responsibility for federal fishery management is shared by the Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for promulgating regulations to implement proposed plans and amendments after ensuring management measures are consistent with the Magnuson-Stevens Act and with other applicable laws summarized in Appendix E. In most cases, the Secretary has delegated this authority to NMFS.

The Council is responsible for fishery resources in federal waters of the Gulf. These waters extend to 200 nautical miles offshore from the seaward boundaries of the Gulf states of Alabama, Florida, Louisiana, Mississippi, and Texas, as those boundaries have been defined by law. The length of the Gulf coastline is approximately 1,631 miles. Florida has the longest coastline of 770 miles along its Gulf coast, followed by Louisiana (397 miles), Texas (361 miles), Alabama (53 miles), and Mississippi (44 miles).

The Council consists of seventeen voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NMFS. The public is also involved in the fishery management process through participation on advisory panels and through Council meetings that, with few exceptions for discussing personnel matters, are open to the public. The regulatory process is also in accordance with the Administrative Procedures Act, in the form of “notice and comment” rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

Regulations contained within FMPs are enforced through actions of NOAA’s Office of Law Enforcement, the USCG, and various state authorities. To better coordinate enforcement activities, federal and state enforcement agencies have developed cooperative agreements to enforce the Magnuson-Stevens Act. These activities are being coordinated by the Council’s Law Enforcement Advisory Panel and the Gulf States Marine Fisheries Commission’s Law Enforcement Committee, which have developed joint enforcement agreements and cooperative enforcement programs.²⁷

²⁷ www.gsmfc.org

Reef fish stocks including red snapper are assessed through the SEDAR process. As species are assessed, stock condition and ABC levels are evaluated. As a result, periodic adjustments to stock ACLs and other management measures are deemed needed to prevent overfishing. Management measures are implemented through plan or amendments or framework actions.

3.6.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments of Texas, Louisiana, Mississippi, Alabama, and Florida have the authority to manage their respective state fisheries. Each of the five Gulf states exercises legislative and regulatory authority over their respective state's natural resources through discrete administrative units. Although each agency is the primary administrative body with respect to the states' natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources. A more detailed description of each state's primary regulatory agency for marine resources is provided 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. LIST OF PREPARERS

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Name	Expertise	Responsibility	Agency
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Lauren Waters	Fishery biologist	Co-Team Lead – Amendment development, biological analyses, cumulative effects analysis	SERO
Assane Diagne	Economist	Economic analyses	GMFMC
Denise Johnson	Economist	Economic analyses	SERO
Christina Package-Ward	Anthropologist	Social environment	SERO
Nick Farmer	Fishery biologist	Data analyses	SERO

REVIEWERS

Name	Expertise	Responsibility	Agency
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Mara Levy	Attorney	Legal review	NOAA GC
Scott Sandorf	Technical writer and editor	Regulatory writer	SERO
Carrie Simmons	Fishery biologist	Review	GMFMC
Sue Gerhart	Fishery biologist	Review	SERO
Stephania Bolden	Biologist	Protected Resources review	SERO
David Dale	Biologist	Essential Fish Habitat review	SERO
Jessica Stephen	Fishery biologist	Data analyses	SERO
David Carter	Economist	Review	SEFSC
Matt Smith	Biologist	Review	SEFSC
Peter Hood	Fishery biologist	Review	SERO

GMFMC = Gulf of Mexico Fishery Management Council; NOAA GC = National Oceanic and Atmospheric Administration General Counsel; SEFSC = Southeast Fisheries Science Center; SERO = Southeast Regional Office of the National Marine Fisheries Service

CHAPTER 5. LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM A COPY OF THE EIS ARE SENT

AGENCIES and ORGANIZATIONS CONSULTED

National Marine Fisheries Service

- Southeast Fisheries Science Center
- Southeast Regional Office
- Office for Law Enforcement
- Endangered Species Division
- Domestic Fisheries Division

NOAA General Counsel

Environmental Protection Agency (Region 4 and 6)

United States Coast Guard

United States Fish and Wildlife Services

Department of Interior, Office of Environmental Policy and Compliance

Department of State, Office of Marine Conservation,
Marine Mammal Commission

Texas Parks and Wildlife Department

Alabama Department of Conservation and Natural Resources/Marine Resources Division

Louisiana Department of Wildlife and Fisheries

Mississippi Department of Marine Resources

Florida Fish and Wildlife Conservation Commission

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APPENDIX A. RED SNAPPER LANDINGS

Table A-1. Annual recreational red snapper landings *for all modes* by state (1986-2015), in whole weight (ww) of fish.

Year	Alabama	Florida	Louisiana	Mississippi	Texas
1986	401,123	1,923,409	628,755	3,483	525,242
1987	387,077	897,447	281,412	54,030	454,200
1988	516,328	938,726	1,038,395	19,211	622,381
1989	544,007	362,359	708,400	341,941	980,566
1990	639,577	289,176	274,815	55,440	360,241
1991	877,662	412,597	968,807	179,601	451,819
1992	1,501,923	370,531	1,091,983	742,277	840,843
1993	2,038,695	1,237,924	1,579,456	907,243	1,281,487
1994	1,889,674	846,569	1,298,015	491,146	1,502,840
1995	1,734,545	565,357	1,498,252	155,566	1,455,778
1996	1,752,106	994,000	837,417	212,843	1,490,080
1997	2,650,058	1,007,178	1,074,486	632,172	1,325,784
1998	1,446,734	1,387,761	698,957	189,014	1,104,927
1999	1,975,892	1,420,582	776,530	143,799	588,085
2000	1,405,597	1,690,908	881,480	24,591	707,746
2001	2,221,042	2,095,912	309,510	108,454	509,885
2002	2,620,872	2,525,347	404,563	227,551	743,411
2003	2,315,502	2,201,846	544,732	365,829	666,133
2004	1,937,219	3,484,522	376,280	25,571	636,652
2005	1,361,826	2,242,439	484,250	5,222	582,181
2006	826,955	2,106,536	504,844	32,809	659,988
2007	1,134,693	3,295,292	908,429	3,399	466,979
2008	695,131	2,332,925	638,159	39,193	350,466
2009	1,207,913	2,630,439	1,054,595	43,574	660,337
2010	564,655	1,482,107	133,601	10,834	456,171
2011	3,606,454	1,975,772	600,358	69,478	482,045
2012	2,701,304	2,445,940	1,446,106	314,154	616,737
2013	4,424,247	3,777,372	589,642	422,529	489,112
2014	1,158,780	1,644,841	591,098	45,118	395,599
2015	2,468,809	1,631,295	1,214,971	44,694	600,382

Note: Landings exclude shore mode and incorporate the MRIP APAIS adjustment.

Source: SEFSC MRIP-Based Recreational ACL Data (July 2017); SEFSC SEDAR-31 Update (2014) APAIS-adjusted red snapper data.

Table A-2. Annual recreational red snapper landings by the *private angling component*, by state (1986-2015), in whole weight (ww) of fish.

Year	Alabama	Florida	Louisiana	Mississippi	Texas
1986	88,934	335,079	397,782	3,333	173,165
1987	179,372	332,788	76,970	53,757	60,455
1988	43,382	421,639	925,766	12,445	85,993
1989	71,790	176,352	570,607	336,770	37,182
1990	340,970	118,793	98,628	41,105	42,976
1991	458,409	129,731	29,944	168,884	72,367
1992	966,331	144,334	440,892	733,015	82,181
1993	999,221	136,594	888,122	827,117	105,635
1994	1,136,160	100,145	647,130	374,162	201,842
1995	919,526	45,798	832,915	151,391	289,471
1996	730,964	110,737	476,778	170,157	286,698
1997	1,288,722	56,515	610,487	549,048	264,841
1998	546,059	57,090	494,504	176,348	224,600
1999	1,425,824	361,676	586,835	132,036	156,918
2000	730,732	540,008	687,928	8,568	146,519
2001	1,370,655	1,047,142	222,333	87,634	119,065
2002	1,598,077	1,034,015	109,925	162,578	132,557
2003	1,357,478	944,187	247,210	325,327	112,954
2004	1,183,065	1,841,276	54,611	18,991	100,658
2005	719,236	1,182,012	82,982	5,222	186,278
2006	249,366	1,085,879	144,582	29,437	182,982
2007	542,033	1,784,411	684,663	3,399	128,485
2008	391,187	1,335,796	376,502	37,542	157,293
2009	834,329	1,511,782	802,254	43,574	170,412
2010	490,115	1,003,151	131,947	0	159,496
2011	3,127,693	993,880	538,459	59,448	171,888
2012	2,197,377	1,420,620	1,188,763	306,854	171,308
2013	3,877,683	3,105,730	489,204	418,737	254,563
2014	1,006,166	1,459,885	557,189	43,425	201,894
2015	1,711,421	766,237	1,059,302	34,209	235,305

Note: Landings exclude shore mode and incorporate the MRIP APAIS adjustment.

Source: SEFSC MRIP-Based Recreational ACL Data (July 2017); SEFSC SEDAR-31 Update (2014) APAIS-adjusted red snapper data.

Table A-3. Annual recreational red snapper landings by *federal for-hire component* (charter vessels and headboats), by state (1986-2015), in whole weight (ww) of fish.

Year	Alabama	Florida	Louisiana	Mississippi	Texas
1986	312,188	1,588,330	230,974	149	352,077
1987	207,705	564,660	204,443	274	393,745
1988	472,946	517,087	112,629	6,765	536,388
1989	472,217	186,007	137,793	5,171	943,384
1990	298,607	170,384	176,187	14,335	317,265
1991	419,253	282,867	938,863	10,717	379,452
1992	535,591	226,198	651,091	9,262	758,662
1993	1,039,474	1,101,330	691,334	80,126	1,175,852
1994	753,514	746,424	650,884	116,984	1,300,998
1995	815,019	519,559	665,337	4,175	1,166,307
1996	1,021,142	883,262	360,639	42,686	1,203,382
1997	1,361,336	950,662	463,999	83,124	1,060,943
1998	900,676	1,330,671	204,453	12,666	880,327
1999	550,068	1,058,906	189,695	11,763	431,167
2000	674,864	1,150,900	193,552	16,023	561,227
2001	850,387	1,048,769	87,177	20,820	390,820
2002	1,022,795	1,491,332	294,638	64,973	610,854
2003	958,024	1,257,659	297,522	40,502	553,179
2004	754,153	1,643,246	321,670	6,580	535,994
2005	642,589	1,060,428	401,268	0	395,903
2006	577,589	1,020,657	360,262	3,371	477,006
2007	592,661	1,510,881	223,766	0	338,494
2008	303,943	997,129	261,657	1,651	193,173
2009	373,584	1,118,657	252,341	0	489,925
2010	74,540	478,957	1,654	10,834	296,675
2011	478,761	981,892	61,899	10,030	310,157
2012	503,927	1,025,320	257,344	7,300	445,429
2013	546,564	671,642	100,438	3,792	234,549
2014	152,614	184,957	33,909	1,693	193,705
2015	757,388	865,058	155,669	10,485	365,077

Note: Landings exclude shore mode and incorporate the MRIP APAIS adjustment.

Source: SEFSC MRIP-Based Recreational ACL Data (July 2017); SEFSC SEDAR-31 Update (2014) APAIS-adjusted red snapper data.

APPENDIX B. DELEGATION PROVISION

Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. §1856(a)(3), (b)

(3) A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

(A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the fishery management plan and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

(C) [Pertains to Alaska, only.]

(b) EXCEPTION.—

(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that—

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the exclusive economic zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan; the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).

APPENDIX C. CONSERVATION EQUIVALENCY PROCEDURE

Requirements of Conservation Equivalency (Alternative 4 and Alternative 5), as discussed in each Gulf State's State Management Amendment for Action 1 (Authority Structure for State Management)

Alternative 4: Establish a management program in which Florida submits a plan to the National Marine Fisheries Service (NMFS) describing the conservation equivalency measures Florida will adopt for the management of its portion of the recreational sector ACL in federal waters. The plan must specify the red snapper season and bag limit. To be a conservation equivalency plan (CEP), the plan must be reasonably expected to limit the red snapper harvest to Florida's assigned portion of the recreational sector ACL. If Florida's plan is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the federal waters adjacent to Florida would be subject to the default federal regulations for red snapper.

Alternative 5: Establish a management program in which Florida submits a plan to a technical review committee describing the conservation equivalency measures Florida will adopt for the management of its portion of the recreational sector ACL in federal waters. The plan must specify the red snapper season and bag limit. To be a CEP, the plan must be reasonably expected to limit the red snapper harvest to Florida's assigned portion of the recreational red snapper ACL. The technical review committee reviews and may make recommendations on the plan, which is either returned to Florida for revision or forwarded to NMFS for final review. If Florida's plan is determined by NMFS to not satisfy the conservation equivalency requirements, then the recreational harvest of red snapper in the federal waters adjacent to Florida would be subject to the default federal regulations for red snapper.

Discussion:

Under **Alternative 4**, Florida would have the opportunity to submit a CEP to establish state management measures, including season start and end dates, season structure, and bag limit, for the recreational harvest of red snapper on a yearly basis. These plans would be reviewed by NMFS to insure the proposed management measures are a conservation equivalent to the federal regulations. Table 2.1.1 provides an example timeline for the submittal and approval of the CEPs under **Alternative 4**. This process would be altered for the first year of the program if this action is implemented mid-year. Under **Alternative 5**, the CEP would be submitted to the technical review committee and a separate timeline may be established by the committee. However, the established timeline may also be applied for this alternative (Table 1). The finalized plans with the technical review committee recommendation for approval would need to be submitted to NMFS by November 1 to allow time to publish a notice in the federal register by January 1 identifying Florida with an approved CEP. Without an approved CEP, Florida would be subject to the default federal regulations.

If the proposed management measures extend beyond the range analyzed in this amendment, then NMFS may recommend preparing the appropriate documentation for the applicable laws to

support the decision (e.g., NEPA analysis). NMFS would collaborate with Florida in developing the appropriate documentation with the understanding that the development of the document could delay NMFS' ability to approve the CEP and may need further Council action for implementation.

Table 1. Example timeline for the review of CEPs by NMFS or the technical review committee for **Alternatives 4 and 5.**

Timeline	Description
July 1	The state provides a brief written description of its preliminary CEP for the following year (e.g., the regulations they hope to implement the following year if supported by the current year landings and effort data) to NMFS and the Council. At this time, NMFS may flag any high-level concerns or alternative process requirements (e.g., additional NEPA documentation required if the proposed regulations are outside the scope of analysis this amendment and documentation for other applicable laws).
September 1	The state submits the CEP to NMFS or the Technical Review Committee.
October 1	NMFS or the Technical Review Committee responds to the state with the preliminary determination for whether the plan is a conservation equivalent to the federal default regulations. At this time, NMFS or the Technical Review Committee may approve the plan or request a revised CEP.
October 5	The state provides a revised CEP to NMFS or the Technical Review Committee for approval, if necessary.
November 1	If applicable, the Technical Review Committee provides the recommended state CEP to NMFS for final approval and processing. If the CEP was not approved or the state did not submit a CEP, then the state would be subject to the federal default regulations.
January 1 (or sooner)	NMFS publishes a notice in the federal register identifying the state as having an approved CEP.

Each CEP shall include the following:

- Point of contact for the CEP.
- Point of contact with the authority to close the fishery.
- Proposed CEP including season structure and bag limit.
- Specify if the CEP is intended to be applicable for 1 or 2 years. Prior to approving the second year of the plan, it would be evaluated based on data from the first year. The plan may require revisions based on the NMFS review. A 2-year CEP could only be approved if there are 2 or more years before the program sunsets (see Action 2).
- Analysis demonstrating the ability of the CEP to constrain recreational harvest of red snapper to the allocated quota with a description of the methodology.
- Summarize the previous year's performance (e.g., was the harvest constrained at or below the state's quota?).
- Explain how the CEP will be enforced.
- If applicable, provide a description of the in-season monitoring program and plan to prohibit further harvest of red snapper if the state's portion of the recreational sector ACL is reached.

- If necessary, provide additional analysis and documentation supporting the proposed CEP, which may include NEPA, Magnuson-Stevens Act, or other applicable laws. This would only apply for CEP management strategies beyond the range analyzed in this amendment.

Any other supporting documentation for the CEP, such as scientific research.

APPENDIX D. GULF OF MEXICO RED SNAPPER FEDERAL REGULATIONS RELEVANT TO STATE MANAGEMENT AMENDMENTS

Current as described in the eCFR, September 6, 2017. This is a summary only and is not a list of all regulations applicable to Gulf reef fish overall, but focuses on regulations that affect the recreational harvest of red snapper.

§622.9 Prohibited gear and methods—general.

This section contains prohibitions on use of gear and methods that are of general applicability, as specified. Additional prohibitions on use of gear and methods applicable to specific species or species groups are contained in subparts B through V of this part.

(a) *Explosives.* An explosive (except an explosive in a powerhead) may not be used to fish in the Caribbean, Gulf, or South Atlantic EEZ. A vessel fishing in the EEZ for a species governed in this part, or a vessel for which a permit has been issued under this part, may not have on board any dynamite or similar explosive substance.

(b) *Chemicals and plants.* A toxic chemical may not be used or possessed in a coral area, and a chemical, plant, or plant-derived toxin may not be used to harvest a Caribbean coral reef resource in the Caribbean EEZ.

(c) *Fish traps.* A fish trap may not be used or possessed in the Gulf or South Atlantic EEZ. A fish trap deployed in the Gulf or South Atlantic EEZ may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(d) *Weak link.* A bottom trawl that does not have a weak link in the tickler chain may not be used to fish in the Gulf EEZ. For the purposes of this paragraph, a weak link is defined as a length or section of the tickler chain that has a breaking strength less than the chain itself and is easily seen as such when visually inspected.

(e) *Use of Gulf reef fish as bait prohibited.* Gulf reef fish may not be used as bait in any fishery, except that, when purchased from a fish processor, the filleted carcasses and offal of Gulf reef fish may be used as bait in trap fisheries for blue crab, stone crab, deep-water crab, and spiny lobster.

§622.11 Bag and possession limits—general applicability.

(a) *Applicability.* (1) The bag and possession limits apply for species/species groups in or from the EEZ. Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, a person is limited to a single bag limit for a trip lasting longer than one calendar day. Unless specified otherwise, possession limits apply to a person on a trip after the first 24 hours of that trip. The bag and possession limits apply to a person who fishes in the EEZ in any manner, except a person aboard a vessel in the EEZ that has on board the commercial vessel permit required under this part for the appropriate species/species group. The possession of a commercial vessel permit notwithstanding, the bag and possession limits apply when the vessel is operating as a charter vessel or headboat. A person who fishes in the EEZ may not combine a bag limit specified in subparts B through V of this part with a bag or possession limit applicable to state waters. A species/species group subject to a bag limit specified in subparts B through V of this part taken in the EEZ by a person subject to the bag limits may not be transferred at sea, regardless of

where such transfer takes place, and such fish may not be transferred in the EEZ. The operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in subparts B through V of this part are not exceeded.

§ 622.20 Permits and endorsements.

(b)(3) If Federal regulations for Gulf reef fish in subparts A or B of this part are more restrictive than state regulations, a person aboard a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested.

§622.30 Required fishing gear.

For a person on board a vessel to fish for Gulf reef fish in the Gulf EEZ, the vessel must possess on board and such person must use the gear as specified in paragraphs (a) and (b) of this section.

(a) *Non-stainless steel circle hooks.* Non-stainless steel circle hooks are required when fishing with natural baits, except that other non-stainless steel hook types may be used when commercial fishing for yellowtail snapper with natural baits in an area south of a line extending due west from 25°09' N. lat. off the west coast of Monroe County, Florida, to the Gulf of Mexico and South Atlantic inter-council boundary, specified in §600.105(c).

(b) *Dehooking device.* At least one dehooking device is required and must be used to remove hooks embedded in Gulf reef fish with minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the Gulf reef fish fishery.

§622.33 Prohibited species.

(d) *Gulf reef fish exhibiting trap rash.* Possession of Gulf reef fish in or from the Gulf EEZ that exhibit trap rash is prima facie evidence of illegal trap use and is prohibited. For the purpose of this paragraph, trap rash is defined as physical damage to fish that characteristically results from contact with wire fish traps. Such damage includes, but is not limited to, broken fin spines, fin rays, or teeth; visually obvious loss of scales; and cuts or abrasions on the body of the fish, particularly on the head, snout, or mouth.

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

(a) *Closure provisions applicable to the Madison and Swanson sites and Steamboat Lumps, and the Edges— ...*

(b) *Seasonal closure of the recreational sector for red snapper.* The recreational sector for red snapper in or from the Gulf EEZ is closed from January 1 through May 31, each year. During the closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero.

§622.35 Gear restricted areas.

(d) *Alabama SMZ.* The Alabama SMZ consists of artificial reefs and surrounding areas. In the Alabama SMZ, fishing by a vessel that is operating as a charter vessel or headboat, a vessel that does not have a commercial permit for Gulf reef fish, as required under §622.20(a)(1), or a vessel with such a permit fishing for Gulf reef fish is limited to hook-and-line gear with

three or fewer hooks per line and spearfishing gear. A person aboard a vessel that uses on any trip gear other than hook-and-line gear with three or fewer hooks per line and spearfishing gear in the Alabama SMZ is limited on that trip to the bag limits for Gulf reef fish specified in §622.38(b) and, for Gulf reef fish for which no bag limit is specified in §622.38(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The Alabama SMZ is bounded by rhumb lines connecting, in order, the following points:

§ 622.37 Size limits.

(a) *Snapper*--(1) *Red snapper*--16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.38 (b)(3) and 13 inches (33.0 cm), TL, for a fish taken by a person not subject to the bag limit.

§ 622.38 Bag and possession limits.

(b)(3) *Red snapper*--2. However, no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

§ 622.39 Quotas.

(a)(2)(i) *Recreational quota for red snapper.* (A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined).* For fishing year 2017 and subsequent fishing years—6.733 million lb (3.054 million kg), round weight.

(B) *Federal charter vessel/headboat component quota.* The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective for only the 2015 through 2022 fishing years. For the 2023 and subsequent fishing years, the applicable total recreational quota, specified in paragraph (a)(2)(i)(A) of this section, will apply to the recreational sector. For fishing years 2017 through 2022—2.848 million lb (1.292 million kg), round weight.

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective for only the 2015 through 2022 fishing years. For the 2023 and subsequent fishing years, the applicable total recreational quota, specified in paragraph (a)(2)(i)(A) of this section, will apply to the recreational sector. For fishing years 2017 through 2022—3.885 million lb (1.762 million kg), round weight.

(2) If the recreational fishery for the indicated species is closed, all harvest or possession in or from the Gulf EEZ of the indicated species is prohibited.

(c) *Restrictions applicable after a recreational quota closure or recreational component quota closure.* The bag limit for the applicable species for the recreational sector or recreational sector component in or from the Gulf EEZ is zero. When the Federal charter vessel/headboat component is closed or the entire recreational sector is closed, this bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(q) *Red snapper* (2) *Recreational sector*. (i) The recreational ACL is equal to the total recreational quota specified in §622.39(a)(2)(i)(A). The AA will determine the length of the red snapper recreational fishing season, or recreational fishing seasons for the Federal charter vessel/headboat and private angling components, based on when recreational landings are projected to reach the recreational ACT, or respective recreational component ACT specified in paragraph (q)(2)(iii) of this section, and announce the closure date(s) in the FEDERAL REGISTER. These seasons will serve as in-season accountability measures. On and after the effective date of the recreational closure or recreational component closure notifications, the bag and possession limit for red snapper or for the respective component is zero. When the recreational sector or Federal charter vessel/headboat component is closed, this bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

(ii) In addition to the measures specified in paragraph (q)(2)(i) of this section, if red snapper recreational landings, as estimated by the SRD, exceed the total recreational quota specified in §622.39(a)(2)(i)(A), and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the total recreational quota by the amount of the quota overage in the prior fishing year, and reduce the applicable recreational component quota(s) specified in §622.39(a)(2)(i)(B) and (C) and the applicable recreational component ACT(s) specified in paragraph (q)(2)(iii) of this section (based on the buffer between the total recreational ACT and the total recreational quota specified in the FMP), unless NMFS determines based upon the best scientific information available that a greater, lesser, or no overage adjustment is necessary.

(iii) *Recreational ACT for red snapper*—(A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACTs combined)*. The total recreational ACT is 5.386 million lb (2.443 million kg), round weight.

(B) *Federal charter vessel/headboat component ACT*. The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective for only the 2015 through 2022 fishing years. For the 2023 and subsequent fishing years, the applicable total recreational ACT, specified in paragraph (q)(2)(iii)(A) of this section, will apply to the recreational sector. The component ACT is 2.278 million lb (1.033 million kg), round weight, for fishing years 2017 through 2022.

(C) *Private angling component ACT*. The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective for only the 2015 through 2022 fishing years. For the 2023 and subsequent fishing years, the applicable total recreational ACT, specified in paragraph (q)(2)(iii)(A) of this section, will apply to the recreational sector. The component ACT is 3.108 million lb (1.410 million kg), round weight, for fishing years 2017 through 2022.

APPENDIX E. OTHER APPLICABLE LAW

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) provides the authority for fishery management in federal waters of the exclusive economic zone. However, fishery management decision-making is also affected by a number of other federal statutes designed to protect the biological and human components of U.S. fisheries, as well as the ecosystems that support those fisheries. Major laws affecting federal fishery management decision-making are summarized below.

Administrative Procedures Act

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the APA, the National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

Coastal Zone Management Act

Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that affect any land or water use or natural resource of a state’s coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency determination are set forth in NMFS regulations at 15 C.F.R. part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state’s coastal zone, NMFS is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action.

Upon submission to the Secretary, NMFS will determine if this plan amendment is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, Mississippi, and Texas to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for these states.

Data Quality Act

The Data Quality Act (DQA) (Public Law 106-443) effective October 1, 2002, requires the government to set standards for the quality of scientific information and statistics used and disseminated by federal agencies. Information includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, cartographic, narrative, or audiovisual forms (includes web dissemination, but not hyperlinks to information that others disseminate; does not include clearly stated opinions).

Specifically, the DQA directs the Office of Management and Budget (OMB) to issue government wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: 1) ensure information quality and develop a pre-dissemination review process; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and 3) report periodically to Office of Management and Budget on the number and nature of complaints received.

Scientific information and data are key components of fishery management plans (FMPs) and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the Act, FMPs and amendments must be based on the best information available. They should also properly reference all supporting materials and data, and be reviewed by technically competent individuals. With respect to original data generated for FMPs and amendments, it is important to ensure that the data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data will also undergo quality control prior to being used by the agency and a pre-dissemination review.

Endangered Species Act

The Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. Section 1531 et seq.) requires federal agencies use their authorities to conserve endangered and threatened species. The ESA requires NMFS, when proposing a fishery action that “may affect” critical habitat or endangered or threatened species, to consult with the appropriate administrative agency (itself for most marine species, the U.S. Fish and Wildlife Service for all remaining species) to determine the potential impacts of the proposed action. Consultations are concluded informally when proposed actions may affect but are “not likely to adversely affect” endangered or threatened species or designated critical habitat. Formal consultations, including a biological opinion, are required when proposed actions may affect and are “likely to adversely affect” endangered or threatened species or adversely modify designated critical habitat. If jeopardy or adverse modification is found, the consulting agency is required to suggest reasonable and prudent alternatives.

On September 30, 2011, the Protected Resources Division released a biological opinion which, after analyzing best available data, the current status of the species, environmental baseline (including the impacts of the recent Deepwater Horizon MC 252 oil release event in the northern Gulf of Mexico), effects of the proposed action, and cumulative effects, concluded that the continued operation of the Gulf of Mexico reef fish fishery is also not likely to jeopardize the continued existence of green, hawksbill, Kemp’s ridley, leatherback, or loggerhead sea turtles, nor the continued existence of smalltooth sawfish (NMFS 2011). On December 7, 2012, NMFS published a proposed rule to list 66 coral species under the ESA and reclassify *Acropora* from threatened to endangered (77 FR 73220). In a memorandum dated February 13, 2013, NMFS determined the reef fish fishery was not likely to adversely affect *Acropora* because of where the fishery operates, the types of gear used in the fishery, and that other regulations protect *Acropora* where they are most likely to occur.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and on the importing of marine mammals and marine mammal products into the United States. Under the MMPA, the Secretary of Commerce (authority delegated to NMFS) is responsible for the conservation and management of cetaceans and pinnipeds (other than walruses). The Secretary of the Interior is responsible for walruses, sea and marine otters, polar bears, manatees, and dugongs.

Part of the responsibility that NMFS has under the MMPA involves monitoring populations of marine mammals to make sure that they stay at optimum levels. If a population falls below its optimum level, it is designated as “depleted,” and a conservation plan is developed to guide research and management actions to restore the population to healthy levels.

In 1994, Congress amended the MMPA, to govern the taking of marine mammals incidental to commercial fishing operations. This amendment required the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction, development and implementation of take-reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries, and studies of pinniped-fishery interactions.

Under Section 118 of the MMPA, NMFS must publish, at least annually, a List of Fisheries (LOF) that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. The primary gears used in the Gulf of Mexico reef fish fishery are still classified in the proposed 2014 MMPA LOF as Category III fishery (December 6, 2013; 78 FR 73477). The conclusions of the most recent LOF for gear used by the reef fish fishery can be found in Section 3.3.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.) regulates the collection of public information by federal agencies to ensure the public is not overburdened with information requests, the federal government’s information collection procedures are efficient, and federal agencies adhere to appropriate rules governing the confidentiality of such information. The PRA requires NMFS to obtain approval from the Office of Management and Budget before requesting most types of fishery information from the public. Revising the definition of the hogfish management unit, setting status determination criteria and annual catch limits, and revising the hogfish minimum size limit would likely not have PRA consequences.

Executive Orders

E.O. 12630: Takings

The Executive Order on Government Actions and Interference with Constitutionally Protected Property Rights that became effective March 18, 1988, requires each federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property. Clearance of a regulatory action must include a takings statement and, if appropriate, a Takings Implication Assessment. The National Oceanic and Atmospheric Administration Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

E.O. 12866: Regulatory Planning and Review

Executive Order 12866: Regulatory Planning and Review, signed in 1993, requires federal agencies to assess the costs and benefits of their proposed regulations, including distributional impacts, and to select alternatives that maximize net benefits to society. To comply with E.O. 12866, NMFS prepares a Regulatory Impact Review (RIR) for all fishery regulatory actions that either implement a new fishery management plan or significantly amend an existing plan (See Chapter 5). RIRs provide a comprehensive analysis of the costs and benefits to society of proposed regulatory actions, the problems and policy objectives prompting the regulatory proposals, and the major alternatives that could be used to solve the problems. The reviews also serve as the basis for the agency's determinations as to whether proposed regulations are a "significant regulatory action" under the criteria provided in E.O. 12866 and whether proposed regulations will have a significant economic impact on a substantial number of small entities in compliance with the Regulatory Flexibility Analysis. A regulation is significant if it a) has an annual effect on the economy of \$100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments and communities; b) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency; c) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or d) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

This Executive Order mandates that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. The Executive Order is described in more detail relative to fisheries actions in Section 3.5.1.

E.O. 12962: Recreational Fisheries

This Executive Order requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods including, but not limited to, developing joint partnerships; promoting the restoration of recreational fishing areas that are limited by water quality and habitat degradation; fostering sound aquatic conservation and restoration endeavors; and evaluating the effects of federally-funded, permitted, or authorized actions on aquatic systems and recreational fisheries, and documenting those effects. Additionally, it establishes a seven-member National Recreational Fisheries Coordination Council (Council) responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The Council also is responsible for developing, in cooperation with federal agencies, States and Tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda. Finally, the Order requires NMFS and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

E.O. 13132: Federalism

The Executive Order on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The Order serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not national in scope or significance are most appropriately addressed by the level of government closest to the people. This Order is relevant to FMPs and amendments given the overlapping authorities of NMFS, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop strategies to address them in conjunction with appropriate state, tribes, and local entities (international, too).

E.O. 13158: Marine Protected Areas

This Executive Order requires federal agencies to consider whether their proposed action(s) will affect any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural or cultural resource within the protected area. There are several marine protected areas, habitat areas of particular concern, and gear-restricted areas in the eastern and northwestern Gulf of Mexico.

Essential Fish Habitat

The amended Magnuson-Stevens Act included a new habitat conservation provision known as essential fish habitat (EFH) that requires each existing and any new FMPs to describe and identify EFH for each federally managed species, minimize to the extent practicable impacts from fishing activities on EFH that are more than minimal and not temporary in nature, and identify other actions to encourage the conservation and enhancement of that EFH. To address these requirements the Council has, under separate action, approved an Environmental Impact Statement (GMFMC 2004a) to address the new EFH requirements contained within the Magnuson-Stevens Act. Section 305(b)(2) requires federal agencies to obtain a consultation for any action that may adversely affect EFH. An EFH consultation will be conducted for this action.

References

GMFMC. 2004. Final environmental impact statement for the generic essential fish habitat amendment to the following fishery management plans of the Gulf of Mexico: shrimp fishery of the Gulf of Mexico, red drum fishery of the Gulf of Mexico, reef fish fishery of the Gulf of Mexico, stone crab fishery of the Gulf of Mexico, coral and coral reef fishery of the Gulf of Mexico, spiny lobster fishery of the Gulf of Mexico and South Atlantic, coastal migratory pelagic resources of the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council. Tampa, Florida.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Final%20EFH%20EIS.pdf>

NMFS. 2011. Biological opinion on the continued authorization of Reef Fish fishing under the Gulf of Mexico Reef Fish Fishery Management Plan. September 30, 2011. Available at: <http://sero.nmfs.noaa.gov/pr/esa/Fishery%20Biops/03584%20GOM%20Reef%20Fish%20BiOp%202011%20final.pdf>