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# Modification to the Recreational For-hire Red Snapper Fishing Season



## Draft Framework Action under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

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## ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AM	accountability measures
Council	Gulf of Mexico Fishery Management Council
CS	consumer surplus
DPS	distinct population segment
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EFP	exempted fishing permits
EIS	environmental impact statement
EJ	environmental justice
E.O.	Executive Order
ESA	Endangered Species Act
FMP	Fishery Management Plan
Gulf	Gulf of Mexico
HAPC	habitat areas of particular concern
IFQ	individual fishing quotient
IPCC	Intergovernmental Panel on Climate Change
IRFA	initial regulatory flexibility analysis
LAPP	Limited Access Privilege Program
lb	pounds
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	maximum fishing mortality threshold
MMPA	Marine Mammals Protection Act
mp	million pounds
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSST	minimum stock size threshold
NAICS	North American Industry Classification System
NARW	North Atlantic right whale
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOR	net operating revenue
OFL	overfishing limit
BiOp	biological opinion
PAH	polycyclic aromatic hydrocarbons
PS	producer surplus
Reef Fish FMP	Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico
RFA	Regulatory Flexibility Act
RFFA	reasonably foreseeable future action
RIR	regulatory impact review

RQ	regional quotient
SEDAR	Southeast Data, Assessment, and Review process
SEFSC	Southeast Fisheries Science Center
SERO	NMFS Southeast Regional Office
SPR	spawning potential ratio
SRHS	Southeast Region Headboat Survey
SSB	spawning stock biomass
SSC	Scientific and Statistical Committee
TAC	total allowable catch
TL	total length
tpy	tons per year
USCG	United States Coast Guard
VOC	volatile organic compound
ww	whole weight

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# CHAPTER 1. INTRODUCTION

## 1.1 Background

This framework action is being developed in response to public comment received by the Gulf of Mexico (Gulf) Fishery Management Council (Council) during 2024, which indicated a desire to reduce the buffer between the federal for-hire component of the recreational sector's annual catch limit (ACL) and annual catch target (ACT) for red snapper. This buffer is currently set at 9% (GMFMC 2019). Presently, the end date of the federal for-hire fishing season, which opens on June 1, is determined based on when the National Marine Fisheries Service (NMFS) projects that landings will reach the federal for-hire ACT. If, after red snapper landings from the federal for-hire component are estimated, the ACT has not been met, then the NMFS may reopen the fishing season later in the fishing year to allow the federal for-hire component to reach its ACT (GMFMC 2019). At its August 2024 meeting, the Council decided to no longer consider a modification to the for-hire ACT buffer for red snapper and moved this action to the Considered but Rejected appendix (Appendix E).

In 2015, through Amendment 40 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP) (GMFMC 2014b), the Council established private angling and federal for-hire components of the recreational sector. The private angling component is comprised of anglers fishing from privately owned and rental vessels, and for-hire vessels that do not have a federal Gulf reef fish charter vessel/headboat permit (for-hire permit). The federal for-hire component is composed of for-hire vessels with a valid or renewable federal for-hire permit. The recreational quota is split such that the private angling component is allocated 57.7% and the federal for-hire component is allocated 42.3%. Because this framework action focuses on the federal for-hire component, further discussion of the private angling component will be limited.

Landings for the for-hire component of the recreational sector from 2018 – 2023 are shown in Table 1.1.1. Private angling landings are as reported by the respective Gulf states for 2018 – 2022, and as calibrated to the Marine Recreational Information Program (MRIP) Coastal Household Telephone Survey (CHTS) for 2023 (GMFMC 2021<sup>1</sup>). Season durations from 2015 – 2024 are shown in Table 1.1.2. These data are constrained to these years, which represent the years during which the private vessel and for-hire components of the recreational sector were managed separately. This separation materially affects both the landings and the fishing season durations of these respective components.

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<sup>1</sup> <https://gulfcouncil.org/wp-content/uploads/Red-Snapper-Data-Calibration-and-ACL-Modification-10132021-FINAL.pdf>

**Table 1.1.1.** Red snapper for-hire and private angling landings and ACLs. Landings and catch limits are in pounds whole weight (ww).

Year	Federal For-Hire Landings	For-hire ACT	For-Hire ACL	% ACT Landed	% ACL Landed	Private Angling Landings	Total Rec ACL	%Rec ACL Landed
2018	2,441,612	2,280,000	2,848,000	107.09%	85.73%	4,116,945	6,733,000	97.41%
2019	2,558,734	2,848,000	3,130,000	89.84%	81.75%	3,768,651	7,399,000	85.52%
2020	2,376,679	2,848,000	3,130,000	83.45%	75.93%	3,768,103	7,399,000	83.05%
2021	2,301,439	2,848,000	3,130,000	80.81%	73.53%	4,276,877	7,399,000	88.91%
2022	2,836,877	2,848,000	3,130,000	99.61%	90.64%	3,119,070	7,546,000	78.93%
2023*	2,989,919	3,076,322	3,380,574	97.19%	88.44%	4,608,267	7,991,900	95.07%

Source: Recreational component landings are from the SEFSC Recreational ACL File (June 21, 2024).

Landings include data from MRIP CHTS, Southeast Region Headboat Survey (SRHS), LA Creel, and Texas Parks and Wildlife Department. The private angling component was managed under exempted fishing permits (EFPs) by the individual Gulf states for the 2018 and 2019 fishing seasons.

**Table 1.1.2.** Red snapper federal for-hire recreational season durations (in days) and ACLs/ACTs from 2015 - 2024.

Recreational For-Hire Fishing Season				
Year	ACL	ACT	Closure	Days open
2015*	2,279,970 after Am 40 then 2,964,000 after Framework	1,824,000 after Am 40 then 2,371,000 after Framework	7/15/2015	44
2016	2,893,000 then 3,042,000	2,315,000 then 2,434,000	7/17/2016	46
2017**	2,993,000 then 2,848,000	2,395,000 then 2,278,000	7/20/2017	49
2018***	2,848,000	2,278,000	7/22/2018	51
2019***	3,130,000	2,848,000	8/2/2019	62
2020	3,130,000	2,848,000	8/2/2020	62
2021	3,130,000	2,848,000	8/3/2021; reopen 9/15/2021; reclose 11/6/2021	84 (63 + 21)
2022	3,130,000	2,848,000	8/19/2022	79
2023	3,191,958	2,904,862	8/25/2023	85
2024	3,380,574	3,076,322	8/28/2024	88

\* 2015 marks the first year where the federal for-hire and private angling components were managed under separate catch limits.

\*\* The 2017 red snapper fishing season for private anglers was extended by 39 days on June 6, 2017, by the Secretary of Commerce.

\*\*\* The 2018 and 2019 fishing seasons for private anglers were managed under EFPs for each Gulf state.

### *Modification of Recreational For-Hire Fishing Season*

Amendment 40 to the Reef Fish FMP (GMFMC 2014b) set the recreational fishing season to begin on June 1 and end when the for-hire ACT is projected to be met. While Amendment 50A to the Reef Fish FMP (GMFMC 2019) allowed each Gulf state to set their own private

recreational component season, the regulations did not change for the federal for-hire recreational season, which still used a June 1 opening. Since implementation of the June 1 for-hire season opening in 2015, the season duration has doubled (44 days in 2015 to 88 days in 2024). This has caused an extension of the season ending date from July 15 in 2015 to August 28 in 2024. Fishery stakeholders have expressed concern that extending the season further into the year (i.e., into September or further) could result in difficulty in filling vessel bookings with paying customers in the late summer and early fall, as those are typically slower times of year for for-hire fishing. Alternatively, opening the fishing season earlier in the year (i.e., May) could allow for-hire operators to take advantage of available fishing days during times of year when filling bookings is demonstrably easier. Further, at present, for-hire fishing trips occurring in May would be during a time when other species commonly caught with red snapper would also be expected to be open to harvest, including red grouper and gray triggerfish. The opportunity to harvest additional reef fish species during this time is expected to be popular with for-hire fishing clients, according to for-hire operators.

## 1.2 Purpose and Need

The purpose of this framework action is to modify the fishing season for the federal for-hire component for red snapper to allow greater recreational access while continuing to constrain landings to the component ACL, as well as the total recreational ACL.

The need for this framework action is to allow the federal for-hire component more opportunity to harvest red snapper at a level consistent with achieving optimum yield for the recreational sector in the long-term while preventing overfishing on an annual basis, and while rebuilding the red snapper stock.

## 1.3 History of Management

This history of management covers events pertinent to red snapper allocation and setting quotas. A complete history of management for the Reef Fish FMP (GMFMC 1984) is available on the Council's website<sup>2</sup> and a history of red snapper management through 2006 is presented in Hood et al. (2007). The final rule for the Reef Fish FMP (with its associated environmental impact statement [EIS]) (GMFMC 1981) was effective November 8, 1984, and defined the reef fish fishery management unit, which included red snapper.

Recreational fishing for the for-hire component for red snapper is managed with a 16-inch total length (TL) minimum size limit, 2-fish bag limit, and a season beginning on June 1 and ending when the for-hire component's ACT is projected to be caught. The private-angling component is currently being managed under Amendment 50A (GMFMC 2019). Other management measures that affect red snapper fishing include permit requirements for the commercial and federal for-hire fleets and season-area closures (e.g., Madison-Swanson and the Edges).

In 1990, **Amendment 1 to the Reef Fish FMP** established the first red snapper rebuilding plan. From 1990 through 2009, red snapper harvest was managed using an annual total allowable

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<sup>2</sup> <http://gulfcouncil.org/fishery-management/>

catch (TAC), which was divided 51% to the commercial and 49% to the recreational based on the average of historical landings during 1979 through 1987. Amendment 1 also established a commercial red snapper quota of 3.1 million pounds (mp) ww. There was no recreational quota specified, only a bag limit of seven fish and a minimum size limit of 13 inches TL (GMFMC 1989).

Based on the 51:49 commercial to recreational sector allocation, the commercial quota implied a TAC of approximately 6.1 mp ww in 1990, followed by explicit TACs of 4.0 mp ww in 1991 (GMFMC 1991) and 1992, 6.0 mp ww in 1993 through 1995, and 9.12 mp ww from 1996 through 2006. The TAC was reduced to 6.5 mp ww in 2007 and 5.0 mp ww in 2008 and 2009 (GMFMC 1990).

The **Generic Sustainable Fisheries Act Amendment** (GMFMC 1999) required the establishment of quotas for recreational and commercial fishing that, when reached, result in a prohibition on the retention of fish caught for each sector for the remainder of the fishing year. With the establishment of a recreational quota in 1997, the NMFS Southeast Regional Administrator was authorized to close the recreational season for each species when the quota is reached, as required by the Magnuson-Stevens Fishery Conservation and Management Act.

In 2006, **Amendment 26 to the Reef Fish FMP** established a red snapper individual fishing quota (IFQ) program for the commercial sector. Commercial fishermen received red snapper shares based on their catch history. Allocation of the annual commercial harvest of red snapper is awarded to red snapper IFQ shareholders each year based on the commercial ACL and the percentage of shares they hold. They are then able to fish that allocation throughout the year until they run out of allocation. Both shares and allocation are transferable, so a fisherman may purchase shares or allocation from others during the fishing year (GMFMC 2006).

From 2010 through 2012, the Council's Scientific and Statistical Committee (SSC) recommended the red snapper acceptable biological catch (ABC) at 75% of the overfishing limit (OFL) and the Council set the ACL equal to the ABC (GMFMC 2012). In 2010, the total ACL was increased to 6.945 mp ww. This increased the commercial quota from 2.550 mp ww to 3.542 mp ww and the recreational quota from 2.450 mp ww to 3.403 mp ww. In 2011, the ACL was raised to 7.185 mp ww, resulting in a 3.664 mp ww commercial quota and a 3.525 mp ww recreational quota. On August 12, 2011, NMFS published an emergency rule that, in part, increased the recreational red snapper quota by 345,000 lb for the 2011 fishing year.

In 2012, the SSC recommended that the ABC should be set at the yield corresponding to 75% of  $F_{SPR26\%}$ . The Council set the ACL equal to the ABC, which increased the ACL to 8.080 mp ww, resulting in a commercial quota of 4.121 mp ww and recreational quota of 3.96 mp ww (GMFMC 2012).

The **Generic ACLs/Accountability Measures (AMs) Amendment** (GMFMC 2011) addressed a requirement in the Magnuson-Stevens Reauthorization Act of 2006 to establish ACLs and AMs for federally managed species.

A scheduled ACL increase in 2013 to 8.69 mp ww was cancelled due to an overharvest in 2012 by the recreational sector. After an analysis of the impacts of the overharvest on the red snapper rebuilding plan, the 2013 ACL was increased to 8.46 mp ww. In July 2013, the SSC reviewed a new benchmark assessment (SEDAR 31 2013), which showed that the red snapper stock was rebuilding faster than projected. The SSC used Tier 1 of the ABC and the rebuilding yield level was set as the yield that would rebuild the stock to 26% SPR by 2032 under a constant fishing mortality rate strategy ( $F_{SPR_{26\%}}$ ) (GMFMC 2013). This increased the ABC for 2013 to 13.50 mp ww, but the SSC warned that the catch levels would have to be reduced in future years if recruitment returned to average levels. To reduce the possibility of having to decrease the ACL later, the Council set the 2013 stock ACL to 11.00 mp ww and the commercial quota at 5.61 mp ww and the recreational quota at 5.39 mp ww. Beginning in 2014, the recreational season duration was set using an ACT that is 20% below the recreational ACL. A post-season AM that required an overage adjustment if the recreational ACL was exceeded if the stock was overfished was also implemented in 2014. The total ACL was set at 10.40 mp ww in 2014, 14.30 mp ww in 2015, 13.96 mp ww in 2016, and 13.74 mp ww in 2017 and subsequent years.

**Amendment 40 to the Reef Fish FMP** divided the recreational quota into a federal for-hire component quota (42.3%) and a private angling component quota (57.7%) (GMFMC 2014) and set the for-hire component season to begin each year on June 1 and close on the date NMFS projected the for-hire component ACT would be fully harvested. In 2015, this resulted in an ACT of 2.371 mp ww for the federally permitted for-hire component and 3.234 mp ww for the private angling component. The amendment also included a 3-year sunset provision on the separation of the recreational sector into distinct components. **Amendment 45 to the Reef Fish FMP** extended the separate management of the federal for-hire and private angling components for an additional 5 years through the 2022 red snapper fishing season (GMFMC 2016). In 2018, the ACT and ACL were 2.278 mp ww and 2.848 mp ww for the federally permitted for-hire component, and 3.108 mp ww and 3.885 mp ww for the private angling component.

For 2018, NMFS established a 51-day red snapper fishing season for the federal for-hire component [83 FR 17623; April 23, 2018] based on the component's ACT. For the private angling component, the 2018 and 2019 red snapper fishing seasons were set by the individual states through EFPs approved by NMFS. The EFPs allocated a portion of the private-angling ACL to each state for harvest during the 2018 and 2019 fishing years. **Amendment 36A to the Reef Fish FMP** (GMFMC 2017) modified the commercial IFQ programs. It included a provision that allows NMFS to withhold a portion of IFQ allocation at the start of the year equal to an anticipated quota reduction, which became effective in 2018.

A 2018 Framework Action titled **Modification of the Recreational Red Snapper Annual Catch Target Buffers** reduced the federal for-hire buffer by setting the ACT at 9% below the component's ACL for the 2019 fishing season only. **Amendments 50A-F to the Reef Fish FMP** (GMFMC 2019) became effective February 6, 2020, establishing a state management program in each Gulf state for the private angling component's harvest of red snapper. Under Amendments 50A-F, each Gulf state is responsible for managing its annual allocation of the private angling component ACL for red snapper using size limits, bag limits, and seasonal closures. If a state exceeds its allocation in a given fishing year, then the amount of the overage would be deducted from that state's quota for the following fishing year. The individual Gulf

states are responsible for their own quota monitoring, and each has a data collection program in place to monitor that state's private angling landings. The individual states would determine if additional catch limit buffers (e.g., an ACT set lower than an ACL, with the fishing season based on the ACT) are necessary to successfully manage that state's allocated quota. A private angling ACT remains in place in the event a state's delegation is no longer effective. The federal for-hire component's harvest of red snapper will continue to be federally managed.

A Framework Action implemented in 2019 titled **Modify Red Snapper and Hogfish Catch Limits** increased the ACL for red snapper for 2019 and subsequent years. In 2019, another Framework Action titled **Modification to the Recreational For-hire Red Snapper ACT Buffer** established a federal for-hire ACT 9% below the component's ACL, extending the buffer reduction adopted through the 2018 Framework Action.

Two Framework Actions titled **Gulf of Mexico Red Snapper Recreational Data Calibration and Recreational Catch Limits** and **Modification of Annual Catch Limits for Gulf of Mexico Red Snapper** were implemented on January 1, 2023. The Data Calibration Framework modified recreational catch limits for the state-specific private angling ACLs. The Catch Limits Framework increased red snapper catch limits for both the commercial and recreational sectors.

Another Framework Action titled **Modification of Catch Limits for Gulf of Mexico Red Snapper** reduced the OFL but increased other catch limits for red snapper. The final rule is effective as of July 10, 2023.

## CHAPTER 2. MANAGEMENT ALTERNATIVES

### 2.1 Action 1 – Modify the Red Snapper Recreational For-Hire Component Fishing Season

**Alternative 1:** No Action. The federal for-hire component fishing season, and the federal private angling component season, for red snapper opens on June 1 and closes when the component annual catch target (ACT) is projected to be met, or on December 31, whichever comes first.

**Alternative 2:** Modify the federal for-hire component fishing season for red snapper. The fishing season opens on the Friday before the Memorial Day Federal Holiday and closes when the for-hire component ACT is projected to be met, or on December 31, whichever occurs first.

**Alternative 3:** Modify the federal for-hire component fishing season for red snapper. The fishing season opens on May 15 and closes when the for-hire component ACT is projected to be met, or on December 31, whichever occurs first.

#### Discussion:

Through successive increases to its component annual catch limit (ACL), the federal for-hire component has experienced increasing fishing season durations from 2015 to present. The 2024 fishing season, which corresponds to a recent (2023) increase in the red snapper catch limits, is the longest federal for-hire component fishing season duration to date at 88 days (Table 1.1.2). Public testimony received by the Gulf of Mexico Fishery Management Council (Council) during its April and June 2024 meetings, and during an April 2024 meeting of its Reef Fish Advisory Panel, suggested considering a revision to the federal for-hire fishing season, with consideration given to both the opening and closing dates. Public testimony ultimately converged on a preference for a fishing season ending no later than August 31, with the possibility of beginning at some point before Memorial Day. Forecasting catch projections prior to the current June 1 start date will necessitate initially assuming that daily effort rates for any dates in May are equivalent to those observed during the rest of the fishing season (Appendix C).

**Alternative 1** would maintain the current federal for-hire component fishing season structure, with the fishing season opening on June 1 and closing when the National Marine Fisheries Service (NMFS) projects the ACT would be met, or on December 31, whichever occurs first. Per Table 1.1.1, NMFS has been able to close the federal for-hire component before it exceeds its ACT in four of the six years since 2018, and the component has never exceeded its respective ACL in that time period. The greatest overage of the for-hire component's ACT occurred in 2018, when the for-hire ACT was exceeded by 7%. Thus, the precision of the pre-season projections has reliably prevented the for-hire component from exceeding its ACL under the current fishing season structure. This would not be expected to change under **Alternative 1**.

**Alternative 2** would modify the federal for-hire component fishing season to open on the Friday before the Memorial Day Federal Holiday and close when the ACT is projected to be met, or on December 31, whichever comes first. **Alternative 2** would open the fishing season four to ten

days earlier than **Alternative 1**. **Alternative 2** would require NMFS to project the fishing season for the for-hire component during a period for which it currently has no directly comparable fishing data specific to for-hire fishing for red snapper (i.e., prior to June 1). Although for-hire fishing occurs Gulf of Mexico (Gulf)-wide prior to June 1 for other species, because red snapper is a primary target species throughout the Gulf, the comparability of current reef fish effort and harvest data during that time period is not appropriate to use for projections of red snapper effort or harvest. If general reef fish fishing effort prior to June 1 is used to inform what red snapper-specific fishing effort might look like during the same time period, those data may underestimate the actual red snapper-specific fishing effort in the near-term.

**Alternative 3** would modify the federal for-hire component fishing season to open on May 15 and close when the ACT is projected to be met, or on December 31, whichever comes first. **Alternative 3** would open the fishing season sixteen days earlier than **Alternative 1**, and seven to thirteen days earlier than **Alternative 2**. Based on the current recreational fishing seasons for federally managed reef fish species, both **Alternative 2** and **Alternative 3** would present the opportunity to harvest red snapper along with other commonly targeted species like red grouper and gray triggerfish, so long as the respective recreational ACLs for those species have not yet been landed. Under **Alternative 1**, and based on current reef fish recreational fishing seasons, fishermen on for-hire trips would not be able to retain both red snapper and gray triggerfish since there would be no overlap in the season. **Alternative 2** would create overlap of these fishing seasons, and thus potentially allow harvest of both red snapper and gray triggerfish, for up to 10 days, while **Alternative 3** would create overlap of these fishing seasons for up to 16 days.

Table 2.2.1 below examines the projected fishing season durations for the alternatives from Action 1. An estimate of daily catch was derived from the mean of the total for-hire landings from the 2021 – 2023 for-hire fishing seasons, divided by the fishing season duration in days. These years were selected for analysis because they represent the most recent and complete three years of available data. This daily catch estimate (in lb ww) was then divided by the for-hire ACT. These fishing season durations were then used to calculate the date on which the fishing season would close at 12:01 AM based on each alternative in Action 1. For reference, under **Alternative 2**, the earliest possible start date in May in any future year would be May 22. For this reason, Table 2.2.1 projects forward from May 22; if the Friday before Memorial Day occurs later in May, so will the season closing date in the following August.

**Table 2.2.1.** Red snapper for-hire fishing season duration projections for alternatives in Action 1. ACLs and ACTs are in lb ww. Daily catch is expressed as lb ww per day. The range of closure dates for Alternative 2 are italicized because it depends on the actual date of the Friday before Memorial Day (MD).

Action 1 Alternative	For-hire ACL	For-hire ACT	Daily Catch in lb ww (2021-2023)	# Days Open (ACT/Daily Catch)	Season Closes:
<b>1: June 1</b>	3,380,574	3,076,322	33,816	91	31-Aug
<b>2: Friday pre-MD</b>	3,380,574	3,076,322	33,816	91	<i>21-27 Aug</i>
<b>3: May 15</b>	3,380,574	3,076,322	33,816	91	14-Aug

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# **APPENDIX A: PUBLIC COMMENTS**

## **Summary of Public Comment**

## APPENDIX B. OTHER APPLICABLE LAW

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) provides the authority for management of stocks included in fishery management plans in federal waters of the exclusive economic zone. However, management decision-making is also affected by a number of other federal statutes designed to protect the biological and human components of U.S. fisheries, as well as the ecosystems that support those fisheries. Major laws affecting federal fishery management decision-making include the Endangered Species Act (ESA) and Marine Mammal Protection Act (Section 3.3), E.O. 12866 (Regulatory Planning and Review, Chapter 5) and E.O. 12898 (Environmental Justice, Section 3.5.2). Other applicable laws are summarized below.

### **Administrative Procedure Act**

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the Act, the National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The Act also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

### **Coastal Zone Management Act**

Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that affect any land or water use or natural resource of a state’s coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency determination are set forth in NOAA regulations at 15 CFR part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state’s coastal zone, NMFS is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action.

Upon submission to the Secretary of Commerce, NMFS will determine if this framework action is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, Mississippi, and Texas to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for these states.

### **Data Quality Act**

The Data Quality Act (Public Law 106-443) effective October 1, 2002, requires the government to set standards for the quality of scientific information and statistics used and disseminated by federal agencies. Information includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, cartographic, narrative, or

audiovisual forms (includes web dissemination, but not hyperlinks to information that others disseminate; does not include clearly stated opinions).

Specifically, the Act directs the Office of Management and Budget to issue government wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: (1) ensure information quality and develop a pre-dissemination review process; (2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and (3) report periodically to Office of Management and Budget on the number and nature of complaints received.

Scientific information and data are key components of fishery management plans (FMP) and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the Act, FMPs and amendments must be based on the best information available. They should also properly reference all supporting materials and data, and be reviewed by technically competent individuals. With respect to original data generated for FMPs and amendments, it is important to ensure that the data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data will also undergo quality control prior to being used by the agency and a pre-dissemination review.

### **Fish and Wildlife Coordination Act**

Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661-667e) provides the basic authority for the USFWS’s involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. It also requires federal agencies that construct, license or permit water resource development projects to first consult with the Service (and NMFS in some instances) and State fish and wildlife agency regarding the impacts on fish and wildlife resources and measures to mitigate these impacts.

The fishery management actions in the Gulf of Mexico are not likely to affect wildlife resources pertaining to water resource development as the economic exclusive zone is from the state water boundary extending to 200 nm from shore.

### **National Historic Preservation Act**

The National Historic Preservation Act (NHPA) of 1966, (Public Law 89-665; 16 U.S.C. 470 *et seq.*) is intended to preserve historical and archaeological sites in the United States of America. Section 106 of the NHPA requires federal agencies to evaluate the impact of all federally funded or permitted projects for sites listed on, or eligible for listing on, the National Register of Historic Places and aims to minimize damage to such places.

Typically, fishery management actions in the Gulf of Mexico are not likely to affect historic places with exception of the *U.S.S. Hatteras*, located in federal waters off Texas, which is listed in the National Register of Historic Places. Red snapper do occur off Texas; however, the

proposed action is not likely to increase fishing activity above previous years. Thus, no additional impacts to the *U.S.S. Hatteras* would be expected.

### **Executive Orders (E.O.)**

#### **E.O. 12962: Recreational Fisheries**

This E.O. requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods including, but not limited to, developing joint partnerships; promoting the restoration of recreational fishing areas that are limited by water quality and habitat degradation; fostering sound aquatic conservation and restoration endeavors; and evaluating the effects of federally-funded, permitted, or authorized actions on aquatic systems and recreational fisheries, and documenting those effects. Additionally, it establishes a seven-member National Recreational Fisheries Coordination Council (NRFCC) responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The NRFCC also is responsible for developing, in cooperation with federal agencies, States and Tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda. Finally, the E.O. requires NMFS and the USFWS to develop a joint agency policy for administering the ESA.

#### **E.O. 13089: Coral Reef Protection**

The E.O. on Coral Reef Protection requires federal agencies whose actions may affect U.S. coral reef ecosystems to identify those actions, utilize their programs and authorities to protect and enhance the conditions of such ecosystems, and, to the extent permitted by law, ensure actions that they authorize, fund, or carry out do not degrade the condition of that ecosystem. By definition, a U.S. coral reef ecosystem means those species, habitats, and other national resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., federal, state, territorial, or commonwealth waters). Regulations are already in place to limit or reduce habitat impacts within the Flower Garden Banks National Marine Sanctuary. Additionally, NMFS approved and implemented Generic Amendment 3 for Essential Fish Habitat (GMFMC 2005), which established additional habitat areas of particular concern (HAPCs) and gear restrictions to protect corals throughout the Gulf of Mexico. There are no implications to coral reefs by the actions proposed in this framework amendment.

#### **E.O. 13132: Federalism**

The E.O. on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The E.O. serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not national in scope or significance are most appropriately addressed by the level of government closest to the

people. This E.O. is relevant to FMPs and amendments given the overlapping authorities of NMFS, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop strategies to address them in conjunction with appropriate state, tribes and local entities (international too).

No Federalism issues were identified relative to the action to modify the management of red snapper. Therefore, consultation with state officials under Executive Order 12612 was not necessary. Consequently, consultation with state officials under Executive Order 12612 remains unnecessary.

### **E.O. 13158: Marine Protected Areas**

This E.O. requires federal agencies to consider whether their proposed action(s) will affect any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural or cultural resource within the protected area. There are several marine protected areas, HAPCs, and gear-restricted areas in the eastern and northwestern Gulf of Mexico. The existing areas are entirely within federal waters of the Gulf of Mexico. They do not affect any areas reserved by federal, state, territorial, tribal or local jurisdictions.

# APPENDIX C. RED SNAPPER FOR-HIRE SEASON DURATION ANALYSIS

Season Duration Analysis for Gulf of Mexico Recreational For-Hire Red Snapper Fleet 2025 Fishing Season

LAPP/DM Branch  
National Marine Fisheries Service (NMFS)  
Southeast Regional Office  
September 2024

## Background

Gulf of Mexico (Gulf) red snapper are managed in federal waters under the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP). In April 2015, a Final Framework Action to the Reef Fish FMP set the red snapper recreational sector to close when the annual catch target (ACT) is met. Amendment 40 to the Reef Fish FMP increased flexibility in managing red snapper landings and minimized the chance of recreational annual catch limit (ACL) overages by separating the recreational sector into two components. Prior to the implementation of Amendment 40 in 2015, recreational management measures were applied to the recreational sector as a whole, without distinguishing between the private angling/state charter and federal for-hire components. Amendment 40 defined two distinct components of the recreational sector as 1) a private angling component that includes private anglers fishing from privately owned vessels, as well as operators of state-permitted for-hire vessels that do not have a federal permit, and 2) a federal for-hire component that includes operators of federally permitted for-hire vessels. The federal for-hire component includes charter vessels and headboats with a federal charter/headboat permit for reef fish, allowing these vessels to fish in federal waters. For-hire vessels without a federal permit are restricted to fishing for red snapper in state waters only. The Gulf federal recreational fishing regulations for red snapper include a 16-inch total length minimum size limit, two-fish per person daily bag limit (no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat), and a federal for-hire season beginning on June 1 and ending when the component ACT is projected to be caught. Although the states set seasons for the red snapper private angling/state charter component in state and federal waters, NMFS must still set a red snapper season throughout federal waters for the federal for-hire component.

Currently, the federal for-hire component of the recreational sector's harvest is constrained by an ACT set 9% below the ACL for red snapper to account for management uncertainty. The federal for-hire season opens on June 1 and is set to close when the component's ACT is projected to be met. The season duration has doubled since 2014, increasing from 44 days to 88 days over that time period. If the ACT is not met by the projected closure date, the NMFS Regional Administrator has the authority to re-open the fishing season later in the year. In recent years, stakeholders have raised concerns about extending the red snapper federal for-hire season into fall months, when customers are less likely to book trips. In response to these concerns and a consistent record of federal for-hire landings staying below the ACL, the Gulf of Mexico Fishery Management Council is considering making changes to the season start dates for the federal for-

hire component of the recreational sector. This analysis will project the season duration associated with each proposed season start date (Table C.1).

**Table C.1.** Proposed modifications to season start and ends dates for the Gulf federal for-hire component of the red snapper fishery.

<b>Action 2 Alternatives</b>
<i>Alternative 1:</i> No Action. The federal for-hire component fishing season for red snapper opens on June 1 and closes when the ACT is projected to be met, or on December 31, whichever comes first.
<i>Alternative 2:</i> Modify the federal for-hire component fishing season for red snapper to open on the Friday before the Memorial Day Federal Holiday and close when the ACT is projected to be met, or on December 31, whichever comes first.
<i>Alternative 3:</i> Modify the federal for-hire component fishing season for red snapper to open on May 15 and close when the ACT is projected to be met, or on December 31, whichever comes first.

### **Data Sources**

The Southeast Fisheries Science Center (SEFSC) compiles landings data from various sources to track commercial and recreational landings for all federally managed species. Landings for the recreational sector are estimated from a combination of state and federal surveys. The two state surveys that generate recreational landings estimates come from Texas and Louisiana. The Texas Parks and Wildlife Department Sport-boat Angling Survey (TPWD) uses dockside interviews at public recreational boat access sites to generate catch and effort estimates for finfish species caught by private and charter vessels off the Texas coast. In Louisiana, the Louisiana Department of Wildlife & Fisheries uses the combination of a dockside intercept survey and phone/email survey to estimate recreational saltwater harvests from shore, private vessels, and charter trips (LA Creel).

Federally administered surveys generate Gulf landings estimates for all headboat vessels and landings from shore, private vessels and charter vessels not covered by the Texas or Louisiana state surveys. The Southeast Region Headboat Survey (SRHS) produces landings estimates for species caught by headboats operating in the southeastern United States by combining dockside intercept and logbook data. Federal estimates of shore, private vessel and charter vessel landings were initially generated by the Marine Recreational Fisheries Statistics Survey (MRFSS), which used a combination of dockside intercept survey and telephone effort survey data to estimate landings. This survey was replaced by the Marine Recreational Information Program (MRIP) in 2008 to improve precision, accuracy, and timeliness of recreational catch estimates. MRIP uses the Access Point Angler Intercept Survey (APAIS) to collect dockside catch data from anglers fishing from shore, private vessels, and charter vessels. Fishing effort data for the shore and private vessel fishing modes was collected by the Coastal Household Telephone Survey (CHTS), and charter vessel effort was estimated from data collected by the For-Hire Survey (FHS). In 2018, CHTS was replaced by a mail survey, the Fishing Effort Survey (FES). The changes to the federal survey over time have led to recreational landings being estimated in three different data units to adjust estimates to incorporate updated methodology. MRFSS units represent the earliest iteration of the federal survey; MRIP-CHTS incorporates updates to the dockside APAIS and implementation of the improved CHTS phone survey; and MRIP-FES incorporates the change from a telephone to a mail-based effort survey. The SEFSC creates three separate final recreational landings data sets that combine TPWD, LA Creel and SRHS landings estimates with

either the MRFSS, MRIP-CHTS, or MRIP-FES survey estimates. Catch limits for federally managed species are monitored with the recreational data unit associated with the last stock assessment for each species.

Following SEDAR 52 (2018), recreational landings that include MRIP-CHTS survey units have been used to monitor red snapper. Landings data were provided by the SEFSC on April 29, 2024. This analysis focuses on the federal for-hire landings for red snapper from the last five years. The federal for-hire landings are an aggregation of landings from the headboat and charter fleets in the Gulf. All headboat landings, regardless of wave are assigned to the federal for-hire component. The charter component can include a mixture of landings from state or federal waters. During waves when the federal for-hire season is closed, any charter landings are associated with the private component of the fishery. All charter landings from federal waters during waves when the federal for-hire season is open are assigned to the federal for-hire component. A proportion is applied to state waters landings during waves when both state and federal waters are open to red snapper harvest. The proportions applied are state specific, with the ratio of state charter to federal landings reported as a function of the number of days the state or federal season is open in each wave or a ratio of state to federal waters landings derived using dockside intercept and FHS data. The following season duration analysis uses only landings associated with the federal for-hire component of the fishery, after completing the partitioning exercise described above.

### Season Duration Analysis

Daily catch rates for the federal for-hire component of the recreational sector were estimated for each Gulf state by dividing the annual federal for-hire landings by the number of days the federal for-hire season was open. Catch rates (lb/day) are calculated for each state. Season duration projections were determined by cumulatively summing total catch rates until the ACT was projected to be met. The federal season has ranged in duration from 62 to 85 days over the last five years (Table C.2).

**Table C.2.** Federal for-hire season duration in days for the last five years (2019 to 2023).

<b>Year</b>	<b>Days the Federal For-Hire Season was Open</b>
<b>2019</b>	<b>62</b>
<b>2020</b>	<b>63</b>
<b>2021</b>	<b>87</b>
<b>2022</b>	<b>79</b>
<b>2023</b>	<b>85</b>

Recreational landings from different years were averaged and used to predict future landings and to capture a range of potential federal for-hire season durations (Table C.3). Season duration projections were determined by cumulatively summing the daily catch rate until a catch target was projected to be met. Season durations were projected using federal for-hire catch rates from the three averages for 1) 2019-2021, 2) 2019-2023, and 3) 2021-2023, and also a prediction

using only 2023 catch rates. The season duration, in fishing days, was projected for each catch rate until the current ACT (3,076,322 lb ww) for the federal for-hire component was projected to be met (Table C.4). The season duration ranges from 85 to 91 days, depending on the daily catch rate used. It should be noted that this analysis assumes equal catch rates for the entirety of the federal fishing season because there are limited robust data sources available that more closely track landing rates over the short temporal period associated with the federal for-hire season.

**Table C.3.** Federal for-hire daily catch rates (lb ww/day) from the last five years (2019 to 2023) for each state and three different averages of these landings. The averages are for 2019 through 2021, 2019 through 2023, and 2021 through 2023.

Year(s)	TX	LA	MS	AL	West FL	Total
2019	7,597	1,827	667	12,135	19,045	41,271
2020	6,766	1,379	352	9,754	18,410	36,661
2021	7,589	1,343	124	5,405	16,020	30,481
2022	6,023	950	97	7,700	21,140	35,910
2023	5,274	1,995	299	8,879	18,608	35,056
Average 2019-2021	7,317	1,516	381	9,098	17,825	36,138
Average 2019-2023	6,650	1,499	308	8,775	18,645	35,876
Average 2021-2023	6,295	1,429	173	7,328	18,589	33,816

\*Source: Southeast Fisheries Science Center’s Recreational ACL Dataset [April 29, 2024].

**Table C.4.** Projected number of fishing days to reach the ACT for the federal for-hire component of the red snapper fishery for three different averages and only 2023 landings.

Projected Landings Description	Daily Catch Rate	ACT (3,076,322 lb ww)
Average 2019-2021	36,138	85
Average 2019-2023	35,876	86
Average 2021-2023	33,816	91
2023 Landings	35,056	88

### Analysis of Proposed For-Hire Season Modifications

Action 1 of the Framework Action aims to address concerns from stakeholders that increased season duration would cause the fishing season to extend into late summer and fall months when bookings for the for-hire component start to decline. The following analysis indicates the closure dates for each alternative proposed in Action 1, after adding the number of fishing days projected in the season duration analysis above (Table C.5). When evaluating the No Action alternative under Action 1, the season is projected to end in the final week of August.

Alternatives 2 and 3 shift the season closure dates to the third and second full weeks of August, respectively. If Alternatives 2 or 3 are selected, offshore federal fishing grounds would be open for an additional holiday weekend, Memorial Day weekend, which has not been the case in recent years. This could lead to more fishing pressure in offshore waters earlier in the season that is not accounted for in current daily catch rate estimates.

**Table C.5.** Projected season duration for three different averages and only 2023 landings when the buffer between the ACT and ACL is 9% and the projected closure dates for each Action 1 alternative. The projected season duration was determined with the ACT of 3,076,322 lbs.

<b>Projected Landings Description</b>	<b>Daily Catch Rate</b>	<b>Projected Season Duration (Fishing Days)</b>	<b>Alternative 1 (No Action): Fishing Season Opens June 1</b>	<b>Alternative 2: Fishing Season Opens Friday before Memorial Day</b>	<b>Alternative 3: Fishing Season Opens May 15</b>
Average 2019-2021	36,138	85	25-Aug	16-Aug	8-Aug
Average 2019-2023	35,876	86	26-Aug	17-Aug	9-Aug
Average 2021-2023	33,816	91	31-Aug	22-Aug	14-Aug
2023 Landings	35,056	88	28-Aug	19-Aug	11-Aug

## APPENDIX D. CONSIDERED BUT REJECTED

### Action 1 – Modify the Red Snapper Recreational For-Hire Component Annual Catch Target (ACT)

**Alternative 1:** No Action. The ACT (3,076,322 pounds whole weight [lb ww]) for the recreational for-hire component for red snapper is 9% below the component annual catch limit (ACL; 3,380,574 lb ww).

**Alternative 2:** Apply the Gulf of Mexico (Gulf) Fishery Management Council's (Council) ACL/ACT Control Rule, using federal for-hire landings data from 2020 – 2023, to set the component ACT buffer for the federal for-hire component for red snapper. This results in a federal for-hire component ACT set 5% below (3,211,545 lb ww) the federal for-hire component ACL (3,380,574 lb ww).

**Alternative 3:** The federal for-hire component ACT buffer will be set to 0% for red snapper. This results in a federal for-hire component ACT set equal to the federal for-hire component ACL (3,380,574 lb ww).

#### **Discussion:**

The Council heard public testimony at its August 2024 meeting which indicated that for-hire fishermen more strongly preferred moving the opening of the federal for-hire fishing season for red snapper to a point earlier in the year, over a change to the buffer. Based largely on this rationale, the Council passed a motion to move this action to Considered but Rejected, and to focus instead on modifying the federal for-hire fishing season to be of greater benefit to the for-hire fleet and its fishermen.

### Action 2 – Modify the Red Snapper Recreational For-Hire Component Fishing Season

**Alternative 3:** Modify the federal for-hire component fishing season for red snapper. If NMFS projects the for-hire fishing season will exceed 92 days (i.e., beyond June 1 through August 31), the fishing season opening is forecast backwards from a closure date of September 1 annually. The fishing season opening date will be announced by NMFS annually once the data to complete the projections are available and analyzed.

#### **Discussion:**

The Council heard public testimony at its August 2024 meeting which indicated that for-hire fishermen more strongly preferred having a date-certain opening for the federal for-hire fishing season, as this would better allow them to sell and plan for-hire fishing trips with customers. Based on this rationale, the Council passed a motion to move this alternative to Considered but Rejected, and to focus further analyses on alternatives with fixed season opening dates.