

Draft: Amendment 39- Plan Approval

- Each State would have the opportunity to submit a Conservation Equivalency Plan (CEP) to establish regionalized regulations for the recreational harvest of red snapper on a yearly basis.
- Timeline (on or before the following dates):
 - **July 1st:** The State provides a brief written description of its preliminary CEP for the following year (e.g., the regulations they hope to implement the following year if supported by the current year landings and effort data) to NMFS. At this time, NMFS may flag any high-level concerns or alternative process requirements (e.g., additional National Environmental Policy Act (NEPA) documentation required if the proposed regulations are outside the scope of analysis in Amendment 39).
 - **September 1st:** The State submits the CEP to NMFS for review.
 - **October 1st:** NMFS responds to the State with the preliminary determination whether the plan is a conservation equivalent to the federal default regulations. At this time, NMFS may approve the plan or request a revised CEP.
 - **October 15th:** The State provides a revised CEP to NMFS for approval, if necessary.
 - **November 1st:** NMFS provides final approval for CEPs. If a State's CEP was not approved or did not submit a CEP, then the State would be subject to the federal default regulations.
 - **January 1st (or sooner):** NMFS publishes a notice in the federal register identifying States with approved CEPs. States without approved CEPs would be subject to the federal default regulations.
- Contents of a CEP
 - Point of Contact for the CEP
 - Point of Contact with the authority to close the fishery
 - Proposed CEP including season structure, bag limit, and size limit.
 - Specify if the CEP is intended to be applicable for one or two years. Prior to approving the second year of the plan, it would be evaluated based on data from the first year. The plan may require revisions based on the NMFS review.
 - Analysis demonstrating the ability of the CEP to constrain recreational harvest of red snapper to the allocated quota with a description of the methodology.
 - Summarize the previous year's performance (e.g., Was the harvest constrained at or below the regional quota?).
 - Explain how the CEP will be enforced
 - If applicable, provide a description of the in-season monitoring program and plan to close the fishery if the quota is reached.
 - If necessary, the NEPA documentation supporting the proposed CEP. This would only apply for a CEP management strategies beyond the range analyzed in Amendment 39.
 - Any other supporting documentation for the CEP, such as scientific research.

Notes:

- The September 1st deadline for submitting the CEP would allow the States an opportunity to use preliminary data from their monitoring plans and Wave 4 of MRIP.
- The timeline allows the State an opportunity to submit a revised CEP for approval.
- NMFS anticipates providing guidance to the states if they need to prepare an EA; however, the state would need to take the lead on the document development and understand that it may take longer to process the CEP and require additional rulemaking.
- If NMFS recommends preparing an EA, the state should submit the documents as early as possible to allow time for processing and implementation.