Regulatory Amendment 33

Modifications to the structure of South Atlantic red snapper seasons

Options Paper

May 20, 2019

Background

During the March 2019 South Atlantic Fishery Management Council (Council) meeting, Southeast Regional Office (SERO) staff briefed the Council on the projected 2019 red snapper season. As implemented through Amendment 43, the commercial season begins each year on the second Monday in July and the recreational season begins on the second Friday in July. SERO has predicted that the recreational red snapper season in 2019, based on the catch rate in 2018 and the annual catch limit (ACL) established through Amendment 43, can be open for five days. Consequently, recreational harvest of red snapper in 2019 will occur on July 12, 13, and 14 (Friday, Saturday, Sunday) and on July 19 and 20, (Friday and Saturday). Commercial harvest of red snapper will open on July 8, 2019, and will close at 12:01 a.m., local time, on January 1, 2020, unless the commercial ACL is met or projected to be met before this date.

During the March 2019 meeting, the Council approved the following motion:

MOTION #1: INITIATE A FRAMEWORK AMENDMENT TO MODIFY THE RED SNAPPER SEASON FOR 2020 AND ONWARD TO ALLOW MORE FLEXIBILITY IN HOW THE SEASON IS SPECIFIED

- REMOVE THE SPECIFICATION THAT IF PROJECTIONS INDICATE THE SEASON WOULD BE THREE DAYS OR LESS, THEN THERE WOULD BE NO SEASON FOR THAT FISHING YEAR

- MODIFY START DATES (SPRING, SUMMER, FALL) FOR BOTH RECREATIONAL AND COMMERCIAL SECTORS

APPROVED BY COUNCIL
****GUIDANCE TO BRING TO COUNCIL IN JUNE****

The Snapper Grouper Committee 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 Committee was concerned that limiting the recreational season to consecutive "weekends" during the summer months could increase the chances of losing an entire weekend to fishing opportunities for red snapper because of poor weather conditions. The Committee 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 minimize fishing mortality when red snapper are spawning, and removing the minimum number of days requirement to allow harvest.

According to research used in SEDAR 41 (2017; see **References** for individual papers), red snapper spawning along the Atlantic coast of the southeastern U.S. generally occurs from April through September with peaks during June through August based on the presence of females with spawning indicators.

Proposed management changes in this regulatory framework amendment

- Remove the requirement that if the projections indicate the red snapper season (commercial or recreational) would be three days or fewer, the season would not open for that fishing year.
- Modify the structure of the South Atlantic red snapper seasons (commercial and recreational).

Objectives for this meeting

- Review draft Purpose & Need statement, modify as appropriate, and provide rationale.
- Provide rationale for proposed actions and alternatives, including how/why proposed changes differ from what the Council has previously considered for the structure of red snapper seasons in the South Atlantic (e.g., safety at sea concerns during short openings, preferences in start dates in different areas of the Council's jurisdiction, etc.).
- Review options for actions and alternatives and modify as appropriate.
- Consider approval for public hearings and provide guidance on timing and type (in-person vs. webinar).

Expected framework amendment timing

June 2019	Review options and provide guidance. Approve for public hearings.
September 2019	Review public comment, modify the document as appropriate, and consider approval for formal review.

DRAFT Purpose and Need Statement

The purpose and need of this framework amendment are 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 and providing protection for spawning red snapper.

Things to consider:

- Increase access?
- Provide additional flexibility? (already have flexibility to re-open and change opening dates due to weather or not harvesting the entire ACL. See **Appendix A**)
- Avoid harvest during spawning season?
- Safety at sea?
- P&N from Amendment 28 included: *Regulations should minimize (1) safety at sea concerns, (2) probability of overages of the ACL, and (3) discard mortality of red snapper. In addition, the fishing season should allow an opportunity to collect information on the life history of red snapper.*

Rationale for current management actions on red snapper

The following sections provide rationale found in NMFS' responses to comments on Amendments 28 and 43. Final Rules for these amendments are in **Appendix B**. In addition, rationale for proposed and current red snapper management measures is included in excerpts of Snapper Grouper Committee discussions held during the December 2012 and June 2013 Council meetings (**Appendix C**).

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 sufficient fishing opportunity to the public (See **Appendices B** and **C**).

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 **Appendix C**, Am 28 Final Rule, response to comment # 6).
- During development of Amendment 28, the Council discussed non-consecutive weekend openings (see **Appendix B**). 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 **Appendix C**, 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 **Appendix C**, 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 **Appendix C**, 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 **Appendix C**, 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 **Appendix C**, 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 **Appendix C**, 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 **Appendix C**, 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 (see **Appendix B**).

Options for proposed actions

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

IPT Recommendations/Comments:

- IPT recommends the Council remove this action from consideration due to concerns regarding safety at sea and promoting derby-style fishing and increases in catch rates that would affect projections if fishing is allowed for fewer than three days.

Requested clarification/questions:

- Does the Council intend to remove this provision for the commercial sector as well? The commercial ACL would likely not be caught in fewer than four days so the Council should provide rationale for removal of this provision.
- Is it the Council's intent to allow commercial harvest if the recreational season does not open?
- Does the Council wish to modify this provision to ***reduce*** the number of minimum days needed in order to allow red snapper harvest?

Options for alternatives to analyze:

Option 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.

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

Others?

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

IPT Recommendations/Comments:

- Consider that the black sea bass recreational ACL has been reduced (Abbreviated Framework 2, effective May 9, 2019). Although analyses indicate a closure isn't likely, fishermen complained of high black sea bass discarding during the 2012 red snapper opening and urged the Council not to open red snapper harvest when black sea bass was closed.
- Consider that discard mortality is higher during summer months than during spring/fall.
- Currently, the language "unless otherwise specified" is intended to allow NMFS the flexibility to delay opening in case of inclement weather.
- **Appendix A** contains Fishery Bulletins for opening/closing/reopening of red snapper in the recent past (for both sectors) demonstrating flexibility in the current regulations.
- Consider that opening the season later in the year reduces NMFS' ability to project a re-opening, should one be necessary, due to timing of data availability.
- Some IPT members recommend maintaining the current approach of specifying the day and week of the month to maintain consistence in the regulations and avoid confusion.

Options for alternatives to analyze:

Option 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.

Option 2. Modify the recreational red snapper season to start in May.
- **Sub-option 2a.** First week
- **Sub-option 2b.** Second week
- **Sub-option 2c.** Third week
- **Sub-option 2d.** Fourth week

Option 3. Modify the recreational red snapper season to start in June.
- **Sub-option 3a.** First week
- **Sub-option 3b.** Second week
- **Sub-option 3c.** Third week
- **Sub-option 3d.** Fourth week

Option 4. Modify the recreational red snapper season to start in August.
- **Sub-option 4a.** First week
- **Sub-option 4b.** Second week
- **Sub-option 4c.** Third week
- **Sub-option 4d.** Fourth week

Option 5. Modify the recreational red snapper season to start in September.
- **Sub-option 5a.** First week
- **Sub-option 5b.** Second week
- **Sub-option 5c.** Third week

Sub-option 5d. Fourth week

Option 6. Modify the recreational red snapper season to start in October.
Sub-option 6a. First week
Sub-option 6b. Second week
Sub-option 6c. Third week
Sub-option 6d. Fourth week

Option 7. Modify the recreational red snapper season to start in May. Recreational harvest would not be allowed during July and August.
Sub-option 7a. First week
Sub-option 7b. Second week
Sub-option 7c. Third week
Sub-option 7d. Fourth week

Others?

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

IPT Recommendations/Comments:

- Council should provide detailed guidance for alternatives to be analyzed and consider the complexity of analyses (i.e., determining daily catch rates).
- The Council has indicated predictability is important to the for-hire sector. Provide rationale to reconcile "predictability" vs. "flexibility".
- Consider the administrative/sampling burden associated with picking non-consecutive days/weekends.
- Need to investigate the feasibility of the expanding the Florida sampling program (and that of other states) if days are changed.
- Consider that an increase in sampling conducted by the states during red snapper openings will impact MRIP sampling for other snapper grouper species.
- **Appendix D** includes the 2017 halibut catch sharing plan. It includes an example of flexible in-season management.
- Discussion of "consecutive" weekends is in **Appendix B** (excerpt of verbatim transcript from December 2012 Council meeting).

Options for alternatives to analyze:

Option 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.

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

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

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

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

Option 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 (specify whether Saturday and Sunday or Fri-Sun)*

Option 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 (specify whether Saturday and Sunday or Fri-Sun)* of each month.

Option 8. When a red snapper recreational season is projected to take place, NMFS will present the season length to the Council at the annual March meeting, if the analysis and data are available, and the Council will provide recommendations to NMFS on what dates they want open. NMFS 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.

Others??

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

IPT Recommendations/Comments:

- Commercial fishermen have not expressed an interest in changing the start date of the commercial season. Provide rationale for why this is being considered.
- Opening the commercial season later in the year increases the risk of adverse weather affecting fishing activity. Bad weather could in turn reduce catch rates resulting in commercial harvest being open longer and possibly not allowing the commercial sector to harvest their entire ACL.
- Consider that the season in 2018 opened in August. This year will be the first time the season opens in July under the current ACL so the ACL may be met earlier than last year.
- Minutes from Council discussions (see **Appendix B**) indicate that the Council selected the current July start date for the commercial sector partly because commercial harvest of other snapper grouper species is still open during that time of the year, thus reducing the potential for discards and potentially increasing trip profitability. This **interactive application** provides commercial closure dates of SAFMC managed species from 2012 through 2018.

Snapper Grouper AP Recommendation:

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)

Options for alternatives to analyze:

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

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

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

Option 4. Modify the commercial red snapper season start date to the second Monday in August, unless otherwise specified.

Option 5. Modify the commercial red snapper season start date to the second Monday in September, unless otherwise specified.

Option 6. Modify the commercial red snapper season start date to the second Monday in October, unless otherwise specified.

Option 7. Modify the commercial red snapper season start date to May 1. Commercial harvest would not be allowed during July and August.

Others?

References

Lowerre-Barbieri, et al. 2014. Age Truncation and Reproductive Resilience of Red Snapper (*Lutjanus campechanus*) Along the East Coast of Florida. SEDAR 41-DW07. Available HERE

Wyanski et al. 2015. Marine Resources Monitoring, Assessment and Prediction Program: Report on Atlantic Red Snapper, *Lutjanus campechanus*, Life History for the SEDAR 41 Data Workshop. Available HERE

Current Regulations Pertaining to Red Snapper

§622.181 Prohibited and limited-harvest species.
(2) *Red snapper.* Red snapper may only be harvested or possessed in or from the South Atlantic EEZ during the commercial and recreational seasons as specified in §§622.183(b)(5) and 622.193(y). Any red snapper caught in the South Atlantic EEZ during a time other than the specified commercial or recreational seasons specified in §622.193(y) must be released immediately with a minimum of harm. In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, the prohibition on the harvest or possession of red snapper applies in the South Atlantic, regardless of where such fish are harvested or possessed, *i.e.,* in state or Federal waters.

§622.183 Area and seasonal closures.
(b) *Seasonal closures*
(5) Closures of the commercial and recreational sectors for red snapper—

(i) The commercial and recreational sectors for red snapper are closed (i.e., red snapper may not be harvested or possessed, or sold or purchased) in or from the South Atlantic EEZ, except as specified in §622.193(y). Each year, NMFS will announce the season opening dates in the Federal Register. The commercial season will begin on the second Monday in July, unless otherwise specified. The recreational season, which consists of weekends only (Fridays, Saturdays, and Sundays) begins on the second Friday in July, unless otherwise specified. NMFS will project the length of the recreational fishing season and announce the recreational fishing season end date in the Federal Register. See §622.193(y), for establishing the end date of the commercial fishing season.

(ii) If the RA determines tropical storm or hurricane conditions exist, or are projected to exist, in the South Atlantic, during a commercial or recreational fishing season, the RA may modify the opening and closing dates of the fishing season by filing a notification to that effect with the Office of the Federal Register, and announcing via NOAA Weather Radio and a Fishery Bulletin any change in the dates of the red snapper commercial or recreational fishing season.

(iii) If the projected commercial or recreational fishing season is determined by NMFS to be 3 days or less, then the commercial or recreational fishing season will not open for that fishing year.

§622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).
(y) Red snapper—(1) Commercial sector. The commercial ACL for red snapper is 124,815 lb (56,615 kg), round weight. See §622.183(b)(5) for details on the commercial fishing season. NMFS will monitor commercial landings during the season, and if commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for red

snapper for the remainder of the year. On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited and harvest or possession of red snapper is limited to the recreational bag and possession limits and only during such time as harvest by the recreational sector is allowed as described in §622.183(b)(5). This bag and possession limit and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, i.e., in state or Federal waters.

(2) Recreational sector. The recreational ACL for red snapper is 29,656 fish. The AA will file a notification with the Office of the Federal Register to announce the length of the recreational fishing season for the current fishing year. The length of the recreational fishing season for red snapper serves as the in-season accountability measure. See §622.183(b)(5) for details on the recreational fishing season. On and after the effective date of the recreational closure notification, the bag and possession limits for red snapper are zero.