

Regulatory Amendment 33 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

(Red Snapper Seasons)

Summary Document for Snapper Grouper
Advisory Panel

Background

The South Atlantic Fishery Management Council (Council) discussed modifying the days of the week that are open to red snapper recreational harvest starting in 2020, should harvest be allowed, to maximize fishing opportunity in the event of bad weather. The Council was concerned that limiting the recreational season to consecutive “weekends” during the summer months could increase the chances of losing an entire weekend of fishing opportunities for red snapper because of poor weather conditions. The Council also expressed interest in having periodic review of how limited openings are working and providing the public an opportunity to provide feedback on the seasons. Additionally, the Council considered changing the start dates for the commercial and recreational seasons to optimize fishing opportunities while minimizing discard mortality and removing the minimum number of days to allow red snapper harvest.

Draft Actions and Alternatives

Action 1. Remove the minimum number of days for the South Atlantic red snapper seasons

Alternative 1 (No Action). If the projected commercial or recreational fishing season is determined by the National Marine Fisheries Service to be three days or less then the commercial or recreational fishing season will not open for that fishing year.

Preferred Alternative 2. Remove the requirement specifying the red snapper commercial and recreational seasons in the South Atlantic would not open if projections indicate the commercial or recreational season would be three days or fewer.

****IT WAS CLARIFIED DURING DISCUSSION OF THIS ACTION THAT UNDER BOTH CURRENT AND PROPOSED REGULATIONS, RECREATIONAL AND COMMERCIAL HARVEST OF RED SNAPPER OPERATE INDEPENDENTLY OF EACH OTHER; THAT IS, HARVEST FOR ONE SECTOR CAN OPEN WITHOUT THE OTHER****

Discussion:

- This action would remove the requirement that a red snapper season (commercial or recreational) be at least three days. If this requirement is removed, red snapper harvest could be open for either commercial or recreational harvest for fewer than three days.
- The proposed action is expected to result in neither positive nor negative biological effects to the South Atlantic red snapper stock relative to **Alternative 1 (No Action)** since overall harvest would continue to be limited to the annual catch limits (ACL).
- Under circumstances where the projected red snapper fishing seasons are determined to be more than three days, there would be no difference in the economic effects of **Alternative 2** in comparison to **Alternative 1 (No Action)** because the length of the fishing seasons would be the same between the two alternatives and overall harvest would continue to be limited to the ACLs. Under the current circumstances, it is unlikely that the commercial ACL would be harvested in fewer than three days.
- If the projected recreational fishing season is determined to be three or fewer days, **Alternative 1 (No Action)** would result in forgone short-term economic benefits. In this scenario, **Alternative 2** would still allow the recreational red snapper season to occur. This would provide economic benefits through increased consumer surplus for recreational anglers, increased revenue for for-hire (charter and headboat) businesses, and increased business activity for recreational fishing related businesses.
- Under **Alternative 2** the limited fishing opportunity provided by such a small season could result in the development of derby fishing, placing vessels in direct competition or forcing some fishermen to fish in weather conditions that are dangerous, especially

depending on the timing of the opening as discussed in Action 2. However, allowing for the harvest of red snapper in South Atlantic waters, regardless of season length, is likely to have positive social effects, as the past closures have been highly controversial.

- In June 2019, the Council stated on the record that derby conditions already exist in the red snapper fishery. The Council expressed that fishermen need to take responsibility no matter how many days are open (1, 2, or 3) and that even a 1-day season would be worth it (1 day of landed fish that would otherwise be dead discards is worthwhile). In addition, Council members stated that there are benefits to data collection even for a very short season.
- **Alternative 2** would include the administrative burden of data monitoring, outreach, and enforcement of a short fishing season.

IPT Recommendations/Comments:

- Does the Council want to consider alternatives that specify a different minimum length for a season to occur, i.e., must be at least 1 or at least 2 days?

Snapper Grouper Advisory Panel (AP) Comments and Recommendations:

April 2019:

The AP received a briefing of the Council's intent at their April 2019 meeting, before the Council reviewed the wording of possible actions and alternatives at their June 2019 meeting. Hence, the AP did not have specific recommendations for each action. The AP approved the motion below:

MOTION #1: RECOMMEND THAT THE COUNCIL CONSIDER NOT ALLOWING HARVEST OF RED SNAPPER DURING THEIR PEAK SPAWNING SEASON (JULY AND AUGUST). CONSIDER COMMERCIAL HARVEST IN THE SPRING (MAY-JUNE) AND ANOTHER SEASON IN SEPTEMBER-DECEMBER.
APPROVED BY AP (UNANIMOUS)

Public Comments:¹

Public Hearings – August 2019. Comments through 8/19/19:

- 11 comments in support of Alternative 2

¹ Includes public comments submitted through the Council's website: <https://safmc.wufoo.com/reports/snapper-grouper-regulatory-amendment-33-report/>

Council Rationale:

- Management has changed fishermen’s behavior as it relates to red snapper. Even if the season were to be one day, people would likely behave in the same way. Ultimately, it is the individual’s responsibility to decide whether it is safe to go fishing or not.
- Short-term fisheries like red snapper are necessarily going to create accessibility issues.
- It could be argued that safety-at-sea concerns (National Standard 10 – conservation and management measures shall, to the extent practicable, promote the safety of human life at sea) already exist under the current approach to open recreational harvest of red snapper but could also exist on any given Saturday when the weather is nice.
- Tournaments also create “derby” style fishing.

Action 2. Modify the start date for the recreational red snapper season

*****THE COUNCIL REMOVED THIS ACTION FROM CONSIDERATION AT THE SEPTEMBER 2019 MEETING *****

Alternative 1 (No Action). The recreational season, which consists of weekends only (Fridays, Saturdays, and Sundays), begins on the second Friday in July, unless otherwise specified.

Alternative 2. Modify the recreational red snapper season to start on May 1.

- Sub-alternative 2a.** First week
- Sub-alternative 2b.** Second week
- Sub-alternative 2c.** Third week
- Sub-alternative 2d.** Fourth week

Alternative 3. Modify the recreational red snapper season to start on June 1.

- Sub-alternative 3a.** First week
- Sub-alternative 3b.** Second week
- Sub-alternative 3c.** Third week
- Sub-alternative 3d.** Fourth week

Alternative 4. Modify the recreational red snapper season to start on September 1.

- Sub-alternative 4a.** First week
- Sub-alternative 4b.** Second week
- Sub-alternative 4c.** Third week
- Sub-alternative 4d.** Fourth week

Alternative 5. Modify the recreational season to start on May 1 for a portion of the projected allowable fishing days and resume harvest in the fall if NMFS determines the entire recreational annual catch limit was not harvested.

Discussion:

- Action 2 specifies the month and week the recreational season would start, whereas Action 3 specifies the day(s) of the week harvest would be allowed during future openings. Together, these two actions would modify the timing of future recreational red snapper seasons.
- An analysis of wind data (from NOAA buoys in South Atlantic states) using data from 2015 through 2018 shows July had the fewest days with maximum winds of 20 knots or above (**Figure 1**). In general, there is a steady decline from January to June in the number of days with small craft advisory conditions. The number of days increases sharply from August to October and then levels out from October to December.

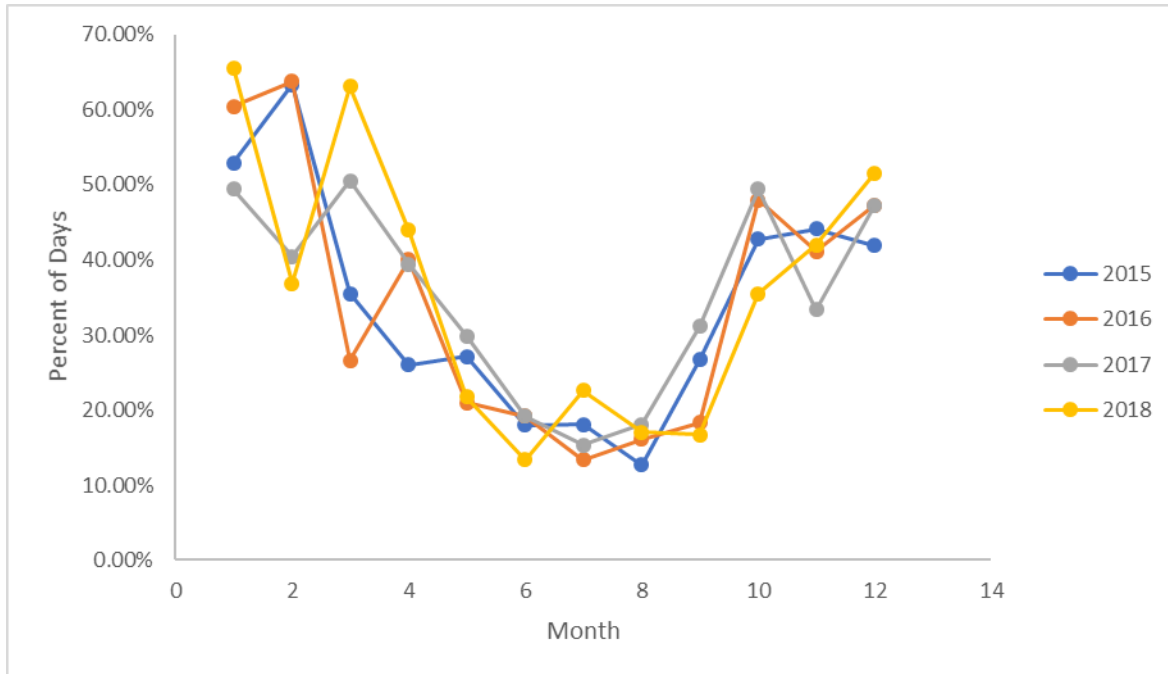


Figure 1. Percent of days with maximum wind speed of 20 knots or greater indicating small craft advisory conditions, by year, from 2015 to 2018. The small craft advisory conditions were based on wind speed to issue a small craft advisory from Georgia to Florida by the U.S. Coast Guard. Source: National Data Buoy Center.

- A correlations analysis was conducted to see if “weather today is more like weather tomorrow than next week.” This was done to get an idea of weather patterns since the Council expressed the concern that if the first opening of the red snapper season is compromised due to weather, the remainder of the season might also be affected.

The results confirmed that “if there is bad weather today, you will likely have bad weather tomorrow and if there is good weather today, there will likely be good weather tomorrow.” Combining this with previous information on the length of small craft advisory events, June, July, and August are likely to have shorter bad weather events lasting only one day whereas small craft advisories can last for multiple days from September through May.

- **Figure 2** summarizes factors to consider for possible modifications to the red snapper seasons and their duration during a typical year.

| Issue | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
|---------------------------------|--------------------------|-----|-----|--|-------------------------------|---------------|---------------|------------------|-----|-----|-----|-----|--|
| Spawning Season | | | | Spawning | Peak Spawning | Peak Spawning | Peak Spawning | Spawning | | | | | |
| Hurricanes | | | | | | | | Hurricane Season | | | | | |
| Weather Days | | | | | Best Weather Days (Typically) | | | | | | | | |
| Access for Kids | | | | | Schools Out | | | | | | | | |
| Release Mortality (Due to Temp) | | | | Convert Higher Percent of Dead Releases to Harvest | | | | | | | | | |
| Grouper | Grouper Spawning Closure | | | | | | | | | | | | |

Figure 2. Factors to consider for modifications to the red snapper recreational season and their approximate duration during a typical year.

- **Alternatives 2-5** would result in similar biological effects relative to the current start date (second Friday in July) since harvest would continue to occur when red snapper are spawning. Under current regulations, anglers in the South Atlantic region are catching and releasing red snapper outside of the open season; approximately 28% of those fish do not survive (SEDAR 41 2017). Therefore, allowing limited harvest during a portion of the red snapper spawning season would likely not have measurable positive or negative biological impacts to the stock relative to **Alternative 1 (No Action)** as harvest would continue to be limited to the recreational ACL.
- Since there are no anticipated measurable positive or negative biological impacts, there would not be economic effects resulting from future variations to harvest levels that would be an outcome of changes in the red snapper stock. As such, measures of recreational consumer surplus and for-hire net operating revenue would be the same and there would not be different economic effects among the alternatives.
- The alternative that offers the most positive social effects may depend on where a stakeholder resides regarding a preferred opening date. Seasonal weather patterns vary along the South Atlantic coast and can affect recreational fishing activity, especially for fishermen that require longer travel times to productive fishing grounds or participate in the red snapper portion of the snapper grouper fishery using smaller vessels.
- Opening dates earlier in the year, as proposed in **Alternative 2** and **Alternative 3**, would ensure that, should a reopening of the red snapper recreational sector be necessary, it would occur early enough in the year to decrease the chance of inclement weather negatively affecting fishing opportunities.
- Under **Alternative 5**, should the entire recreational ACL be harvested during the spring opening, a fall opening would not occur. This would result in areas that have easier access to red snapper in the spring and/or do not experience inclement weather events during the spring opening to receive greater social benefits than other areas of the South Atlantic. The lack of predictability may be challenging for recreational fishermen,

particularly the charter/headboat industry that must schedule trips in advance around known season closures.

- **Alternative 4** would result in similar administrative effects compared to **Alternative 1 (No Action)** but result in less impacts than **Alternative 2** or **Alternative 3**. A fishing season in September would give NMFS and the states a longer time to prepare data monitoring efforts. **Alternative 5** would cause the most administrative burden to National Marine Fisheries Service (NMFS) and the states in terms of monitoring catch, enforcement, and outreach, particularly if a second opening were to take place in the fall.

IPT Recommendations/Comments:

- Clarify what day starts a week or add “full” week to sub-alternatives?
- Consider removing sub-alternatives that fall on holiday weekends (2d, 3d, 4a).
- Alternative 3 would create adverse effects to the Florida Fish and Wildlife Commission as they are already responsible for sampling recreational red snapper in the Gulf of Mexico during June.
- Consider moving Alternative 5 to the next action since it does more than modify the start date. Also:
 - If the intent is to restrict harvest during spawning, consider language like Alternative 4 in Action 4 (May 1 start date with no harvest in July and August)
 - It is unlikely that the NMFS would have the information to determine how many fish were harvested in May to project a fall season. NMFS is dependent upon the states and the Marine Recreational Information Program providing these data.
 - What portion of the days would be allocated to May or the spring season?
 - When would harvest resume in the fall?
 - For example, the Council could consider modifying the wording of the alternative as follows: *Modify the recreational season to start in May for a portion of the projected allowable fishing days and resume harvest in September. Split the projected number of days evenly between May and September. If the projected season is an odd number of days, the higher number of days would be in May.*

Snapper Grouper Advisory Panel Comments and Recommendations:

April 2019:

The AP received a briefing of the Council’s intent at their April 2019 meeting, before the Council reviewed the wording of possible actions and alternatives at their June 2019 meeting. Hence, the AP did not have specific recommendations for each action. The AP approved the motion below:

MOTION #1: RECOMMEND THAT THE COUNCIL CONSIDER NOT ALLOWING HARVEST OF RED SNAPPER DURING THEIR PEAK SPAWNING SEASON (JULY AND AUGUST). CONSIDER COMMERCIAL HARVEST IN THE SPRING (MAY-JUNE) AND ANOTHER SEASON IN SEPTEMBER-DECEMBER.

APPROVED BY AP (UNANIMOUS)

Public Comments:

Public Hearings – August 2019. Comments through 8/19/19:

- 3 in support of no change
- 5 comments in support of Alternative 2 (May opening) (one commenter stated discard mortality is higher in summer months, including September)
- 1 comment in support of Sub-alternative 2a (first week in May, Saturday)
- 4 comments in support of Alternative 4 (September opening)
- 1 comment in support of Alternative 5 (May 1 with re-opening in September)
- 1 comment suggests August opening

Council Rationale:

- Actions 2 through 4, as proposed, could result in unintended consequences that could make the situation worse. Actions are complex and result in scenarios that may be contrary to the intent of increasing socio-economic benefits. We don't know how many days will be allowed next year or the year after.
- We need stability in when the fishery occurs. That allows NMFS to predict how many days harvest can be allowed each year. If things start moving around, NMFS will have much less information to predict future seasons.
- Several Council members felt this amendment was not necessary but agreed there was merit in reviewing the approach, getting public input, and considering changes to the commercial season (Action 4) and increasing access to the recreational sector (Action 1).
- Council rationale for current approach to managing red snapper is in **Appendix A**.
- Council members expressed concern about moving forward with changes to the start date of the commercial season without changing the start date for the recreational season and acknowledged there could be negative perception among the recreational community.

~~Action 3. Revise the days of the week recreational harvest of red snapper would be allowed during an open season~~

*****THE COUNCIL REMOVED THIS ACTION FROM CONSIDERATION AT THE SEPTEMBER 2019 MEETING *****

Alternative 1 (No Action). If the National Marine Fisheries Service determines that recreational harvest of red snapper is allowed in a given fishing year, the recreational season consists of weekends only (Fridays, Saturdays, and Sundays).

NOTE: multiple preferred sub-alternatives could be chosen.

Alternative 2. When a red snapper recreational season is projected to take place, harvest would be allowed on consecutive Mondays.

Alternative 3. When a red snapper recreational season is projected to take place, harvest would be allowed on consecutive Fridays.

Alternative 4. When a red snapper recreational season is projected to take place, harvest would be allowed on consecutive Saturdays.

Alternative 5. When a red snapper recreational season is projected to take place, harvest would be allowed on consecutive Sundays.

Alternative 6. When a red snapper recreational season is projected to take place, and depending on the projected numbers of days, harvest would be allowed every other weekend.

Sub-alternative 6a. Weekend consists of Fridays and Saturdays

Sub-alternative 6b. Weekend consists of Saturdays and Sundays

Sub-alternative 6c. Weekend consists of Fridays, Saturdays, and Sundays

Alternative 7. When a red snapper recreational season is projected to take place, and depending on the projected number of days, harvest would be allowed the last weekend of each month.

Sub-alternative 7a. Weekend consists of Fridays and Saturdays

Sub-alternative 7b. Weekend consists of Saturdays and Sundays

Sub-alternative 7c. Weekend consists of Fridays, Saturdays, and Sundays

Alternative 8. When a red snapper recreational season is projected to take place, the National Marine Fisheries Service will present the season length to the South Atlantic Council at the annual March meeting, if the analysis and data are available, and the South Atlantic Council will provide recommendations to the National Marine Fisheries Service on what dates they want open. The National Marine Fisheries Service will announce the opening of the fishing season through the Federal Register and other methods deemed appropriate. The end of the recreational red snapper season will be pre-determined and announced before the start of the recreational season. The open days do not need to be consecutive.

Discussion:

- This action potentially allows more flexibility in how recreational harvest of red snapper could be structured during future openings. The Council could choose multiple preferred alternatives among **Alternatives 2-5** (e.g., allow harvest on consecutive Fridays and Saturdays). **Alternatives 6 and 7** provide the option to allow recreational harvest every other weekend or the last weekend of each month, respectively, also allowing to define which days constitute a “weekend.” **Alternative 8** may provide the most flexibility to the Council in that they would decide in March of each year how to “spread out” the allowable red snapper harvest for that year. This alternative needs to be further developed to specify the annual process.
- There would be no expected change in biological effects to the South Atlantic red snapper stock relative to current requirements since overall harvest would continue to be limited to the ACL.
- The economic effects of **Action 3** would likely be similar across all the alternatives (**Alternative 1 (No Action)** and **Alternatives 2-8**) as the length of the fishing season (i.e. the number of days that red snapper can be recreationally harvested) would remain the same and overall harvest would continue to be limited to the recreational ACL.
- The recreational season that results in the greatest number of participants is anticipated to result in the largest positive social effects to fishing communities in the South Atlantic in the form of increased fishing opportunities, and revenue for charter/headboat and retail businesses. As such, **Alternatives 4 and 5** (consecutive Saturdays and consecutive Sundays, respectively) would result in the greatest level of participation. Additionally, Mondays and Fridays (**Alternatives 2 and 3**) are anticipated to have slightly higher participation than the days in the middle of the week because Mondays and Fridays directly precede or follow a weekend.
- Alternatives that spread the number of allowable fishing days out by allowing harvest over consecutive weekends or once a month, respectively, may help ensure that inclement weather does not prevent fishermen from harvesting red snapper for the entire available season. Additionally, the alternatives would spread out the revenue received by charter/headboat and associated businesses to a larger portion of the year.
- Management that allows fishery managers to react quickly to changing needs and enact more appropriate regulations are more likely to result in positive social effects to fishing communities. However, **Alternative 8** could also result in negative social effects to the charter/headboat industry as the alternative would reduce the predictability of the recreational fishing season.
- The greatest negative administrative effects would result from **Alternative 8**, incurred from conducting sampling for catch estimates, data monitoring, enforcement and outreach. Similar administrative effects would be expected from **Alternative 1 (No Action)** to **Alternative 7**.

IPT Recommendations/Comments:

- If the Council selects Alternative 5 as preferred in the previous action, Alternatives 2-5 in this action may conflict.
- Harvest rates must be considered to project season length, and those rates could vary depending on the time period of the harvest. How would season length be projected without knowing when harvest would occur?
- Consider that Alternative 8 would reduce predictability for the for-hire industry and for private recreational fishermen.
- Alternative 8 hinges upon data and analysis being available annually in March. What happens if they are not available? Is there a fallback for red snapper harvest?
- What new information would be available to the Council in March of each year that would necessitate making changes to the recreational season?
- Alternative 8 could result in required notice and comment.

Snapper Grouper Advisory Panel Comments Recommendations:

April 2019:

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APPROVED BY AP (UNANIMOUS)

Public Comments:

Public Hearings – August 2019. Comments through 8/19/19:

- 1 comment in support of no change
- 1 comment in support of Alternative 3 (Fridays)
- 1 comment in support of Alternative 4 (Saturdays)
- 2 comments in support of Alternative 6, Sub-alternative 6a (every other weekend, Fri-Sat)
- 1 comment in support of Alternative 8 (maximum flexibility)

Council Rationale:

Covered under previous action.

Action 4. Modify the the red snapper commercial season

Alternative 1 (No Action). The commercial red snapper season begins on the second Monday in July, unless otherwise specified.

Preferred Alternative 2. Modify the commercial red snapper season start date to May 1, unless otherwise specified.

Alternative 3. Modify the commercial red snapper season to start the second Monday in June, unless otherwise specified.

Alternative 4. Modify the commercial red snapper season start date to start May 1. Commercial harvest would not be allowed during July and August.

Discussion:

- This action proposes changing the start date for the commercial red snapper season to May (**Alternative 2**) or June (**Alternative 3**). Additionally, **Alternative 4** would allow harvest to begin on May 1 to coincide with the opening of shallow-water groupers but would prohibit red snapper harvest in July and August. Based on when and if the red snapper commercial ACL was previously reached (November/December in 2018), it is unlikely that the entirety of the current ACL would be harvested in May. Therefore, **Alternative 4** would essentially establish a split season for commercial harvest of red snapper. Commercial harvest would occur in May and June and resume in September until the entire ACL was landed.
- This [interactive application](#) shows commercial closures of Council-managed species from 2012 through 2018. May, June, and July are the months when most snapper grouper species were still open for harvest from 2012 through 2018.
- Similar biological effects to the South Atlantic red snapper stock relative to current requirements since overall harvest would continue to be limited to the ACL. Under current regulations, red snapper that are caught incidentally to commercial fishing outside of the open season are discarded and approximately 38% of those fish do not survive (SEDAR 41 2017). Therefore, allowing harvest during a portion of the red snapper spawning season would likely not have measurable positive or negative biological impacts relative to **Alternative 1 (No Action)** as harvest would continue to be limited to the commercial ACL.
- The economic effects of **Action 4** would likely be similar across all the alternatives (**Alternative 1 (No Action)** and **Alternatives 2-4**). The commercial harvest would continue to be limited to the commercial ACL. Additionally, since there are no anticipated measurable positive or negative biological impacts, there would not be economic effects resulting from future variations to harvest levels that would be an outcome of changes in the red snapper stock.

- The alternative that offers the most positive social effects may depend on where a stakeholder resides regarding a preferred opening date. Aligning the season opening for red snapper with the seasons for other snapper grouper species is likely to provide the greatest social benefits to fishing communities if red snapper are being landed as incidental catch. Alternatively, if commercial fishermen are making trips targeting red snapper, fishing communities may benefit from having access to the red snapper portion of the snapper grouper fishery and associated revenue at a time when other snapper grouper species are unavailable.
- May, June, and July (**Alternative 2**, **Alternative 3**, and **Alternative 1 (No Action)**, respectively) consistently have the most other snapper grouper species open to harvest.
- **Alternative 4** would potentially allow harvest in both the spring and the fall. This may help to extend commercial harvest longer than under **Alternatives 1 - 3**. In general, extending commercial harvest into the fall months would be most beneficial for fishermen targeting other species in the spring or operating in areas that experience inclement weather early in the year, because it would ensure that a portion of the commercial ACL would still be available in the fall.
- In terms of administrative burden, the timing of closure package preparation would be the only difference in effects for **Alternatives 2** through **4**.

IPT Recommendations/Comments:

- Provide rationale for not allowing harvest in July and August (in June 2019 the Council approved removing “and providing protection for spawning red snapper” from the Purpose & Need Statement.

Snapper Grouper Advisory Panel Comments and Recommendations:

April 2019:

The AP received a briefing of the Council’s intent at their April 2019 meeting, before the Council reviewed the wording of possible actions and alternatives at their June 2019 meeting. Hence, the AP did not have specific recommendations for each action. The AP approved the motion below:

**MOTION #1: RECOMMEND THAT THE COUNCIL CONSIDER NOT ALLOWING HARVEST OF RED SNAPPER DURING THEIR PEAK SPAWNING SEASON (JULY AND AUGUST). CONSIDER COMMERCIAL HARVEST IN THE SPRING (MAY-JUNE) AND ANOTHER SEASON IN SEPTEMBER-DECEMBER.
APPROVED BY AP (UNANIMOUS)**

Public Comments:

Public Hearings – August 2019. Comments through 8/19/19

- 3 comments in support of no change
- 1 comment in support of Alternative 4 (May opening with no harvest in July-August)
- 12 comments requesting opening for commercial season in the beginning of August or leave as is. August start would provide white fish to market when other species are no longer available.
- 1 comment in support of opening in September- December, and that if quota is not met it be re-opened in May of the following year to fill the previous year's quota.

Council Rationale:

- The Council acknowledged the Snapper Grouper AP's concern about harvest during peak spawning. However, there are two studies (Brown-Peterson et al., 2008 & White and Palmer, 2004) that indicate red snapper peak spawning goes through September. Therefore, there is less of a concern about allowing harvest in July and August.
- Council acknowledged they removed language from the Purpose & Need of this amendment to reduce mortality during the red snapper spawning season (done in June 2019).
- Allowing commercial harvest of red snapper at the same time grouper harvest opens on May 1 would help reduce discards. May and June are when most discards of red snapper occur.
- Council acknowledged commercial season opening before recreational may result in conflict between the sectors; however, reducing discards is what is best for the resource.
- The trip limit reduction or closure for vermilion snapper, a staple fishery in the region, usually occurs in the spring of the year. Allowing red snapper retention when grouper harvest opens on May 1 would be beneficial to commercial fishermen. Later in the year, when vermilion and triggerfish are available in July, it is a lot easier to fill the boat and make a trip.
- If commercial harvest were to be allowed beginning on May 1, and since commercial harvest of red snapper has lasted about 38 days in the past couple of years, the Council did not see the need to pause harvest during July and August (as the AP recommended).

Appendix A. Rationale for Current Red Snapper Regulations

The following sections provide rationale found in The Final Rules for Snapper Grouper Amendment 28 (Effective August 23, 2013) and Amendment 43 (Effective July 26, 2018). Links to the rules are provided in the discussion below.

Minimum number of days for opening:

- During development of Amendment 28, the Council indicated that if projections were for a three-day season or shorter, then there should not be an opening because such a short time period would not provide enough fishing opportunity to the public.

Weekends = Friday-Sunday:

- The recreational seasons will occur on the weekends only (Friday through Sunday) to provide overall benefits of the recreational season to the greatest number of participants. As discussed in Amendment 28, most recreational fishermen fish on the weekends, and weekend-only seasons would provide most recreational fishermen access to the resource when they are not working (see [Am 28 Final Rule](#), response to comment # 6).
- During development of Amendment 28, the Council discussed non-consecutive weekend openings. The Council did not consider such an option because the amendment was ready for submission at the time and adding another alternative to analyze would have delayed approval and implementation.

July start date:

- Amendment 28 included alternatives that examined season start dates for both sectors in July, August, and September. The Council selected the July start dates as the preferred alternative to decrease the chances of inclement weather events affecting the seasons, thus promoting safety at sea and increasing the chance of small vessels participating in the fishery (see [Am 28 Final Rule](#) “Red Snapper Harvest in 2013” and response to comment #4) .
- The Council determined seasons beginning in July or August would allow for better weather during a second opening, if such a re-opening was necessary (see [Am 28 Final Rule](#), response to comment #4).
- During past seasonal openings that occurred in September, November, and December, NMFS received complaints from fishermen, particularly those with smaller vessels, that inclement weather minimized fishing opportunities during the limited red snapper fishing season (See [Am 28 Final Rule](#), response to comment #4).
- The Council determined during the development of Amendment 28, that a start date prior to September would promote recreational effort in all the southeastern Atlantic states, and increase the likelihood that the entire recreational ACL would be harvested while

allowing more fair and equitable access to red snapper (see [Am 28 Final Rule](#), response to comment #4).

- The red snapper spawning season in the South Atlantic extends from May to October, peaking in July through September (see [Am 43 Final Rule](#)). NMFS acknowledged that allowing limited harvest as proposed in Amendment 43 could result in catch and discards of some spawning red snapper.

Commercial harvest opens before recreational:

- The season structure for limited red snapper seasons was implemented through Amendment 28. The Council and NMFS determined that the commercial and recreational sectors will have different start dates and different season lengths for the limited red snapper harvest as a result of differences in the sectors, much of which was discussed and determined in Amendment 28. Most commercial fishermen fish throughout the week; therefore, the Council and NMFS determined that openings consisting of all seven days of the week provided the most fishing opportunities for commercial fishermen (see [Am 43 Final Rule](#), response to comment #8).
- The start dates of the commercial and recreational sectors will not align as a result of how the respective ACLs will be harvested. The commercial sector is expected to need the maximum amount of time during these limited fishing seasons to reach the commercial ACL, and so their season opening will occur as soon as practicable (see [Am 43 Final Rule](#), response to comment #8). The emergency rule that established the red snapper fishing season for 2012 implemented a seven-day commercial fishing season that began on the Monday *following* the first recreational 3-day weekend.
- Council discussed during development of Amendment 28 that a July opening was advantageous for the commercial sector because most of the other snapper grouper species are open to harvest during that time.