

Regulatory Amendment 33 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region *(Red Snapper Seasons)* Decision Document

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 intends to explore 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.

Actions in this amendment

1. Remove the minimum number of days for the South Atlantic red snapper seasons
2. Modify the start date for the recreational red snapper season
3. Revise the days of the week recreational harvest of red snapper would be allowed during an open season
4. Modify the start date for the red snapper commercial season

Objectives for this meeting

- Review public comment
- Address IPT comments/questions
- Select preferred alternatives
- Approve timing
- Approve all actions

Expected amendment timing

	Process Steps	Dates
✓	Review draft options paper	June 2019
✓	Approve for public hearings	June 2019
✓	Public hearings	August 2019
	Review public hearing comments, select preferred alternatives, and approve all actions and alternatives.	September 2019
	Final action to approve for Secretarial review	December 2019

Purpose and Need Statement

The purpose and need of this framework amendment is to modify the structure of the South Atlantic red snapper commercial and recreational fishing seasons to increase the socio-economic benefits to fishermen and fishing communities while minimizing discard mortality.

Committee Action

- REVIEW PURPOSE AND NEED STATEMENT
- MODIFY AS NECESSARY
- OTHERS?

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.

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 less-fewer.

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

Committee Action:

- CONSIDER PUBLIC AND IPT COMMENTS
- MAKE MODIFICATIONS TO ACTION/ALTERNATIVES AS APPROPRIATE AND APPROVE FOR INCLUSION IN THE AMENDMENT
- SELECT PREFERRED ALTERNATIVE
- OTHERS?

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

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

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 in 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 in 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 in 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 would not be 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.

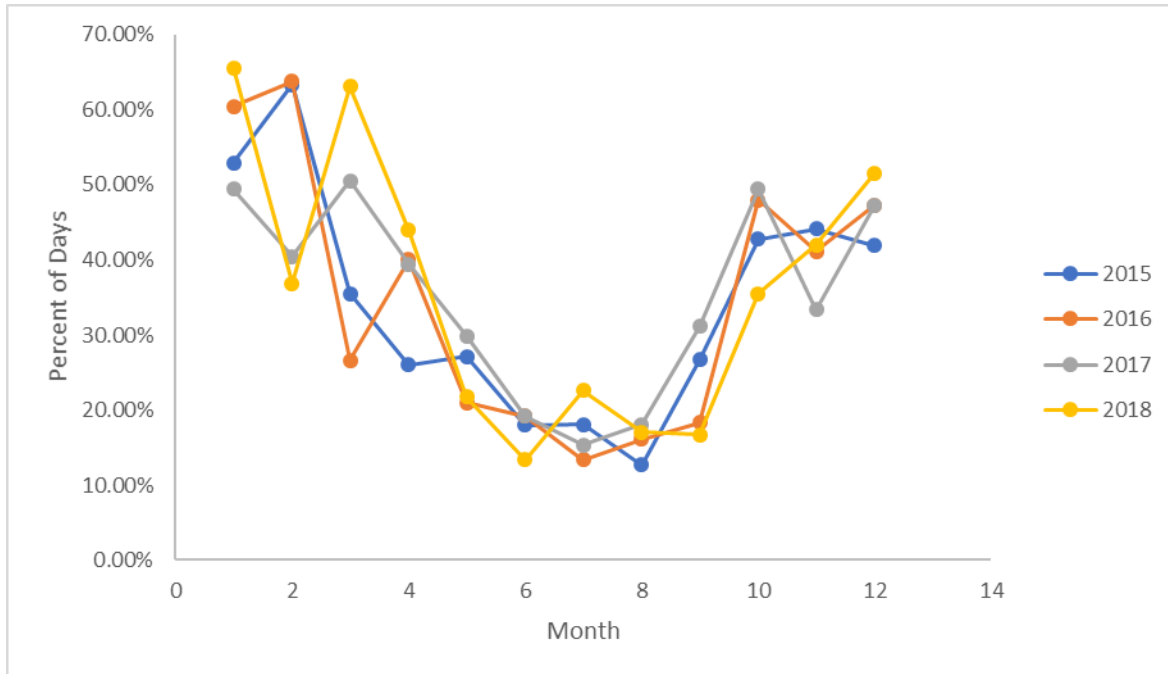


Figure 1. Percent of days with maximum wind speed of 20 knots or greater indicating small craft advisory conditions, by year, from 2015 to 2018. The small craft advisory conditions were based on wind speed to issue a small craft advisory from Georgia to Florida by the U.S. Coast Guard. Source: National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

Committee Action:

- CONSIDER PUBLIC AND IPT COMMENTS
- MAKE MODIFICATIONS TO ACTION/ALTERNATIVES AS APPROPRIATE AND APPROVE FOR INCLUSION IN THE AMENDMENT
- SELECT PREFERRED ALTERNATIVE
- OTHERS?

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

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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**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:

- 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)

Committee Action:

- CONSIDER PUBLIC AND IPT COMMENTS
- MAKE MODIFICATIONS TO ACTION/ALTERNATIVES AS APPROPRIATE AND APPROVE FOR INCLUSION IN THE AMENDMENT
- SELECT PREFERRED ALTERNATIVE(S)
- OTHERS?

Action 4. Modify the ~~start date for~~ the red snapper commercial season

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

Alternative 2. Modify the commercial red snapper season ~~start date~~ to ~~start~~ the second Monday in May, unless otherwise specified.

Alternative 3. Modify the commercial red snapper season ~~start date~~ 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:

- Consider IPTs edits to capture the harvest restriction proposed in Alternative 4.
- 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:

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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.

Committee Action:

- CONSIDER PUBLIC AND IPT COMMENTS
- MAKE MODIFICATIONS TO ACTION/ALTERNATIVES AS APPROPRIATE AND APPROVE FOR INCLUSION IN THE AMENDMENT
- SELECT PREFERRED ALTERNATIVE
- OTHERS?