

## **Preliminary Options and Discussion - Mechanism to Allow Recreational Red Snapper Season to Re-open if ACL is Not Exceeded**

### **BACKGROUND INFORMATION**

Since 1997, the recreational red snapper sector has been subject to closed seasons as part of the red snapper rebuilding plan. The 1997 closed season occurred from November 27 through December 31, allowing 330 open fishing days. From 2000 through 2007, the recreational season was fixed at April 21 through October 31 (194 days). During most of this period, the recreational allocation was fixed at 4.47 million pounds whole weight (mm ww). In 2008, as part of an overall reduction in the total allowable catch, the recreational allocation was reduced to 2.45 mp ww, and the season was reduced to (June 1 through September 30 (65 days). Over the next two years the recreational season expanded slightly to 75 days in 2009 and 77 days in 2010 (due in part to a supplemental season as a result of the BP oil spill and reduced fishing effort). However, since 2010, the recreational season has been shorter each year, despite increases in the number of pounds allocated to the sector (Table 1).

In response to a court findings of a legal challenge that management was not taking sufficient action to constrain the recreational sector to its quota, an October 2014 framework action (implemented April 20, 2015) established a recreational ACT set at 20% below the recreational quota. The season length was based on the ACT, which reduced the 2014 recreational season to 9 days.

Amendment 40 (implemented May 22, 2015) established that the red snapper quota is the ACL, and allocated the recreational quota and ACT between two components of the recreational sector. The federally permitted for-hire component received 42.3% (2.965 mp ww) of the recreational quota and ACT, and the private angling component (including non-federally permitted for-hire vessels) received 57.7% (4.045 mp ww). This resulted in a 44-day federal season for the for-hire component (with no state water harvest allowed during the federal closed season), and a 10-day federal season for the private angling component (plus additional open days in state waters). The progressively shorter recreational seasons despite a recovering stock and increases in annual catch limits has been an ongoing source of frustration to both recreational fishermen and managers.

In 2014, recreational landings were 3.867 mp, below both the component ACL and component ACT. In 2015, the first year with separate allocations, the projected landings for the private angling component are 3.509 mp, above the component ACT but below the component ACL. The for-hire component projected landings are 2.297 mp, below both the component ACT and component ACL (Table 1).

**Table 1.** Recreational red snapper federal season lengths, quotas, and landings.

Year	Season dates in federal waters	Number of days open	Recreational Quotas	Recreational Landings
1996	January 1 – December 31	365	4.47 mp	5.339 mp
1997	January 1 – November 27	330	4.47 mp	6.804 mp
1998	January 1 – September 30	272	4.47 mp	4.854 mp
1999	January 1 – August 29	240	4.47 mp	4.972 mp
2000	April 21 – October 31	194	4.47 mp	4.750 mp
2001	April 21 – October 31	194	4.47 mp	5.252 mp
2002	April 21 – October 31	194	4.47 mp	6.535 mp
2003	April 21 – October 31	194	4.47 mp	6.105 mp
2004	April 21 – October 31	194	4.47 mp	6.460 mp
2005	April 21 – October 31	194	4.47 mp	4.676 mp
2006	April 21 – October 31	194	4.47 mp	4.131 mp
2007	April 21 – October 31	194	3.185 mp	5.809 mp
2008	June 1 – August 4	65	2.45 mp	4.056 mp
2009	June 1 – August 14	75	2.45 mp	5.597 mp
2010	June 1 – July 23; Oct 1 – Nov. 21 (Fri, Sat., & Sun.)	77	3.403 mp	2.651 mp
2011	June 1 – July 18	48	3.866 mp	6.734 mp
2012	June 1 – July 16	46	3.959 mp	7.524 mp
2013	June 1 – June 28; Oct 1 – Oct 14	42	5.390 mp	9.659 mp
2014	June 1 – June 9	9	5.390 mp quota 4.312 mp ACT	3.867 mp
2015	June 1 – June 10 (private angling)	10	4.045 mp quota 3.234 mp ACT	3.509 mp*
	June 1 – July 14 (federal for-hire)	44	2.965 mp quota 2.371 mp ACT	2.297 mp*

Note: Quotas and landings are in millions of pounds (mp) whole weight. Beginning in 2014, the season length was estimated based on an ACT, reduced from the recreational sector ACL (quota) by 20%. Source: Southeast Fisheries Science Center (SEFSC) annual catch limit dataset, including calibrated landings from the Marine Recreational Information Program (MRIP), Texas Parks and Wildlife Department (TPWD), and the Southeast Region Headboat Survey (SRHS) (May 2015).

\*2015 landings are preliminary projections presented by NMFS/SERO at the January 2016 Council meeting.

The ACT portion of the codified regulations, 50 CFR 622.41(q)(2)(i), states:

The Assistant Administrator will determine the length of the red snapper recreational fishing season based on when recreational landings are projected to reach the applicable recreational ACT specified in paragraph (q)(2)(iii) of this section, and announce the closure date in the Federal Register. This will serve as an in-season accountability measure. On and after the effective date of the recreational closure notification, the bag and possession limit for red snapper is zero.

Under the closed framework section of the Generic Framework Procedure (as modified by Amendment 38 in March 2013), the Regional Administrator is authorized to reopen any sector of a fishery that had been prematurely closed. However, based on the wording in the codified regulations, it appears the “prematurely closed” refers to the ACT and not the ACL. The AA has the authority to re-open the season if the ACT has not been reached, but not if the ACT has been reached but not the ACL. Therefore, the AA would need to be given authority to re-open a sector (or sector component) in order to exceed the ACT. Any authority to re-open the recreational season will need to consider a number of issues.

1. If the authority to re-open the season is established, should the authority be for a continuous supplemental season or for weekends only?
2. Should the season length of the re-opened season be based on when the entire component ACL is projected to be reached, or should it be based on when a percentage of the component ACL is projected to be reached (i.e., supplemental buffer)?
3. Should there be some minimum number of days that the supplemental season can be open in order for a re-opening to be considered?
4. Should the bag limit be temporarily reduced to 1 fish per angler during the supplemental season in order to lengthen the season as much as possible and reduce the probability of exceeding the ACL?

The federal for-hire and private recreational components of the recreational red snapper sector each have their own component ACL (quota) and ACT. Based on the current management system, the following actions and alternatives would apply separately to each component of the recreational sector. However, in addition to landings staying below their component ACLs, under Section 407(d) of the Magnuson-Stevens Act, the combined landings would also need to stay below the total recreational sector ACL (private and for-hire components combined).

## DRAFT ACTIONS AND ALTERNATIVES

### *Action 1 – Authorization to Re-Open the Season for a Component of the Recreational Sector*

**Alternative 1.** No action. The AA is only authorized to re-open a component of the red snapper recreational sector if the ACT is not projected to be reached, and only for the amount of days needed to reach the ACT.

**Alternative 2.** If, after an ACT closure, and taking into account projected landings of red snapper from state waters, the harvest of a component of the red snapper recreational sector is projected to remain below the component ACL, the AA is authorized to **re-open the component on October 1. The re-opening shall be continuous until the announced closure date.**

**Alternative 3.** If, after an ACT closure, and taking into account projected landings of red snapper from state waters, the harvest of a component of the red snapper recreational sector is projected to remain below the component ACL, the AA is authorized to **re-open the component on the first weekend in October. The re-opening shall continue to occur on subsequent weekends until the announced closure date.** A “weekend” constitutes one of the following options:

**Option 3a:** 12:01 am on Friday through 11:59 pm on Sunday

**Option 3b:** 12:01 am on Saturday through 11:59 pm on Sunday

### *Action 2 – Closure Target*

**Alternative 1.** No action. The re-opening shall continue until the component ACL (quota) is projected to be reached (pursuant to § 622.8(b)).

**Alternative 2.** The re-opening shall continue until 95% of the component ACL is projected to be reached.

**Alternative 3.** The re-opening shall continue until 90% the component ACL is projected to be reached.

### *Action 3 – Establish a Minimum Number of Days for Re-Opening the Season*

**Alternative 1.** No action. The re-opening is contingent on the combined recreational ACL not being exceeded, and shall occur regardless of its length.

**Alternative 2.** The re-opening is contingent on the combined recreational ACL not being exceeded, and shall only be authorized if the projected re-opening is for at least 1 day.

**Alternative 3.** The re-opening is contingent on the combined recreational ACL not being exceeded, and shall only be authorized if the projected re-opening is for at least 2 days.

**Alternative 4.** The re-opening is contingent on the combined recreational ACL not being exceeded, and shall only be authorized if the projected re-opening is for at least 5 days.

*Action 4 - Temporary Bag Limit During Re-Opening*

**Alternative 1.** No action. During a re-opening, the bag limit shall remain at 2 fish per person

**Alternative 2.** During a re-opening, the bag limit shall be 1 fish per person