

This is a review and discussion of actions and discussions at the Gulf of Mexico Fishery Management Council's (Council) April 7-10 meeting in Baton Rouge, LA.

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Federal Red Snapper Lawsuit



- Commercial fishermen challenged federal rules that set 2013 red snapper quotas and recreational seasons
- Summary judgment granted against NOAA Fisheries
- NOAA Fisheries and plaintiffs filed a joint motion to stay for similar case on 2014 season
 - NOAA Fisheries will promulgate emergency rules to ensure 2014 harvest stays within quota
 - NOAA Fisheries and Council will develop long-term regulations to keep harvest within quota for 2015 and beyond



Several commercial fishermen, associations, and businesses recently took legal action challenging three federal rules that set recreational fishing season lengths and quotas for Gulf red snapper in 2013. The plaintiffs alleged that NOAA Fisheries failed to effectively manage red snapper and thus violated the Magnuson-Stevens Fishery Conservation and Management Act. Last month, a federal judge agreed and granted summary judgment in favor of the commercial fisherman and against NOAA Fisheries. Specifically, the court found that NOAA Fisheries failed to keep the recreational fishery from exceeding its quota, use best available scientific information, require accountability measures, and avoid decisions that conflict with established sector allocations. This legal decision will affect the 2014 federal recreational season length.

The plaintiffs also challenged the federal rule that set the 2014 recreational season. NOAA Fisheries and the plaintiffs have filed a joint motion to stay this case. In this motion, NOAA Fisheries has agreed to promulgate rules to ensure that the recreational sector stays within its quota in 2014 and beyond. The Council approved an emergency rule last week to put accountability measures in place for the recreational sector for the 2014 red snapper season that starts June 1. Because this emergency rule is temporary, NOAA Fisheries and the Council will develop long-term regulations at future meetings to keep recreational harvest within the recreational quota for 2015 and beyond.

2014 Gulf Federal Recreational Season – Emergency Action



- Council approved 20% buffer on 5.39 mp recreational quota in response to federal lawsuit
- Federal season projection dropped from 40 days to 11 days (June 1-11)
 - Season calculation now includes 2013 data and assumes
 - “30B” requirement stays in place
 - MS and AL rules match federal rules
 - FL approves proposed 52-day state season
 - TX and LA keep same inconsistent state rules
- Federal season will be shortened or eliminated in response to change in LA state season from weekends only to year round



In response to the lawsuit, the Council approved an emergency rule that would apply a 20% buffer on the 5.39 million pound (mp) recreational quota. Essentially, this would create a recreational annual catch target of 4.312 mp. NOAA Fisheries is expected to promulgate this rule by May 15.

In late 2013, NOAA Fisheries announced that the 2014 Gulf federal recreational red snapper season would begin June 1 and remain open through July 10, which is when the recreational quota was expected to be reached. Last week, based on the lawsuit and emergency Council action to set a 20% buffer, NOAA Fisheries estimated that the 2014 federal season would be 11 days. Originally, 2013 recreational catch rate estimates were not used to project the 2014 season length because of unresolved issues with MRIP data from the 2013 season. The court found that these data should have been used to calculate the 2014 season, so these data were used for the 11-day season projection.

NOAA Fisheries also changed some assumptions in calculating the 2014 season. First, NOAA Fisheries assumed that the requirement that federally-permitted for-hire vessels to follow federal reef fish rules when fishing in state waters (commonly referred to as “30B”) would remain in effect. This is very likely, because at the April Council meeting, the Council voted to keep the “30B” requirement in place. NOAA Fisheries also continued to assume that Mississippi and Alabama state rules would match federal rules. However, in this round of calculations, NOAA Fisheries assumed that Florida would have a 52-day season (previously they assumed Florida would match the federal season). NOAA Fisheries also assumed that Texas and Louisiana would keep the same inconsistent state recreational red snapper regulations for their state waters. Just last Friday, Louisiana announced that its state waters would be open year round instead of for three-day weekends. This means that the federal season will have to be shortened, or possibly eliminated, to ensure that the Gulf-wide recreational quota is not exceeded.

Action to Remove “30B” Withdrawn



- Council previously voted to remove requirement for federally-permitted for-hire boats to follow federal reef fish rules regardless of where they are fishing (“30B”), but withdrew this action
- Concern that removing “30B” would result in no federal recreational red snapper season
- FWC staff did not support withdrawing action to remove “30B”



In February, the Council took final action to rescind “30B,” which would remove the restriction that federally-permitted for-hire vessels follow federal reef fish rules in state waters. This framework amendment was only recently transmitted to NOAA Fisheries/the Secretary of Commerce for approval. However, at the April Council meeting, the Council voted to withdraw the framework amendment to rescind “30B.” The Council felt that even though the framework had already been submitted, that voting to withdraw the framework would send a message that the Council does not want to move forward with removing 30B, especially in light of the projected 11 day season. If 30B is removed, the 11-day federal season would be reduced and as a result, there may not be a federal season in 2014 or 2015. The FWC staff representative on the Council did not support withdrawing the action to rescind 30B based on previous Commission direction.

Alabama Charter Co-Op Exempted Fishing Permit (EFP)



- Council recommended approval of EFP for two-year pilot program
 - Purpose is to evaluate efficiency of an allocation-based management system for charter boats
- If approved by NOAA Fisheries, red snapper quota would be allocated to Alabama charter boats
 - Exempted from season closures but must follow size and bag limits
 - Electronic reporting required after each trip
- Similar to headboat collaborative EFP



Approximately 90 eligible vessels from Alabama

The Council also recommended approval of an exempted fishing permit (EFP) for a two year pilot program that would allocate the Alabama Charter Co-Op red snapper quota. This pilot program would include all charter boats licensed by the State of Alabama that have federal reef fish permits and land their catches in Alabama. EFPs are issued by NOAA Fisheries, but NOAA Fisheries sometimes asks the Council for opinions on EFP applications. The purpose of this EFP is to evaluate the efficiency of an allocation-based management system for charter boats. The Alabama Charter Co-Op requested that the allocation for the participating vessels be based on average Alabama charter boat landings from 2011-2013, which is equates to 6.8% of the recreational quota (assuming a quota of 5.39 mp, this would be 366,520 pounds). This quota would be divided among approximately 90 eligible Alabama charter vessels. If approved, charter vessels that participate in the pilot program would be exempted from red snapper season closures, but would be required to follow size and bag limits and would not be allowed to exceed their allocation. Participating vessels would also be required to report their catches electronically after each trip. A similar EFP was issued to a group of headboats in the Gulf of Mexico earlier this year.

Red Snapper Discussions



- **Recreational Accountability Measures** – Council will consider long-term options (buffers and payback provision) in response to lawsuit
- **Sector Reallocation** – Council preferred alternative would allocate 75% of quota increases to the recreational sector if the total red snapper quota is greater than 9.12 mp
 - Current allocation: 49% recreational and 51% commercial
- **Sector Separation** – Council considering splitting recreational sector into private anglers and for-hire
- **IFQ-type Program for For-hire** – Options to be developed
 - Federally-permitted for-hire vessels would receive an allocation for harvest of red snapper



Direction Requested

The Council also discussed several long-term red snapper management options. In response to the lawsuit, the Council will consider long-term accountability measures (AMs), including buffers and a payback provision. These AMs will be developed in the same document as red snapper sector reallocation. Final action is expected in August.

Sector reallocation was also discussed. Currently, 51% of the annual catch limit is allocated to the commercial sector, with the remaining 49% allocated to the recreational sector. The Council preferred alternative would reallocate 75% of quota increases to the recreational sector if the total red snapper quota is 9.12 mp or greater. Commission staff has supported this alternative at the direction of the Commission. The Council was planning a special Council meeting in May to take final action on sector reallocation, but final action has been postponed.

The Council is also considering sector separation for the recreational red snapper fishery and discussions on this issue will continue. If sector separation occurs, the recreational red snapper quota would be subdivided into federally-permitted for-hire and private angler quotas. These quotas could then be managed separately. The Council is also considering a voluntary sector separation program, in which for-hire vessels could opt in or out. Past Commission direction has been to stay neutral on this issue.

Finally, the Council voted last week to consider an individual fishing quota (IFQ) type program for the for-hire component of the red snapper fishery. The Council will develop options for an IFQ-type management scheme in which for-hire vessels are allocated pounds, days, or numbers of red snapper for harvest. This option would also require sector separation.

Staff requests direction from the Commission on long-term red snapper management options.

Recreational Red Drum Management in Federal Waters



- All harvest of red drum in federal waters has been prohibited since 1988
- Council will consider allowing some recreational harvest of red drum out to nine nautical miles from shore in federal waters off AL, MS, and LA
 - Would manage to 30% or greater escapement rate
 - Management may be led by Council or delegated to the states



The Council also discussed red drum management in federal waters. All harvest of red drum in federal waters has been prohibited since 1988, but some Council members have been interested in reopening federal waters harvest of this species. The Council voted to consider allowing some recreational harvest of red drum out to nine nautical miles from shore in federal waters off Alabama, Mississippi, and Louisiana. Red drum management off Florida and Texas would not change because Florida and Texas state waters extend from shore to nine nautical miles and both states allow recreational red drum harvest.

If red drum harvest is allowed in federal waters out to nine nautical miles in the central Gulf states, red drum would be managed to a 30% or greater escapement rate. This is consistent with current management in all the Gulf states (The FWC's management goal for red drum is a 40% escapement rate). Escapement rate is the proportion of fish that survive through age four relative to the fish that would survive if there was no fishery.

The Council will consider options that include Council management measures such as bag limits and size limits in federal waters from three to nine nautical miles, as well as delegating management of recreational harvest of red drum in this area to adjacent Gulf states.

King Mackerel, Spanish Mackerel, and Cobia – Final Actions



- Joint amendments with South Atlantic Council
- Amendment 20B modified:
 - King mackerel commercial trip limits and fishing years
 - Cobia annual catch limit
- Framework Amendment 1 increased annual catch limits for Gulf and Atlantic Spanish mackerel
- King mackerel assessment underway



The Gulf Council took final action on two coastal migratory pelagics amendments that have been under development with the South Atlantic Council. If approved by the US Secretary of Commerce, Amendment 20B would modify trip limits and fishing seasons for Gulf king mackerel and adjust the annual catch limit for Gulf and Atlantic cobia. The Councils had been at a stalemate over an action from the amendment that could have changed the commercial king mackerel fishing season opening date for the Western Zone (federal waters off Texas – Alabama). However, both Councils ultimately decided to remove this action after hearing testimony from commercial fishermen that preferred the current July 1 opening date. The other amendment that was approved by the Council, Framework Amendment 1, will increase annual catch limits for Gulf and Atlantic migratory group Spanish mackerel. The South Atlantic Council took final action on both amendments at their March meeting, so both of these amendments will now go to the Secretary of Commerce for final approval.

A new king mackerel assessment is currently underway. Other actions for the king and Spanish mackerel fisheries such as sector allocations and separate commercial permits for the Gulf and Atlantic fisheries are on the horizon, but on hold until after the stock assessment is completed.

Direction Requested



- Red snapper management options including:
 - Recreational accountability measures
 - Sector reallocation
 - Sector separation
 - IFQ-type program for for-hire vessels
 - EFP for Alabama charter boats
- Input on other Council items is welcome
- Next meeting is June 23-27 in Key West



Staff requests direction on options for red snapper management including recreational accountability measures, sector reallocation, sector separation, an IFQ-type program for for-hire vessels, and the EFP for Alabama charter boats. In November 2013, the Commission directed staff to vote to reallocate 75% of quota increases to the recreational sector if the total red snapper quota is 9.12 mp or greater (this is also the Council preferred alternative) for sector reallocation. The Commission also directed staff to stay neutral on sector separation. Unless otherwise directed, staff will continue with previous direction on these topics.

Commission input on other Council items is always welcome. The next Council meeting will be June 23-27 in Key West. This is the week following the June Commission meeting.

The following slides are considered back up material and are not anticipated to be part of the Commission meeting presentation



Other Red Snapper Management Options



- Slot limit for recreational harvest
- Inter-sector trading – would allow sale or lease of commercial IFQ to the recreational sector for recreational harvest
- Regional management of recreational harvest on hold



The Council is considering creating a slot limit for recreational red snapper harvest and will examine the pros and cons at a future meeting. A slot limit could potentially protect large fish that produce a disproportionately large amount of eggs, but may not be beneficial if discard mortality is high enough to offset such protection. An analysis by NOAA Fisheries indicates that slot limits may extend the recreational season. A slot limit of 16-24 inches appears to yield the longest recreational season (53-58 days compared to the 40 days originally estimated for this year). This could be a promising management option, but additional analysis is needed.

If inter-sector trading is allowed, private recreational anglers or for-hire vessels could lease or purchase red snapper Individual Fishing Quota (IFQ) shares or allocation from commercial harvesters for use on recreational trips, even outside the recreational red snapper season.

The Council had been discussing regional management of recreational red snapper harvest, but decided to take no further action on this item unless the five Gulf states decide how the recreational red snapper quota would be divided among the states. Selection of state-by-state allocations has been complicated by 1) landings shifting toward the eastern Gulf of Mexico as the red snapper stock rebuilds and expands off West Florida and 2) uncertainty in the 2013 MRIP landings estimates and the validity of historical landings estimates.

Headboat Collaborative Pilot Program

- NOAA Fisheries issued Exempted Fishing Permit for two-year pilot program
 - Purpose is to evaluate efficiency of an allocation-based management system
- Headboat collaborative allocated quota for red snapper and gag grouper
 - Exempted from most seasonal closures
 - Must follow size and bag limits
- Currently 17 vessels participating (9 from Florida)
- Vessels must have a Vessel Monitoring System and report landings electronically after each trip



Reallocation Options and Recreational Season Estimates Assuming 11 mp Quota



Alternative	Commercial Allocation	Recreational Allocation
1. Status Quo	51%	49%
2. Add 3% to Recreational	48%	52%
3. Add 5% to Recreational	46%	54%
4. Add 10% to Recreational	41%	59%
5. <i>75% of quota increases to recreational if quota > 9.12 mp</i>	46.6%	53.4%
6. 100% of quota increases to recreational if quota > 9.12 mp	42.3%	57.7%
7. 75% of quota increases to recreational if quota > 10.0 mp	48.6%	51.4%

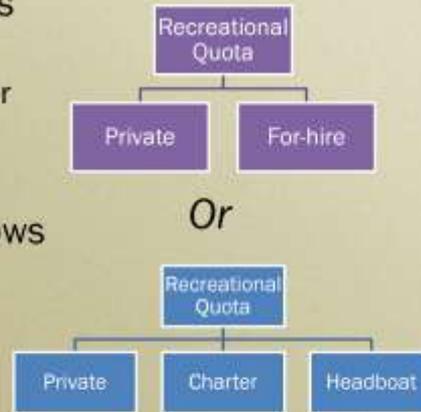


The table above shows sector allocation percentages for options being currently being considered by the Council, assuming the current overall red snapper quota of 11 mp. The Council will continue to discuss reallocation options at future Council meetings. Under the current allocation scenario (51% commercial and 49% recreational), the 2014 recreational season is estimated to be 11 days, which could change based on Louisiana recently making their state waters season year round. The Council's preferred alternative is shown in italics and would allocate 75% of quota increases to the recreational sector if the quota is greater than 9.12 million pounds.

Other Red Snapper Management Options – Sector Separation



- Would divide the recreational quota among 2 or 3 sectors
 - Could allow different management for each sector
 - Effect on number of fishing days unclear
- “Voluntary” option that allows for-hire vessels to opt in or out will be considered
- Consider link to 30B rule



Direction Requested

Sector separation would entail dividing the recreational quota among two (private anglers and for-hire) or three (private anglers, charter, and headboat) sectors for red snapper quota management. This has been a hotly contested issue at the Council. The Council is also considering a “voluntary” sector separation option that could allow for-hire vessels to opt in or out of separate for-hire quota(s) for red snapper management.

Advocates for sector separation argue that it could provide flexibility in setting management measures for private anglers and for-hire vessels. Some for-hire operators see sector separation as a way to increase predictability in their seasons and business plans, and allow for different management systems to be used for the for-hire industry (such as intersector trading, days at sea, or different season structures). Some for-hire operators argue that they are already managed differently than private recreational anglers in that they are required to have limited access permits (while the number of private recreational anglers is not limited but has grown), and their harvest can be monitored more closely than that of private recreational anglers. However, it is extremely difficult to estimate how sector separation would affect the number of fishing days allowed for either sector. Opponents of sector separation believe that sector separation will not address the issues in the red snapper fishery, but improvements in data collection could. Many also see sector separation as the first step towards privatization of a public resource and catch shares for the recreational fishery.

Another issue to consider is that if sector separation moves forward, the “30B” rule, which requires federally-permitted for-hire vessels to follow federal reef fish rules regardless of where they are fishing, would be needed to keep for-hire vessels from harvesting off the private recreational angler quota.

MRIP Estimates for Recreational Red Snapper Landings by State, 2008-2013

