

Gulf Red Snapper Recreational Season



Review and Discussion
December 7, 2017



Florida Fish and Wildlife Conservation Commission

Version 1

This is a review and discussion of recent federal Gulf red snapper items and potential options for the 2018 recreational red snapper harvest season for state waters of the Gulf of Mexico.

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Moving Parts in Red Snapper Management

- 2017 recreational season: preliminary landings data and lawsuit
- Items that could affect 2018 recreational season
 - Stock status determination criteria
 - Stock assessment
 - Federal legislation
 - Exempted Fishing Permit invitation *DIRECTION REQUESTED*
- Items that could affect 2019 recreational season and beyond
 - Council state management amendments *DIRECTION REQUESTED*
 - Allocation-based management of federal for-hire vessels
 - Other possible Council action items



There are a number of moving parts that could affect management of red snapper in the short and long term. This presentation provides an overview of these items and how they could potentially influence the 2018 and other future recreational seasons. The topics on the slide above will be reviewed in more detail in this presentation. Staff will request Commission direction on two of these items: an Exempted Fishing Permit invitation and Council state management amendments.

2017 Red Snapper Recreational Seasons

Federal season for private anglers (42 total days)

- Initially set by NOAA Fisheries to be June 1-3
- U.S. Department of Commerce re-opened federal waters to private anglers
 - Fridays, Saturdays and Sundays from June 16 – Sept. 3
 - Plus Monday and Tuesday of 4th of July weekend and Labor Day
- Lawsuit filed that challenges re-opening of the fishery in federal waters
 - Plaintiffs requesting the Court maintain jurisdiction

Gulf state waters season (65 total days)

- Saturdays and Sundays in May, open continuously May 27 – June 18, then matched federal season

Federally-permitted for-hire season (49 total days)

- June 1 – July 19



In 2017, the federal season for private recreational anglers was originally set by NOAA Fisheries to be June 1-3. This season was set based on the amount of quota estimated to be available after accounting for harvest during each state's recreational season. However, in mid-June, the U.S. Secretary of Commerce re-opened federal waters to private anglers. After discussions with the five Gulf states, the U.S. Secretary of Commerce re-opened federal waters to private anglers. This extended season was open for Fridays, Saturdays, and Sundays from June 16 – Sept. 3, plus the Monday and Tuesday of 4th of July weekend and Labor Day. All Gulf states agreed to align their state seasons with this extended federal season for the summer. This extended federal waters season has been challenged in a lawsuit filed by Environmental Defense Fund and Ocean Conservancy. The plaintiffs allege numerous violations of the Magnuson-Stevens Act, Administrative Procedures Act, Gulf of Mexico reef fish regulations, and National Environmental Policy Act. The plaintiffs request that the Court maintain jurisdiction over this action until NOAA Fisheries is in compliance with these Acts and previous court orders.

For Florida, cooperation with the federal government on red snapper essentially resulted in the Commission trading summer weekdays and fall weekends for increased summer weekend opportunities. Florida's state season was open for 65 total days. Harvest was open for May weekends, then open daily starting Memorial Day weekend through June 18. After that time, the state season matched the federal season.

The federal season for federally-permitted for-hire vessels was June 1- July 19. This season was set by NOAA Fisheries and was not affected by the federal private angler season extension by the U.S. Secretary of Commerce.

2017 Season Update – Preliminary Recreational Landings and Lawsuit

- Landings are incomplete but preliminary data indicate overall ACL was likely exceeded this year
 - Landings estimates thus far only include MRIP data through August 30 and do not include TX data
 - Private anglers at 156% of ACL
 - Federally-permitted for-hire at 73% of ACL
- If 2017 overall recreational ACL is exceeded, the overage may be deducted from 2018 ACL
- Court decision on lawsuit could have implications for 2018 season



Preliminary recreational harvest estimates for this year's red snapper season are preliminary and incomplete, but include Marine Recreational Information Program (MRIP) data through the end of August. The available data do not include any harvest information from Texas. The available data indicate that, thus far, private anglers have harvested 156% of their annual catch limit (ACL) and that federally-permitted for-hire vessels have harvested 73% of their annual catch limit (ACL). If the overall recreational ACL for 2017 is exceeded, the overage may be deducted from the 2018 ACL and could affect the length of the 2018 federal season for private anglers. The factors that will play into whether an overage deduction will occur are reviewed in more detail on the next slide.

As mentioned previously, the Court's decision on the 2017 extended federal season lawsuit could also have implications on the 2018 season. The next portion of this presentation will review other items that could affect the 2018 federal recreational red snapper season.

2018 Federal Recreational Season Outlook



2018 season could be affected by outcomes of several items

- Proposed changes to stock status determination criteria – If approved by U.S. Secretary of Commerce, red snapper would no longer be considered overfished based on 2014 stock assessment
 - Overage paybacks only occur if stock is overfished
- New stock assessment underway
 - If stock found to be overfished, payback of any 2017 overage likely
 - ACLs will be adjusted based on assessment outcome
- 2017 Appropriations directive
- Proposed federal legislation



If the 2017 recreational ACL is exceeded, proposed changes to stock status determination criteria could affect the outlook for the 2018 federal recreational season. Earlier this year, the Council voted to modify the criteria for determining whether several reef fish stocks, including red snapper, are overfished (also known as the minimum stock size threshold). If the U.S. Secretary of Commerce approves this change, this would mean that red snapper would no longer be considered overfished, at least based on the last available stock assessment for red snapper, which was completed in 2014. Because red snapper ACL overages must only be paid back when the stock is considered overfished, this could mean that any ACL overage that occurs in 2017 may not affect the 2018 ACL or recreational season.

However, a new stock assessment is underway for red snapper and due to be completed in the spring. If the new assessment indicates that the stock is overfished (using the proposed change in stock status criteria), any 2017 overage would have to be deducted from the 2018 ACL and would affect the 2018 federal season for private recreational anglers. Regardless of the outcome of the new stock assessment, we can also expect that ACLs will need to be adjusted based on the new stock assessment results. Depending on how quickly the ACLs can be modified through the federal process, the new ACLs would take effect in either 2018 or 2019 and would have a direct effect on the length of the federal season.

Federal legislative items may also affect the federal recreational season in 2018. These items include a directive that was included in the 2017 Appropriations Bill that was signed into law, as well as several pieces of proposed federal legislation. These items will be reviewed in more detail on the following slides.

Federal Legislation – 2017 Appropriations Bill Signed into Law

- Extends state boundaries for AL, MS, and LA to 9 nm for red snapper
- Provides \$10 million for independent, non-NOAA stock assessment
- Provides no funding for full transition of MRIP until NOAA fixes the stock assessment process
- Urges NOAA to provide increased quota allocation for private anglers
- [Creates red snapper state management pilot program](#)
 - Directs NOAA to develop pilot program that places Gulf states in the lead for fisheries management over designated reef zones
 - Provides an opportunity for Gulf states to demonstrate their ability to responsibly manage fisheries resources



The 2017 Appropriations Bill, which was signed into law on May 5, includes a number of items related to red snapper. This bill permanently extends the state boundaries for Alabama, Mississippi, and Louisiana from three to nine nautical miles from shore, similar to the state boundaries for Texas and Gulf of Mexico waters off Florida. It also provides \$10 million for an independent, non-NOAA stock assessment for red snapper, and no funding for the full transition of MRIP until NOAA Fisheries fixes the stock assessment process. It also includes directives that urge NOAA to provide increased red snapper quota allocation to private anglers and create a red snapper state management pilot program. This pilot program places Gulf states in the lead for fisheries management over designated reef zones and provides an opportunity for each of the Gulf states to demonstrate their ability to responsibly manage red snapper fisheries resources in waters off their state.

State Pilot Program for 2018 Season – Exempted Fishing Permit Opportunity

- In response, NOAA Fisheries invited each Gulf state to apply for an Exempted Fishing Permit (EFP) to participate in pilot program opportunity
 - EFPs are permits that allow harvest for certain purposes that otherwise would not be allowed under federal regulations
- All Gulf states working on EFP proposals
- EFPs could be mechanism for 2018 federal private recreational season
- State proposals subject to approval by NOAA Fisheries, but will be reviewed by the Council in January
- Florida EFP proposal could be used to set federal and state private recreational seasons for 2018 and potentially 2019



Direction Requested



In response to this Congressional directive, NOAA Fisheries has invited each Gulf state to apply for an Exempted Fishing Permit (EFP) to participate in the pilot program opportunity. EFPs are federal permits that allow harvest for certain purposes that otherwise would not be allowed under federal regulations. All five Gulf states are developing EFP proposals that would allow them to implement this pilot program in federal waters off their state. It is possible that these EFPs could be the mechanism under which the 2018 federal private recreational season occurs. Each state proposal will be subject to approval by NOAA Fisheries, but will be reviewed by the Council at its January meeting. Staff requests direction on the draft Florida EFP proposal, which could be used to set the federal and state private recreational seasons off Florida for 2018 and potentially 2019. The details of the proposal can be found on the next slides.

EFP Opportunity – Florida Proposal

Goal: To test data collection and quota monitoring methods by FWC for management of the private recreational and state charter components of the red snapper fishery

- Florida will be required to manage harvest under a quota
- Gulf Reef Fish Survey and MRIP would be used to monitor harvest
- Regional, split seasons for state and federal waters off Florida **out to 20 fathoms** (state charter captains can harvest out to 9 nautical miles)
- Panhandle (Escambia through Gulf counties): May 25 – June 5
- Franklin through the Gulf-portion of Monroe County: June 6–17
- Additional fall season if unused quota is available
- Anglers encouraged to report trip information via iAngler app and use descending devices or venting tools



Direction Requested

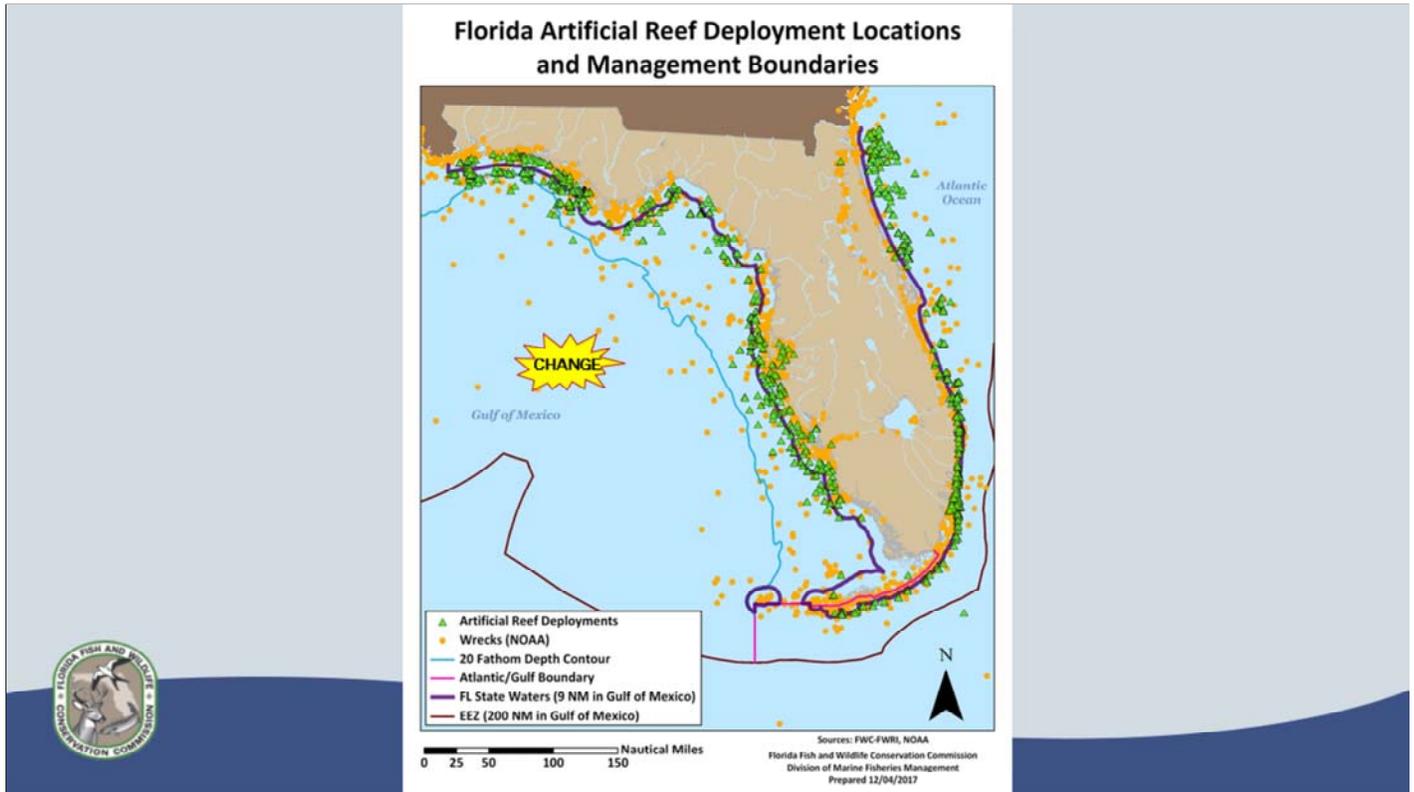


The goal of Florida's draft EFP proposal would be to test data collection and quota monitoring methods by FWC for management of the private recreational and state charter components of the red snapper fishery. Under this pilot program, Florida will be required to manage this harvest under a quota that is specified in the EFP. Florida's Gulf Reef Fish Survey and MRIP would be used to monitor this harvest.

Harvest in state and federal waters off Florida would occur through regional, split seasons and would be allowed from shore to the 20 fathom contour line (120 feet in depth) under this proposal. Because state (non-federally-permitted) charter captains are not licensed to harvest any reef fish in federal waters, these captains could fish out to nine nautical miles from shore, but could not fish beyond the state boundary line. Based on past red snapper stakeholder input, waters off Florida's Gulf coast would be divided into two regions: Panhandle (waters off Escambia through Gulf counties) and Franklin through Monroe counties (Gulf of Mexico waters only). Staff proposes that the number of open days for each region be equal and include continuous days during the summer, which is the harvest season most preferred by anglers who have provided their preferences to FWC in the past. The number of harvest days for each of these areas would depend on the quota allocated to Florida. For example, off the Florida Panhandle harvest could be open from May 25 – June 5, while harvest off Franklin County through the Gulf-portion of Monroe County could be open June 6-17. If Florida does not harvest all of its quota during these summer seasons, FWC could open an additional fall season so that the remaining quota could be harvested.

Anglers participating in this opportunity would be encouraged to report information about their fishing trip, like the number of red snapper harvested and discarded, through the iAngler app. Anglers would also be encouraged to use descending devices and venting tools as necessary to increase survivorship of released fish that are affected by barotrauma.

Staff requests Commission direction on Florida's proposal for this EFP opportunity.



The map above shows the location of artificial reefs off Florida and the area that would be affected under this EFP. The 20 fathom depth contour is demarcated in blue. Anglers fishing under the proposed EFP would have access to most of the artificial reefs (green triangles) and shipwrecks (orange dots) off Florida’s Gulf coast, since most are located between the shoreline and 20 fathom depth contour. The state waters line is shown in purple and the federal waters (EEZ) boundary is shown in red. State charter captains would not be able to fish beyond the state waters line under this EFP, and no harvest between the 20 fathom depth contour and the federal waters boundary by any private recreational angler would be authorized under the EFP.

Independent, Non-NOAA Stock Assessment

- \$10 million provided in 2017 Appropriations Bill
- Multi-disciplinary team formed to implement project by October 2019

Goals:

- Estimate abundance and distribution of red snapper on artificial, natural, and unknown/unconsolidated bottom habitat across the northern Gulf
- Implement a large-scale survey to estimate red snapper population abundance to be integrated into the federal red snapper stock assessment
- Archive biological samples for future life history studies of age and growth, fecundity, trophic ecology, and genetic population structure
- Work directly with the Gulf fishing community and engage stakeholders



As mentioned on slide 7, the 2017 Appropriations Bill also included \$10 million for an independent, non-NOAA stock assessment of red snapper. Recently, a multi-disciplinary team was formed to implement this project by 2019. The goals of the project are to estimate abundance and distribution of red snapper on artificial, natural, and unknown/unconsolidated bottom habitat across the northern Gulf. A large-scale survey would be used to estimate red snapper population abundance with the intent that the results of the survey would be integrated into the federal red snapper stock assessment. Biological samples would be archived for future life history studies of age and growth, fecundity, trophic ecology, and genetic population structure. This group would also work directly with the Gulf fishing community and engage stakeholders on the project.

Red Snapper – Current Proposed Federal Legislation

- **GOFISH Act (H.R. 1382):** Requires U.S. Secretary of Commerce to set 2017 and 2018 recreational season
- **REDSNAPPER Act (H.R. 3588 and S. 1686):**
 - Would give each Gulf state authority to manage private recreational fishery for red snapper out to 25 fathoms or 25 miles, whichever is greater
 - Continues management of commercial and for-hire fisheries through the Council, but freezes their quotas, allocations, and seasons at current levels
 - Council would continue to set ACLs for private recreational anglers
 - States would be responsible for setting regulations, monitoring harvest, and ensuring quota not exceeded for private recreational anglers



Congress is currently developing several pieces of legislation that could affect red snapper management in 2018 and the future. The GOFISH Act (H.R. 1382) was introduced by Congressman Weber (TX) earlier this year and would require the U.S. Secretary of Commerce to set the 2017 and 2018 federal seasons, with the federal private recreational season to be 62 days beginning July 1. While this legislation appears to be moot for 2017, if it advances and is signed into law, it would affect the 2018 season.

The RED SNAPPER Act (H.R. 3588 and S. 1686, introduced by Congressman Graves and Senator Cassidy, both of LA) would also directly affect red snapper management. This legislation would give each Gulf state authority to manage the private recreational fishery for red snapper out to 25 fathoms (150 feet) or 25 miles from shore, whichever is greater. It would continue management of the commercial and federal for-hire fisheries through the Council, but would freeze their quotas, allocations, and seasons at current levels. The Council would also continue to set ACLs for private recreational anglers. States would be responsible for setting regulations, monitoring harvest, and ensuring the private recreational quota is not exceeded.

Red Snapper Federal Legislation – Proposed 2018 Appropriations

- Appropriations approved by the House:
 - \$10 million to continue to improve science and management of red snapper
 - Incorporate data from natural and artificial reefs in stock assessments
 - Directive to improve communication with stakeholders
- S. 1662:
 - \$5 million to continue state pilot program
 - Directs NOAA Fisheries to incorporate non-agency data and alternative approaches in federal Gulf reef fish stock assessments
 - Urges NOAA to provide increased quota allocation for private anglers



Congress is also developing appropriations legislation for the 2018 fiscal year that affects red snapper. The House of Representatives has approved an appropriations package that includes \$10 million to continue to improve science and management of red snapper. It also directs NOAA to incorporate data from natural and artificial reefs in stock assessments, and improve communication with fisheries stakeholders. On the Senate side, S. 1662 would provide \$5 million to continue the state pilot program described earlier in this presentation. It would also direct NOAA Fisheries to incorporate non-agency data and alternative approaches in federal Gulf reef fish stock assessments. Finally, like the 2017 Appropriations Bill, it urges NOAA to provide increased red snapper quota allocation for private anglers. Staff will continue to monitor the red snapper items in this proposed legislation as Congress continues work on setting the federal budget for 2018.

Red Snapper Management – Items that Could Affect 2019 and Beyond



- Council state management amendments
- Allocation-based management of federal for-hire vessels
- Other possible Council items
 - Quota carryovers
 - Annual Catch Target (ACT) buffers for recreational fishery
 - Ad Hoc Red Snapper Private Angler Advisory Panel



The next portion of this presentation details items that could affect red snapper management for 2019 and beyond. All of these items are being developed and discussed by the Council.

Red Snapper State Management through Council Process



- Individual state management plans now being developed for all five Gulf states
- Would allow each state to manage the recreational fishery in state and federal waters
- State-by-state allocations could be based on past landings, geographical distribution of red snapper biomass, and/or number of angler trips
- Council considering Florida plan that would have an option for “full delegation” that would provide maximum flexibility for managing within a Council-set ACL
 - Council requesting states provide a list of management measures they would consider under “full delegation”
- Discussions will continue at upcoming Council meetings



Direction Requested



In October, the Council continued discussion on potential state-by-state management of the recreational red snapper fishery. The Council voted to develop individual state management plans for all five Gulf states. These amendments would allow each state to manage the recreational red snapper fishery in both state and federal waters through the Council process. In this situation, the Council would continue to set recreational quotas for the red snapper fishery, and part of this quota would be allocated to each state. The Council has directed their staff to examine a number of options for calculating state-by-state quotas, such as using landings history, geographical distribution of red snapper biomass, and/or number of angler trips for each state.

The Council is considering several mechanisms by which each state would set regulations for red snapper harvest in federal waters off their state. Based on past Commission direction, staff has advocated for options that would delegate management of the recreational fishery to Florida so that the Commission could manage the fishery without having to seek Council or NOAA approval. For this reason, the Council is considering in the Florida plan an option for “full delegation,” which would provide maximum flexibility for managing within a Council-set ACL. Recently, the Council sent a letter to Florida and each of the Gulf states requesting that each state provide a list of management measures they would like to consider under a “full delegation” scenario. This list would essentially be a list of management tools that the Commission could use to manage the fishery. Discussions on state-by-state management will continue at the January and future Council meetings. Commission direction is requested on management measures that should be considered under “full delegation” for Florida, as the Council has requested a reply by mid-January. Staff suggestions are provided on the next slide.

State Management – Delegation Preferences for Florida



Suggested measures for Florida red snapper management “toolbox” that could provide maximum flexibility

- Set seasons, size limits, bag limits (daily or per trip), and regions
- Modify allowable gear
- Establish area- or depth-specific gear regulations
- Implement angler registry for data collection or require angler reporting
- Manage toward ACL or adjust ACT and reopen fishery to meet ACL/ACT
- Establish multi-year ACLs



Direction Requested



Staff suggests responding to the letter by listing several delegation preferences to provide the Commission maximum flexibility in management of the red snapper fishery. Suggested management tools for the “toolbox” include the ability to:

- Set seasons, size limits, bag limits (daily or per trip), and regions;
- Modify the gear that could be used to harvest red snapper;
- Establish area- or depth-specific gear regulations;
- Implement an angler registry for data collection or require angler reporting;
- Manage toward the Florida ACL or adjust the annual catch target (ACT) so that the ACL/ACT is met; and
- Establish multi-year ACLs.

Commission ideas and suggestions on this list are welcome.

IFQ-Type Management of For-Hire Vessels



- Council has been developing individual headboat and charter vessel plans
 - Headboat plan could include red snapper, gag grouper, red grouper, greater amberjack, and gray triggerfish
 - Charter plan could include red snapper, greater amberjack, and gray triggerfish
- Magnuson-Stevens requires the Council to poll industry (who have “substantially fished”) on potential IFQ programs before the Council takes final action
 - Council-preferred option for headboats: vessels who have landed annual average of 100 fish of above species combined can vote
 - Charter options: one vote per permit OR one vote per unique permit holder



At recent meetings, the Council has discussed potentially creating allocation-based or Individual Fishing Quota (IFQ) type management programs for federally-permitted for-hire vessels. The headboat management plan could include red snapper, gag grouper, red grouper, greater amberjack, and gray triggerfish. So far, Council preferences for the charter boat management include red snapper, greater amberjack, and gray triggerfish.

Before taking final action on any new IFQ programs, the Magnuson-Stevens Act requires the Council to poll industry members who have “substantially fished” for the species proposed for the IFQ program. The proposed IFQ program can only be approved by the Council if it is also approved by a majority of those voting in the industry referendum. The Council is considering how to set the criteria for who can vote (i.e., who is considered to have substantially fished for the species to be included) in the referenda on these potential programs. The Council’s preferred option for those in the headboat industry include vessels who have landed an annual average of 100 fish of red snapper, gag grouper, red grouper, greater amberjack, and gray triggerfish. Since landings are not available for individual charter vessels, potential options for the charter industry referendum include either one vote for each permit or one vote per unique permit holder (a single entity can have more than one permit if it operates more than one for-hire vessel).

The Council is expected to continue discussions of these programs at future meetings in 2018. Many details have yet to be worked out on these programs, so it is unlikely that they would be implemented until 2019 or later if approved by the Council.

Red Snapper – Other Council Discussions



Quota Carryovers

- Could allow quota not caught in one year to be added to the next year's quota

Annual Catch Target (ACT) Buffers for Recreational Fishery

- Adjusting ACTs could expand for-hire harvest opportunities, since for-hire component has not reached its ACT since sector separation
- Could mean larger ACT buffer for private recreational angler component

Ad Hoc Red Snapper Private Angler Advisory Panel

- Scheduled to meet on Jan. 18 in Tampa



The Council has also discussed allowing quota carryovers, or potentially allowing quota not caught in one year to be added to the next year's quota, for red snapper and other fish managed by the Council. The Council must decide when a species should be eligible for a quota carryover, and how much of the leftover quota should be added to the next year's quota.

The Council has also recently discussed adjusting the 20% ACT buffer that is applied to the recreational red snapper fishery. This buffer applies to the fishery as a whole, but the fishery is divided into two components (private recreational and federally-permitted for-hire) that have separate ACLs and seasons. Since sector separation resulted in creation of these two components, the private recreational component has exceeded its ACT but the federally-permitted for-hire component has not. Adjusting ACTs for each component could expand for-hire harvest opportunities by allowing the for-hire season to be set based on a smaller ACT buffer. On the other hand, this would likely result in a larger buffer for the private recreational angler component, since the 20% buffer on the overall recreational fishery would remain in place. The Council will continue discussions on quota carryovers and ACT buffers for the recreational red snapper fishery at future meetings.

Finally, the Council has formed an Ad Hoc Red Snapper Private Angler Advisory Panel. This group of private anglers is tasked with making recommendations to the Council for the private recreational angler component of the red snapper fishery. This group is scheduled to meet next on Jan. 18 in Tampa.

Direction Requested

Staff requests direction on the following items:

- Florida red snapper EFP proposal and using this proposal to set federal and state private recreational seasons off Florida for 2018 and possibly 2019
 - State waters season includes state-licensed charter captains, out to nine miles
- Delegation preferences for state management of the recreational red snapper fishery through the Council process



Staff requests direction on two items related to Gulf red snapper. First, staff requests direction on the draft Florida EFP proposal and using this proposal to set the federal and state private recreational seasons off Florida with 2018 and potentially 2019. As a reminder, the state waters season covered under this EFP would include state-licensed charter captains out to nine miles. Staff also requests direction on the Commission's delegation preferences for state management of the recreational red snapper fishery through the Council process.