This is a draft rule that would allow FWC to manage harvest of red snapper by private recreational anglers in Gulf federal waters. Commission direction is also requested on dates for the 2020 Gulf recreational red snapper season.

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Unless otherwise noted, images throughout the presentation are by FWC.
This presentation will provide:

1. An update on FWC’s Exempted Fishing Permit that allowed FWC to set the 2019 Gulf red snapper season for private anglers in both state and federal waters,
2. A draft rule for Commission consideration that would extend state regulations for recreational red snapper harvest in the Gulf of Mexico into adjacent federal waters for 2020 and beyond, and
3. A proposed draft 2020 Gulf recreational red snapper season for Commission consideration. Staff requests direction on 2020 season dates, and recommends finalizing the season at the Commission’s February 2020 meeting.
In the 2017 Appropriations Act, Congress directed NOAA to develop a fishery management pilot program that allows Gulf states to lead management of recreational red snapper. In response, NOAA Fisheries invited each Gulf state to apply for an Exempted Fishing Permit (EFP) to lead management of red snapper in federal waters off their state. All Gulf states were issued EFPs for 2018 and 2019.

The goal of Florida’s EFP was for FWC to test data collection and quota monitoring methods for management of the private recreational and state (non-federally-permitted) charter components of the red snapper fishery. Under this pilot program, Florida managed harvest under a quota and used Florida’s Gulf Reef Fish Survey (GRFS) and MRIP to monitor harvest.

As part of the EFP, FWC set the Gulf red snapper harvest season for private recreational anglers in state and federal waters off Florida. Because state charter operations are not licensed to harvest any reef fish in federal waters, these captains could fish out to 9 nautical miles from shore, but not beyond state waters. The Commission also allowed that harvest may reopen in the fall if adequate quota was available. The two-fish bag limit and 16-inch minimum size limit also applied under this EFP.

Vessels fishing under a valid federal Gulf of Mexico Charter/Headboat Permit for Reef Fish were not included in this EFP and followed the season set for this component of the recreational fishery by NOAA Fisheries.

As part of this EFP, FWC was required to “payback” any quota overages by deducting the overages from Florida’s quota for the following year. An overage of 232,211 lbs. occurred in 2018 (approximately 13% of the 2018 quota) and was deducted from the 2019 quota.
The 2019 Gulf recreational red snapper season was initially set by the Commission as June 11 through July 12 (32 days). This season was designed to optimize harvest opportunities for recreational anglers during summer, and was similar to the 2018 season, which ran from June 11 through July 20.

Preliminary estimates from Florida’s Gulf Reef Fish Survey indicated that 65% of Florida’s quota was harvested June 11 through July 12 (32 days) in state and federal waters off Florida. Given that quota was still available for harvest, FWC and Governor DeSantis announced a fall weekends season opening to allow anglers additional harvest opportunities. Using Gulf Reef Fish Survey data, staff determined that a fall season of six weekend days would provide harvest opportunities without resulting in a quota overage. Harvest was open for the following Saturdays and Sundays:

- Oct. 12-13,
- Oct. 19-20, and

Weather and rough seas associated with Tropical Storm Nestor disrupted fishing opportunities throughout the eastern Gulf of Mexico during the weekend of October 19-20. In response, FWC added an additional weekend for harvest, November 2-3.
FWC delegated authority to manage some aspects of Gulf red snapper in federal waters:

- Private anglers only
- Florida allocation: 44.822%
- FWC recreational season, bag, and size limits apply to federal waters harvest
- Area or depth-specific regulations can be requested (e.g., 20 or 35 fathom closures)
- Payback required if quota exceeded

The U.S. Secretary of Commerce recently approved delegating authority to manage private recreational red snapper harvest from the Gulf of Mexico Fishery Management Council (Council)/NOAA Fisheries to the states long-term starting in 2020. This delegation is often referred to as “state management” or Amendment 50. This delegation allows for FWC to manage red snapper harvest by private anglers only in Gulf federal waters. Federally-permitted for-hire vessels and the commercial fishery will continue to be managed by the Council/NOAA Fisheries. Florida is allocated 44.822% of the private angler component of the recreational quota. FWC is required to set seasons, bag limits, and size limits for state and federal waters. Specifically, Florida must specify a recreational bag limit. The minimum size limit must be within the range of 14 to 18 inches total length, and a maximum size limit may be specified but is not required. Florida must specify season start and end dates such that Florida’s quota is not exceeded. FWC must monitor landings and prohibit further landings when the Florida quota is reached or projected to be reached.

FWC may also request that NOAA Fisheries implement area or depth-specific regulations (e.g., 20 and 35 fathom closures) in federal waters off Florida, although staff does not recommend setting area or depth-specific regulations at this time. NOAA Fisheries, rather than FWC, would have to implement such regulations because they would also apply to anglers in federal waters fishing under other states’ seasons.

Lastly, if Florida’s quota is exceeded, the overage would be deducted from the following year’s quota.

The next slide outlines a draft rule that would extend state rules into federal waters for Gulf red snapper harvest by private recreational anglers in accordance with this delegation.
Proposed Draft Rule for State Management

- **Extend Gulf state red snapper bag limit, size limit, and seasons into federal waters for private recreational anglers**
- **Streamline process for setting Gulf recreational red snapper season**
  - Additional rulemaking not necessary according to Section 120, Florida Statutes
  - Seasons would be discussed and advertised by FWC as usual
- **Allow federally permitted for-hire vessels to possess red snapper in state waters while their federal season is open but state waters are closed**
  - Industry request allowed by Executive Order in 2018 and 2019
  - Harvest in state waters would remain prohibited during state closed season
- **Remove redundant definitions from reef fish rule**

The proposed draft rule would extend Florida’s current recreational bag limit of 2 fish and size limit of 16 inches total length for Gulf red snapper into federal waters for private recreational anglers. These are consistent with the bag and size limit requirements that have been in place in federal waters for both private anglers and federally-permitted for-hire vessels. The proposed draft rule would also streamline the process used to set the season, according to the provisions of section 120.81(5) Florida Statutes. This section allows FWC to update fishing seasons without undergoing additional rulemaking as long as the season is adequately noticed to the public (i.e., published in newspapers or broadcast by electronic media). This would provide FWC the flexibility to set and adjust the red snapper season without undergoing additional rulemaking or issuing executive orders. However, staff would still seek Commission direction on season dates and FWC would continue to notify the public of red snapper seasons as usual via MyFWC.com and other means such as press releases.

The proposed draft rule would also allow federally-permitted for-hire vessels, which have their own season set by NOAA Fisheries, to possess (but not harvest) red snapper in state waters while the federal for-hire season is open but state waters are closed. This was a request of several federal for-hire captains in the Florida Panhandle that fish for red snapper in federal waters, then come to state waters to fish for other species like king mackerel. In both 2018 and 2019, FWC issued executive orders to allow this, as the federal for-hire season differed from the state season. Lastly, the proposed draft rule would remove rule language (several definitions) from the reef fish rule that is redundant with language elsewhere in FWC rule and unnecessary.
2020 Gulf Recreational Season Options

- **Staff Recommendation:** Open June 11 – July 25 (45 days)
  - Structure similar to 2018, 2019 seasons
  - Fall weekends reopening if quota is available

- **Option #2:** Open June 1 – July 13 (43 days)
  - Same opening date as federal for-hire
  - Fall weekends reopening if quota is available

**Direction requested: 2020 Gulf red snapper season**

For the 2020 Gulf red snapper season, staff recommends following the season structure used to set the 2018 and 2019 seasons, which would open harvest June 11 for a continuous summer season. Staff estimates that harvest can stay open through July 25 (45 days) with a relatively low risk of exceeding Florida’s quota for 2020, which will be 1,913,451 pounds. This is slightly higher than the 2018 and 2019 quotas. If there is quota available after the summer season, FWC could reopen over fall weekends for a limited harvest similar to 2019’s fall weekends season.

The staff recommended season of June 11 through July 25 was designed to optimize harvest opportunities for recreational anglers during summer, which is when most anglers prefer to fish for red snapper. June 11 was chosen as the start date to help maximize the number of harvest days during summer. Harvest and effort tend to be higher during June than July, so a season starting June 11 yields a longer season than one that begins on June 1. Many anglers support starting the season later in June, recognizing that a longer season provides more harvest opportunities and added flexibility to plan fishing trips around weather. Some stakeholders (including the Board of County Commissioners of Escambia County, Florida) have requested that FWC open harvest starting June 1, which is the same date that the federal for-hire season begins. However, starting the season earlier in June results in a shorter season, as fishing effort is higher in June. As with the staff recommended option, FWC could reopen for fall weekends if sufficient quota remains following the summer season.

Commission direction is requested on the 2019 Florida red snapper season. Staff recommends selecting a draft season today that would be finalized at the February FWC meeting.
Considerations for 2020 Red Snapper Season

- Continuous summer season designed to maximize harvest opportunities
  - Structure similar to 2018 and 2019 seasons
  - Effort is highest on weekends compared to weekdays
  - Includes private anglers and for-hire operations that are not permitted to operate in federal waters
- Any overage must be paid back in 2021
- Possible fall reopening if quota is available
- FWC responsible for monitoring harvest

There are several other factors to consider when setting the season for recreational red snapper in Gulf state and federal waters for 2020. The proposed June 11- July 25 continuous season is designed to optimize harvest opportunities for recreational anglers during summer. The proposed 2020 season structure is similar to the 2018 and 2019 seasons, which also opened June 11. While some anglers support a 3-day weekends only season, it is important to remember that fishing effort is higher on weekends compared to weekdays, which means Florida’s quota would be reached faster during a weekends-only season than a continuous season. The proposed 2020 season would apply to private recreational anglers in Gulf state and federal waters, and to state charter operations, which are limited to fishing in state waters only because they do not have the federal permit required to run for-hire trips in federal waters.

Additionally, it is imperative to prevent a quota overage in 2020 because any overage must be paid back in 2021. If quota remains after the 45-day continuous season, FWC could provide a fall reopening on weekends, as long as harvest remains below the 2020 quota. FWC will be responsible for monitoring harvest and taking measures to ensure that the quota is not exceeded.
Staff Recommendation

- Approve draft rule establishing FWC management of red snapper for private recreational anglers in Gulf federal waters
  - Extend season, size limit, and bag limit
  - Streamline process for setting season
  - Allow possession by federally-permitted for-hire vessels during their season
- 2020 Gulf red snapper season – DIRECTION REQUESTED
  - Recommended season to be finalized at next FWC meeting: June 11 – July 24 (45 days)
  - Fall reopening if quota available

Staff recommends approving the proposed draft rule that would:

1. Extend FWC’s Gulf red snapper season, size limit, and bag limit into federal waters for private recreational anglers,
2. Streamline the process for setting the Gulf recreational red snapper season,
3. Allow possession of red snapper by federally-permitted for-hire vessels in state waters when the federal for-hire season is open but the state season is closed, and
4. Remove redundant definitions from the reef fish rule.

If approved and directed, staff will return for a final public hearing at the February 2020 Commission meeting.

In addition, staff recommends setting a draft 2020 red snapper season of June 11 – July 25 (45 days) with the possibility of a fall reopening if quota is available. Staff recommends finalizing this season at the February Commission meeting.