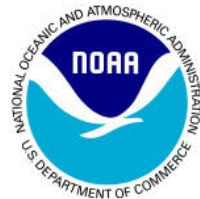


Modifications to Size Limit and Recreational Bag Limit for Gulf Lane Snapper

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
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EIS	environmental impact statement
EJ	environmental justice
ESA	Endangered Species Act
FES	Fishing Effort Survey
Headboat	Monitoring Program Southeast Region Headboat survey
IA	interim analysis
LA Creel	Louisiana Department of Wildlife and Fisheries' recreational creel survey
MRIP	Marine Recreational Information Program
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
NMFS	National Marine Fisheries Service
OY	Optimum Yield
RFA	Regulatory flexibility analysis
RIR	Regulatory impact review (RIR)
SEDAR	Southeast Data, Assessment, and Review
TIP	Trip interview program
TWPD	Texas Parks and Wildlife Department's Marine Sport-Harvest

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CHAPTER 1. INTRODUCTION

1.1 Background

Gulf of Mexico (Gulf) lane snapper is managed under the Fishery Management Plan (FMP) for the Reef Fish Resources in the Gulf of Mexico (Reef Fish FMP), and catch limits are set for the stock, with no allocation between the commercial and recreational sectors. The National Marine Fisheries Service (NMFS) manages harvest of the Gulf lane snapper stock by monitoring the commercial and recreational landings and preventing further harvest when the total annual catch limit (ACL) is projected to be met. In 2021, NMFS implemented the Framework Action for Modification of the Gulf of Mexico Lane Snapper Catch Limits and Accountability Measures (2021a), which modified the lane snapper overfishing limit (OFL), acceptable biological catch (ABC), and stock ACL. The Framework Action also modified accountability measures for lane snapper to require a prohibition on harvest for the remainder of the fishing year if landings meet or are projected to meet the stock ACL. Prior to this change, if the stock ACL was exceeded in a given year, NMFS prohibited harvest in the subsequent year when landings were met or were projected to meet the ACL. In 2024, the Council developed a framework to increase the lane snapper OFL, ABC, and stock ACL, in response to the 2023 Southeast Data, Assessment, and Review (SEDAR) 49 interim analysis (IA) for Gulf lane snapper (GMFMC 2024). These new catch limits became effective in October 2024. The lane snapper stock ACL was exceeded in all but one year between 2016 and 2023 (2021). In 2024, lane snapper was closed to harvest for the remainder of the fishing year on November 26.

This framework action considers modifications to the lane snapper size limits and recreational bag limits in an effort to slow harvest of the stock ACL to extend the fishing season by reducing the likelihood of a closure, and to reduce the likelihood of exceeding the stock ACL and the OFL. The current size limit for Gulf lane snapper is 8 inches total length (TL). Lane snapper does not currently have a species-specific bag limit, but is included in the reef fish aggregate bag limit of 20 fishes.

Landings for the commercial and recreational sectors from 2003 through 2023 in both pounds (lb) whole weight (ww), and as a percentage of the total landings, are shown in Table 1.1.1. In terms of poundage, the commercial sector's landings have shown a slight decreasing trend since 2003; the recreational sector's landings have shown an increase beginning in 2016, with some fluctuations (Figure 1.1.1). The fishery experienced closures in 2019 (December 13), 2021 (closed October 18 and reopened December 23¹), 2022 (November 15), and 2024 (November 26).

¹ In 2021, the fishery reopened on December 23 upon implementation of a higher ACL.

Table 1.1.1. Landings of lane snapper (lbs ww) by sector from 2012-2023, by weight (lb ww), and ACL values.

Year	Recreational Landings (lb ww)	Commercial Landings (lb ww)	Total Landings	ACL MRFSS (lb ww)	ACL Fes (lb ww)
2012	149,233	28,928	178,161	301,000	
2013	223,136	23,189	249,325	301,000	
2014	234,729	30,164	264,893	301,000	
2015	233,702	46,016	279,718	301,000	
2016*	266,733	34,678	301,411	301,000	
2017*	536,396	42,617	579,013	301,000	
2018*	312,882	26,435	339,317	301,000	
2019*	358,682	24,058	382,740	301,000	
2020*	334,938	23,700	358,638	301,000	
2021	381,360	24,352	405,712		1,028,973
2022*	1,113,580	16,180	1,129,760		1,028,973
2023*	1,125,173	28,217	1,153,390		1,028,973
2024					1,088,873

*Denotes years where landings exceeding ACL; resulting in overfishing

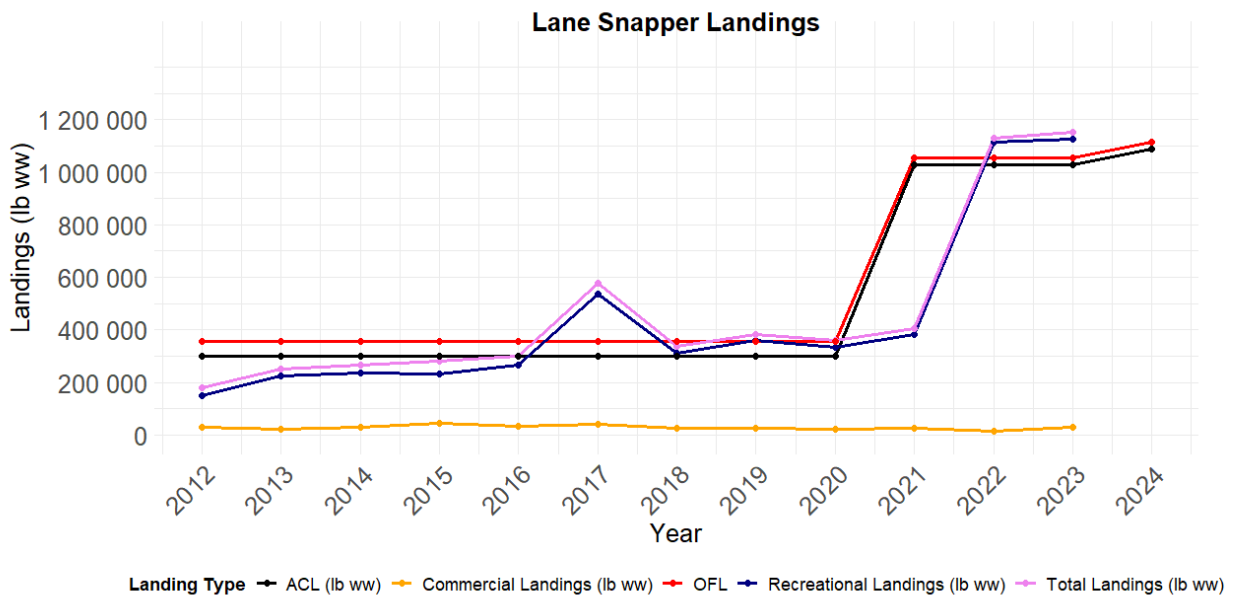


Figure 1.1.1. Recreational, commercial and total landings in pounds whole weight of Gulf lane snapper from 2012 to 2023. Values are in MRFSS units from 2012-2020 and in FES units from 2021-2024.

1.2 Purpose and Need

The purpose of this framework action is to modify the lane snapper size and bag limits to better constrain harvest to the stock ACL. Additionally, this framework action is intended to prevent early season closures by reducing lane snapper landings.

The need is to decrease the likelihood of overfishing the Gulf lane snapper stock consistent with National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act.

1.3 History of Management

The original Reef Fish FMP, implemented in November 1984, was designed to rebuild declining reef fish stocks. It included prohibitions on the use of fish traps, roller trawls, and powerhead-equipped spear guns within an inshore stressed area; and, data reporting requirements.

Amendment 1, implemented in February 1990, set objectives to stabilize long-term population levels of all reef fish species by establishing a survival rate of biomass into the stock of spawning age fish to achieve at least 20% spawning stock biomass per recruit by January 1, 2000. It also set a 10-snapper recreational bag limit on snappers in aggregate, excluding red, lane, and vermilion snapper; allowed a two-day possession limit for charter vessels and headboats on trips that extend beyond 24 hours; established a longline and buoy gear boundary at the 50-fathom depth contour west of Cape San Blas, Florida, and the 20-fathom depth contour east of Cape San

Blas, inshore of which the directed harvest of reef fish with longline gear and buoy gear was prohibited, and the retention of reef fish captured incidentally in other longline operations (e.g., sharks) was limited to the recreational daily bag limit; limited trawl vessels to the recreational size and daily bag limits of reef fish; established fish trap permits (up to 100 fish traps per permit holder); and established a commercial reef fish vessel permit.

The Generic ACL/AM Amendment implemented in January 2012, established an OFL (358,000), ABC (301,000 lb), and ACL equal to the ABC based on the Council's ACL/ACT Control Rule. It also established the post-season accountability measures (AM), that required NMFS to monitor landings the year following an overage of the ACL and prohibited harvest when landings were met or were projected to meet the ACL.

In 2021, NMFS implemented a framework action that increased the OFL to 1,053,834 lb, and the ABC and stock ACL to 1,028,973 lb. These increases were based on the results of the SEDAR 49 Update (2020), which showed an increase in stock abundance and used MRIP-FES estimates for recreational landings. The AM was modified to require an in-season closure in any year during which NMFS projects that the ACL is met.

In 2024, NMFS implemented a framework action that increased the OFL to 1,116,331 lb, and increased the ABC and stock ACL to 1,088,873 lb. This resulted in an overall increase in the allowable harvest of 59,900 lb. These increases in the catch limits were based on the results of the SEDAR 49 IA.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 - Modify the size limit for recreational and commercial Gulf of Mexico lane snapper

Alternative 1: No Action. Maintain the current recreational and commercial size limit of 8 inch total length (TL) for Gulf of Mexico (Gulf) lane snapper.

Alternative 2: Modify the recreational and commercial size limit to 10 inch TL for Gulf lane snapper.

Alternative 3: Modify the recreational and commercial size limit to 12 inch TL for Gulf lane snapper.

Discussion:

Landings of Gulf lane snapper exceeded the stock annual catch limit (ACL) in seven of the eight years between 2016 and 2023, and the species has experienced overfishing the past three years. As a result, the Gulf of Mexico Fishery Management Council (Council) is considering management measures to reduce the likelihood of exceeding the stock ACL and the overfishing limit (OFL). Stakeholders have expressed an interest in a year-round open season for Gulf lane snapper while constraining landings to the stock ACL. An increase in minimum size limits may achieve the Council's intended goal to slow the harvest rate and reduce the likelihood of late-season closures and exceedance of catch limits.

Alternative 1 would maintain the current 8-inch TL minimum size limit. **Alternative 2** and **Alternative 3** consider larger size limits that increase the age and likelihood of individuals reaching sexual maturity before allowable harvest by the fishery. Increasing the minimum size limit may also reduce the proportion of retained catch and thereby slow the harvest rate for the recreational sector. **Alternative 2** and **Alternative 3** would increase the minimum size limit relative to **Alternative 1**. The Southeast Data Assessment and Review (SEDAR) 49 stock assessment used 9.1 inches TL as the length at which 50% of females achieved sexual maturity (L50) based on Freitas et al. 2014. However, that estimate is lower than from a recent study (Fernandez et al. 2022) which estimated L50 for females at 27 cm or ~10.7 in TL. Both studies estimate L50 for females to be larger than the current minimum size limit under **Alternative 1**. **Alternative 2** and **Alternative 3** would increase the likelihood that landed females are mature when harvested.

An increase in size limit has the potential to increase discards. However, the increased size limit is still anticipated to decrease overall fishing mortality. Discard mortality is estimated between 0.05-0.15% (SEDAR 49 2016). Given that a majority of Gulf lane snapper are landed in shallow waters, there is high survivorship of discards, and thus a low discard mortality rate. As minimum size limits increase from 8 inches TL, overall discard mortality is not anticipated to drastically increase as a result of increased size limits.

To determine impacts to the recreational sector, data from 2021-2023 from the Texas Parks and Wildlife Department’s Marine Sport-Harvest Monitoring Program (TPWD), Louisiana Department of Wildlife and Fisheries’ recreational creel survey (LA Creel), Southeast Region Headboat Survey (Headboat), and Marine Recreational Information Program (MRIP) were utilized (Appendix B). Across all Gulf states, landings of lane snapper between 8 and 10 inches TL were highest; with lower percentages of catch above 12 inches (Figure 2.1.1).

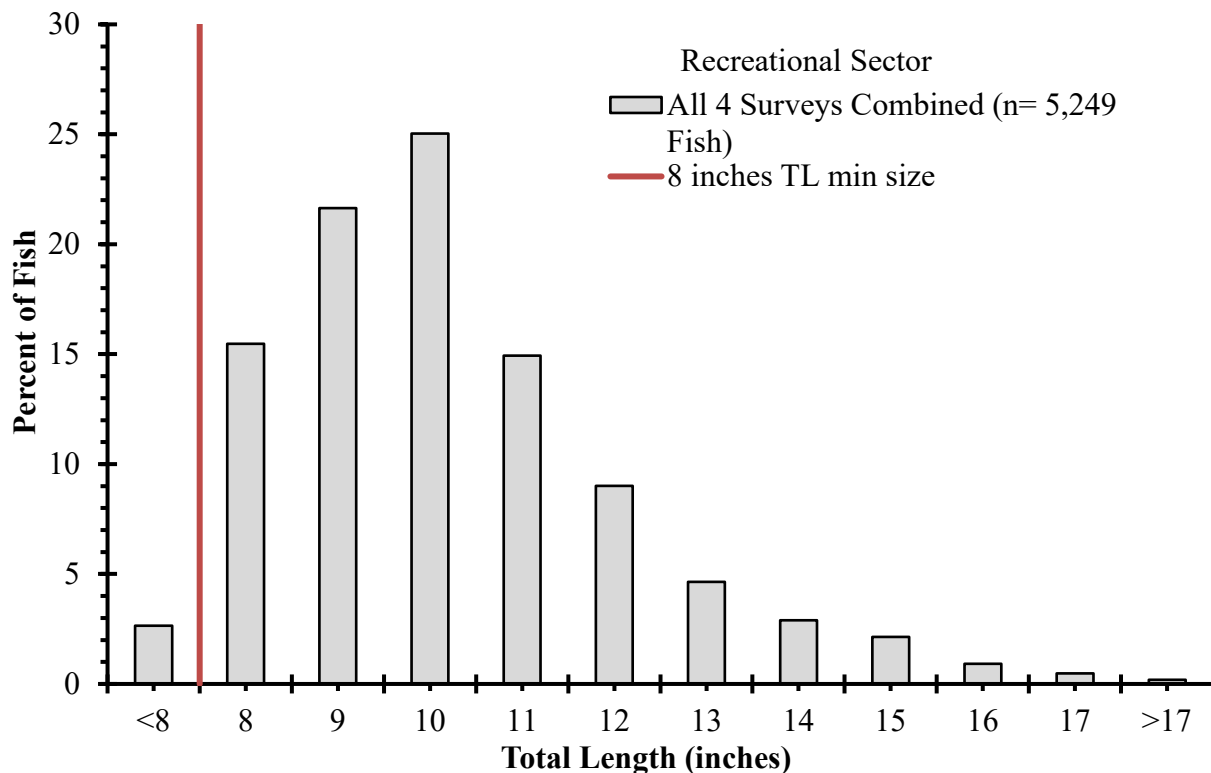


Figure 2.1.1. Distribution of the Gulf lane snapper harvested in the recreational sector by size bin. Data come from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The red line denotes the current minimum size limit of 8 inches TL.

Alternative 2 and **Alternative 3** would meet the overarching goal to reduce landings; however, **Alternative 3** would result in a higher overall reduction in landings given a high percentage of landings are <12 inches TL. Table 2.1.1 details the estimated percent reduction in landings, with the caveat that this value may change if future landings vary from those observed in 2021-2023. Percent reduction calculations can be found in Appendix B. **Alternative 2** would allow for states to operate more closely to status quo, with less reduction in estimated total landings (31.83%) in comparison to **Alternative 3** estimated at 76.46%. **Alternative 2** may result in an estimated ~32% reduction in landings for Headboat and MRIP-reporting states; while an estimated a 13.8% reduction in landings may occur for TX, should landings be similar to those observed in 2021-2023. The recreational sector typically targets lane snapper off Florida, where there would likely be the highest impact due to a minimum size change. **Alternative 3**, a minimum size limit of 12 inches, may result in a large percent reduction in landings (76.46%) because most of the lane snapper harvested had lengths less than 12 inches TL. It is important to note that these

estimations are utilizing data from 2021-2023, where landings have been historically high. Should overall landings be less than those averaged from 2021-2023, the estimated reduction in landings as a result of an increased size limit are likely lower.

Table 2.1.1. Estimated percent reduction in Gulf lane snapper landings for the four recreational surveys from increasing the minimum size limit from 8 to 10 or 12 inches total length. Data come from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The current minimum size limit is 8 inches total length.

Size Limit	TPWD	LA Creel	Headboat	MRIP	Total Reduction in Landings
8 inches TL (Status Quo)	0.0%	0.0%	0.0%	0.0%	0.0%
10 inches TL	13.8%	0.0%	32.7%	32.6%	31.83%
12 inches TL	48.4%	0.0%	60.6%	79.2%	76.46%

In contrast, lane snapper landed by the commercial sector are generally larger than the current minimum size limit of 8 in TL. Only approximately 5% of total landings from 2021 to 2023 were below 10 inches (Figure 2.1.2, Table 2.1.2), and thus, a 10-inch size limit may reduce landings by an estimated 2.3%, if landings are consistent with 2021-2023 values in the future (Table 2.1.2). Approximately 45% of commercial landings were below 12 inches, and a 12 inch size limit during this time may reduce commercial landings by ~31.3% (Table 2.1.2).

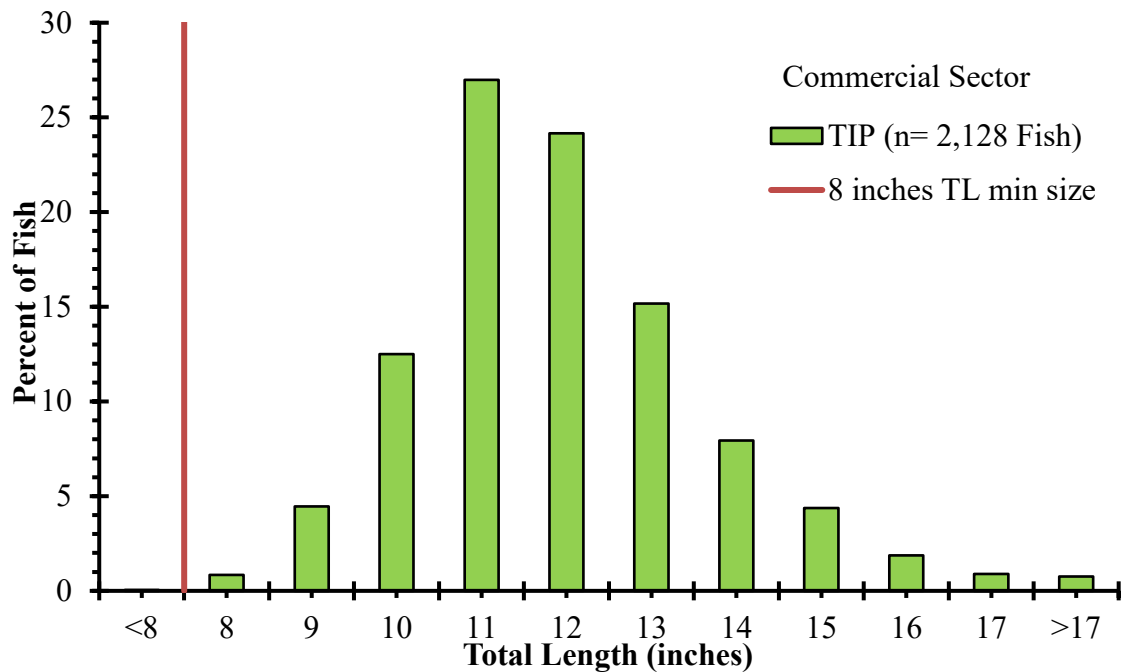


Figure 2.1.2. Distribution of the Gulf commercial lane snapper harvested by size bin. Data come from the trip interview program (TIP) program from 2021 through 2023. The red line is the current minimum size limit of 8 inches TL.

Table 2.1.2. Estimated percent reduction in lane snapper commercial landings from increasing the minimum size limit from 8 to 10 or 12 inches TL. Data come from the TIP program from 2021 to 2023. The current minimum size limit is 8 inches TL.

Size Limit	Percent Reduction in Landings
8 inches TL (Status Quo)	0.0%
10 inches TL	2.3%
12 inches TL	31.1%

Given the overarching need to constrain landings to the ACL, it appears that a minimum size limit increase would decrease landings and help achieve the National Standard 1 requirement to preventing overfishing.

2.2 Action 2 – Modify the bag limit for recreational Gulf lane snapper

Alternative 1: No Action. Maintain Gulf lane snapper within the recreational aggregate bag limit of 20 reef fishes.

Alternative 2: Within the recreational Gulf reef fish aggregate bag limit of 20 fishes, modify the bag limit to allow for no more than 2 Gulf lane snapper.

Alternative 3: Within the recreational Gulf reef fish aggregate bag limit of 20 fishes, modify the bag limit to allow for no more than 5 Gulf lane snapper.

Alternative 4: Within the recreational Gulf reef fish aggregate bag limit of 20 fishes, modify the bag limit to allow for no more than 10 Gulf lane snapper.

Alternative 5: Within the recreational Gulf reef fish aggregate bag limit of 20 fishes, modify the bag limit to allow for no more than 15 Gulf lane snapper.

Discussion:

The Council is investigating the use of bag limits to constrain landings to the stock ACL and prevent overfishing. Action 2 would modify the bag limit for recreational Gulf lane snapper within the Gulf reef fish aggregate bag limit. Lane snapper currently are only constrained under the 20 reef fish aggregate back limit. The 20 reef fish aggregate bag limit allows for capture of up to 20 total gray triggerfish, vermilion snapper, lane snapper, almaco jack, tilefish (golden), goldface tilefish, and blueline tilefish. **Alternative 1** would retain the current recreational daily bag limit of 20 fish within the Gulf reef fish aggregate bag limit of 20 fishes per person, while **Alternatives 2-5** would reduce the daily lane snapper limit to 2,5,10, and 15, respectively within the Gulf reef fish aggregate bag limit. Appendix B details the bag limit analysis broken out by data source (MRIP, TWPD, LA Creel, and headboats). Most fishing trips do not land more than 1 fish within the reef fish aggregate bag limit per person, and only very rarely do fishermen land 10 reef fish per person (Figure 2.2.1). Since the current 20 reef fish bag limit is rarely met, the landings of other species within the aggregate limit (gray triggerfish, vermilion snapper, almaco jack, golden tilefish, goldface tilefish, and blueline tilefish) are likely not going to increase by a species-specific bag limit being placed on lane-snapper.

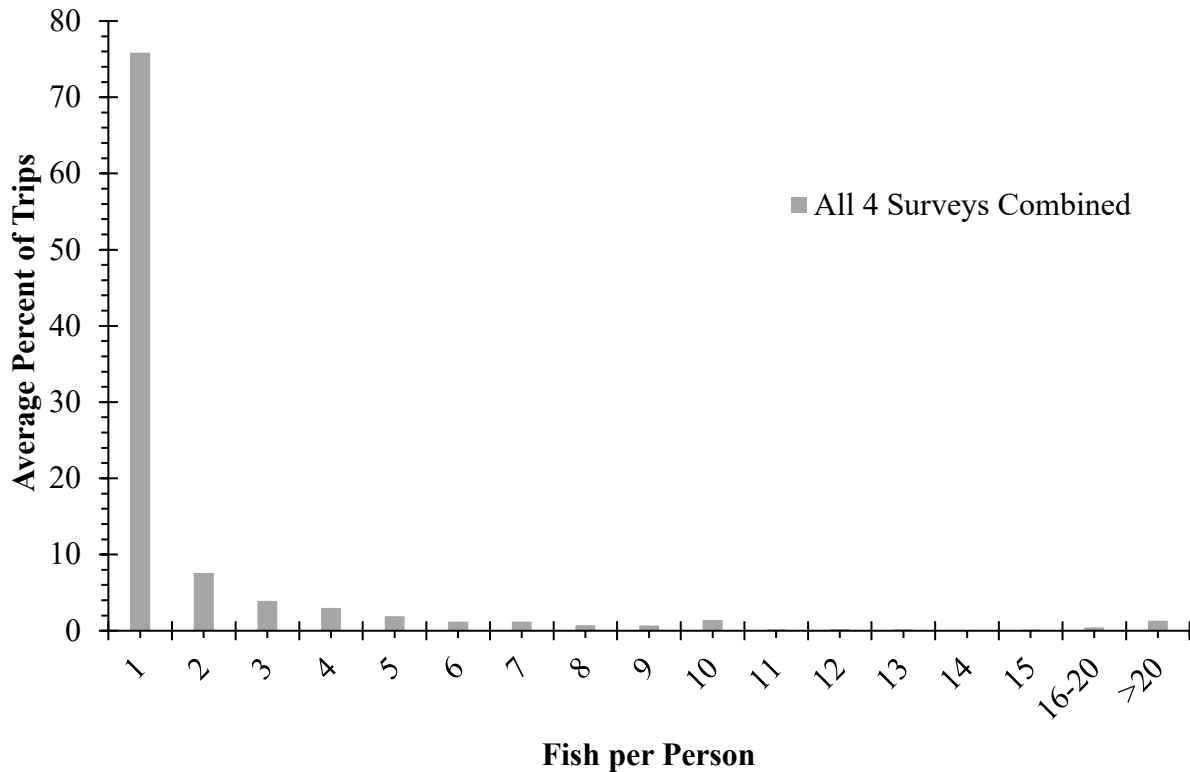


Figure 2.2.1. Average number of reef fish per angler per trip (expressed as a percentage) landed within the 20-reef fish aggregate bag limit from the Gulf summed and averaged for each recreational dataset (MRIP, TWPD, LA Creel, Headboat).

Given the low percentage of fishermen harvesting more than 10 lane snapper within the gulf reef fish aggregate bag limit, **Alternatives 4** and **5** would have very little impact on overall landings, and would likely not constrain the landings enough to prevent an in-season closure. **Alternative 2**, a 2-lane snapper bag limit, may reduce landings by 29.2% across Gulf states, and headboats should lane snapper landings be consistent in numbers with those observed in 2021-2023 (Table 2.2.1). It is likely that a substantial reduction in landings would not occur unless a 5 lane snapper bag limit or less was implemented.

Table 2.2.1. Estimated percent reduction in Gulf lane snapper recreational landings for the overall recreational sector from changing the 20 fish bag limit to 2, 5, 10, and 15 lane snapper. Data come from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The current reef fish aggregate bag limit is 20 fish.

Bag Limit	Recreational Sector
20 Lane Snapper (Status Quo)	0.0%
2 Lane Snapper	29.2%
5 Lane Snapper	15.7%
10 Lane Snapper	4.6%
15 Lane Snapper	<1%

At the November 2024 meeting, the Council requested that staff investigate the implications of including lane snapper in the snapper aggregate bag limit as opposed to the reef fish aggregate bag limit. The snapper aggregate bag limit is currently 10 snapper (Table 2.2.2). **Alternative 4**, a limit of 10 lane snapper, would provide similar impacts on lane snapper landings and lane snapper season length as moving lane snapper to the snapper aggregate bag limit. As shown in Table 2.2.1, a 10 fish bag limit is likely to result in minimal reduction in lane snapper landings (<5%). However, the addition of lane snapper to the snapper aggregate bag limit would likely constrain harvest of other snapper species included in the snapper aggregate bag limit (Table 2.2.2).

Table 2.2.2. Species composition of the aggregate 10-snapper recreational bag limit in the Gulf.

Aggregate Bag Limit	Snapper Aggregate Bag Limit	Species-Specific Bag Limit
10	Gray Snapper	
	Mutton Snapper	5
	Yellowtail Snapper	
	Cubera Snapper	
	Queen Snapper	
	Blackfin Snapper	
	Wenchman Snapper	
	Silk Snapper	

For the purposes of this draft, staff did not analyze the further impacts on landings to snapper species within the snapper aggregate bag limit. Should the Council wish to explore this avenue, the Council should modify the actions to reflect the addition of Gulf lane snapper to the Snapper aggregate bag limit.

A combination of Actions 1 and 2 would result in combined effects to season length and have been analyzed cumulatively. However, it is likely that **Action 1 Alternative 2 or 3** would reduce landings enough to prevent overfishing and extend season length, as would **Action 2 Alternative 2**. Numerous combinations of Alternatives from Actions 1 and 2 (Table 2.2.3) would result in reduced harvest such that the lane snapper season is extended and that ACL and OFL are not exceeded.

Table 2.2.3. Predicted closure dates when the ACL is expected to be met for the Gulf lane snapper stock with changes to the size and bag limits. Closure dates are when the stock ACL (1,088,873 lbs ww) is expected to be met.

Regulation	Closure Date
20 Lane Snapper Bag Limit (Status Quo)	
8 inches TL (Status Quo)	29-Nov
10 inches TL	No Closure
12 inches TL	No Closure
2 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	No Closure
10 inches TL	No Closure
12 inches TL	No Closure
5 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	10-Dec
10 inches TL	No Closure
12 inches TL	No Closure
10 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	3-Dec
10 inches TL	No Closure
12 inches TL	No Closure
15 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	30-Nov
10 inches TL	No Closure
12 inches TL	No Closure

This analysis assumes the high Gulf lane snapper stock landings that were observed in 2023 and 2024 will continue. If future landings are lower and similar to the 2020, 2021, and 2022 Gulf lane snapper stock landings then the ACL is not expected to be met even without any changes to the size or bag limits (Appendix B).

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Frank Helies	Fishery Biologist	Review	SERO
Christina Package-Ward	Anthropologist	Review	SERO
Max Birdsong	Anthropologist	Review	GMFMC

GMFMC = Gulf of Mexico Fishery Management Council; NOAA GC = National Oceanic and Atmospheric Administration General Counsel; SEFSC = Southeast Fisheries Science Center; SERO = Southeast Regional Office of the National Marine Fisheries Service.

CHAPTER 4. REFERENCES

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APPENDIX A. 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 (FMP) in federal waters of the exclusive economic zone (EEZ). 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 (Section 3.3.3), E.O. 12866 (Regulatory Planning and Review, Chapter 5) and E.O. 12898 (Environmental Justice, Section 3.5). 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, unless waived.

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 the National Oceanic and Atmospheric Administration (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 plan amendment 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 FMPs and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the Magnuson-Stevens 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.

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 on listed on, or eligible for listing on, the National Register of Historic Places and aims to minimize damage to such places.

Historical research indicates that over 2,000 ships have sunk on the Federal Outer Continental Shelf between 1625 and 1951; thousands more have sunk closer to shore in state waters during the same period. Only a handful of these have been scientifically excavated by archaeologists for the benefit of generations to come. Further information can be found at:

<http://www.boem.gov/Environmental-Stewardship/Archaeology/Shipwrecks.aspx>

The proposed action does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor is it expected to cause loss or destruction of significant scientific, cultural, or historical resources. In the Gulf of Mexico (Gulf), the *U.S.S. Hatteras*, located in federal waters off Texas, is listed in the National Register of Historic Places. Fishing activity already occurs in the vicinity of this site, but the proposed action would have no additional adverse impacts on listed historic resources, nor would they alter any regulations intended to protect them.

Executive Orders (E.O.)

E.O. 12630: Takings

The E.O. on Government Actions and Interference with Constitutionally Protected Property Rights that became effective March 18, 1988, requires each federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property. Clearance of a regulatory action must include a takings statement and, if appropriate, a Takings Implication Assessment. The NOAA Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

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 United States Fish and Wildlife Service 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. There are no implications to coral reefs by the actions proposed in this 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 the recreational harvest of greater amberjack. 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. The existing areas are entirely within federal waters of the Gulf. They do not affect any areas reserved by federal, state, territorial, tribal or local jurisdictions.

APPENDIX B. GULF OF MEXICO LANE SNAPPER MINIMUM SIZE LIMIT, RECREATIONAL BAG LIMIT, AND SEASON PREDICTION ANALYSIS

Gulf of Mexico Lane Snapper Minimum Size Limit, Recreational Bag Limit, and Season Prediction Analysis

The Gulf of Mexico Fishery Management Council (Gulf Council) is considering changes to the lane snapper minimum size limit for both the commercial and recreational sector, and also changing the bag limit for the recreational sector. The Gulf of Mexico (Gulf) lane snapper fishery has had some high landings in recent years which has led to closures due to the Annual Catch Limit (ACL) reached or projected to be reached. New regulations are being considered in hopes of reducing harvest and avoiding closures. The size and bag limit changes were analyzed and compared to predicted landings to determine if they will reduce landings and prevent landings from exceeding the ACL in the future.

Minimum Size Limit Analysis for the Commercial Sector

The current minimum size limit for the commercial sector is 8 inches total length (TL) and the Gulf council is considering increasing the minimum size limit to 10 and 12 inches TL. The Trip Interview Program (TIP) collects detailed commercial fisheries information at the individual trip level. TIP data has both lengths and weights for the lane snapper harvested in the commercial sector, however some lane snapper TIP samples only had length available. Weight estimates were generated for TIP lane snapper samples that only had length and no weight by applying the weight-length equation from SEDAR 49. Figure 1 provides the distribution of harvested lane snapper from the commercial sector from 2021 to 2023.

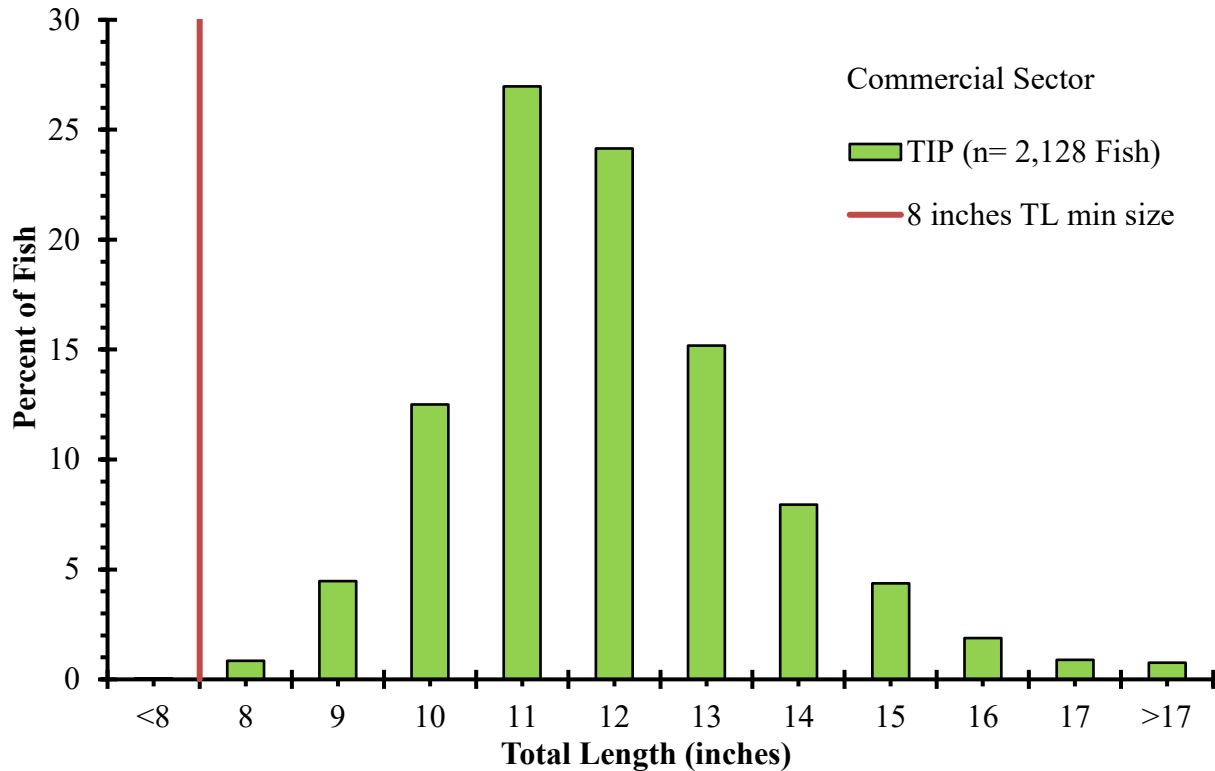


Figure 1. Distribution of the Gulf of Mexico commercial lane snapper harvested by size bin. Data comes from the TIP program from 2021 through 2023. The red line is the current minimum size limit of 8 inches total length.

The commercial ACL is set in pounds so a percent reduction of landings in pounds was done to match the ACL. Percent reductions in harvest weight were calculated by imposing the two potential minimum size limits of 10 and 12 inches total length. The analysis assumed that harvest of lane snapper less than 10 or 12 inches total length would cease because these fish would be released if the 10 or 12 inch total length size limit was implemented. Percent reductions in landings came from comparing the sum of the weight of the fish weights without the fish less than 10 or 12 inches total length to the total weight of all the fish using the equation of:

$$\text{Percent Reduction} = (\text{Adjusted Weight} - \text{Total Weight}) / (\text{Total Weight})$$

Where Adjusted Weight is the sum of the weight of all the lane snapper minus the weights from the lane snapper less than 10 or 12 inches total length, and Total Weight is the weight of all the lane snapper samples. The results of the percent reduction in the commercial landings for increasing the size limit from 8 to 10 and 12 inches by dataset are shown in Table 1.

Table 1. Estimated percent reduction in Gulf of Mexico lane snapper commercial landings from increasing the minimum size limit from 8 to 10 or 12 inches total length. Data comes from the TIP program from 2021 to 2023. The current minimum size limit is 8 inches total length.

Size Limit	Percent Reduction in Landings
8 inches TL (Status Quo)	0.0%
10 inches TL	2.3%
12 inches TL	31.1%

Minimum Size Limit Analysis for the Recreational Sector

The current minimum size limit for the recreational sector is 8 inches total length (TL) and the Gulf council is considering increasing the minimum size limit to 10 and 12 inches TL. This potential regulation change to the recreational sector was analyzed with the Gulf of Mexico recreational datasets of Texas Parks and Wildlife Department’s Marine Sport-Harvest Monitoring Program (TPWD), Louisiana Department of Wildlife and Fisheries’ recreational creel survey (LA Creel), Southeast Region Headboat survey (Headboat), and Marine Recreational Information Program (MRIP). The datasets were explored to determine the size of lane snapper that were harvested. Figure 2 provides the distribution of Gulf of Mexico lane snapper harvested in the recent time period of 2021 through 2023.

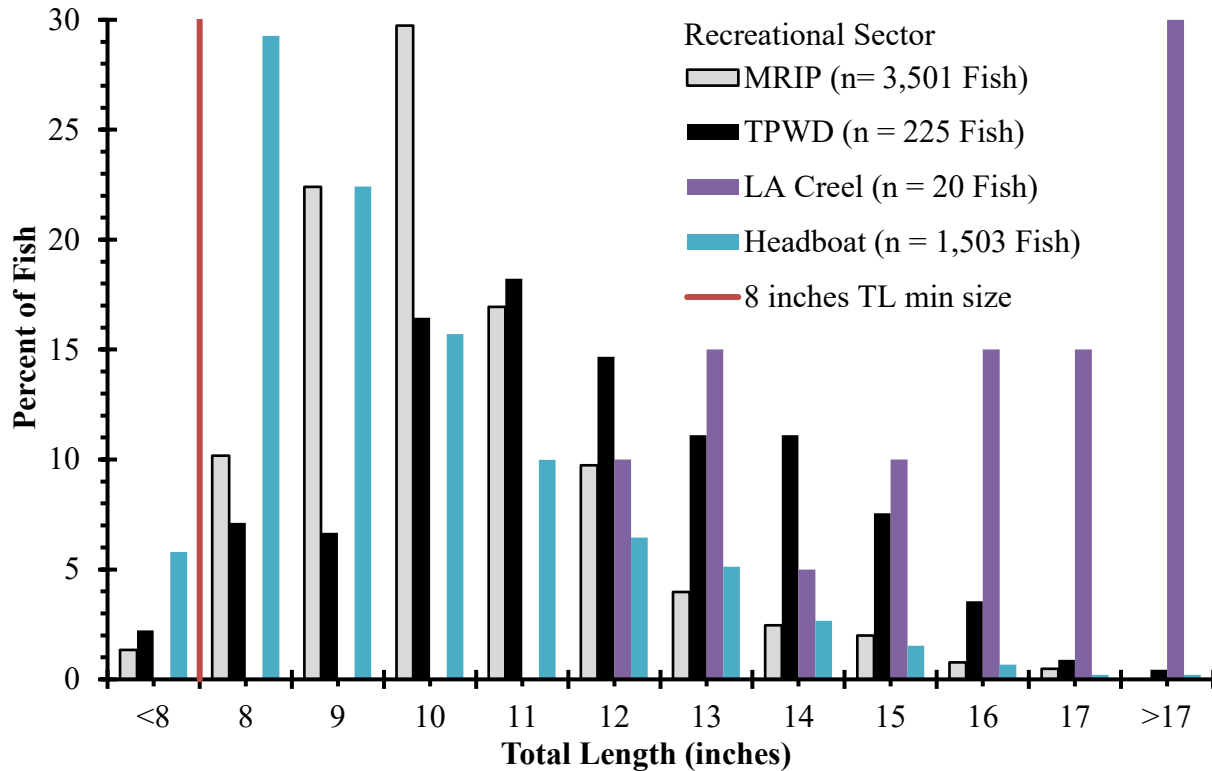


Figure 2. Distribution of the Gulf of Mexico lane snapper harvested in the recreational sector by size bin. Data comes from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The red line is the current minimum size limit of 8 inches total length.

The recreational ACL is set in pounds so a percent reduction of landings in pounds was done to match the ACL. The majority of the lane snapper harvest data only has lengths so lengths were converted to weight using a lane snapper weight-length equation from SEDAR 49. Then percent reductions in harvest weight were calculated by imposing the two potential minimum size limits of 10 and 12 inches total length. The analysis assumed that harvest of lane snapper less than 10 or 12 inches total length would cease because these fish would be released if the 10 or 12 inch total length size limit was implemented. Percent reductions in landings came from comparing the sum of the weight of the fish weights without the fish less than 10 or 12 inches total length to the total weight of all the fish using the equation of:

$$\text{Percent Reduction} = \frac{(\text{Adjusted Weight} - \text{Total Weight})}{(\text{Total Weight})}$$

Where Adjusted Weight is the sum of the weight of all the lane snapper minus the weights from the lane snapper less than 10 or 12 inches total length, and Total Weight is the weight of all the lane snapper samples.

The results of the percent reduction in the recreational landings for increasing the size limit from 8 to 10 and 12 inches by dataset are shown in Table 2. LA creel had a 0% percent reduction because all of the recent lengths of lane snapper captured by this survey were greater than the size limits being considered. For the other three recreational landings surveys the minimum size

limit of 12 inches is expected to have a large percent reduction in landings (>48%) because most of the lane snapper harvested had lengths less than 12 inches TL.

Table 2. Estimated percent reduction in Gulf of Mexico lane snapper landings for the four recreational surveys from increasing the minimum size limit from 8 to 10 or 12 inches total length. Data comes from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The current minimum size limit is 8 inches total length.

Size Limit	TPWD	LA Creel	Headboat	MRIP
8 inches TL (Status Quo)	0.0%	0.0%	0.0%	0.0%
10 inches TL	13.8%	0.0%	32.7%	32.6%
12 inches TL	48.4%	0.0%	60.6%	79.2%

To make the size limit percent reductions by dataset easier to comprehend the size limit percent reductions were combined into one recreational sector percent reduction. This was done by weighting the percent reductions in Table 2 by the proportion of recreational landings generated by each dataset from 2021, 2022, and 2023. Table 3 has the result of the overall recreational sector lane snapper size limit reduction in landings.

Table 3. Estimated percent reduction in Gulf of Mexico lane snapper landings for the overall recreational sector from increasing the minimum size limit from 8 to 10 or 12 inches total length. Data comes from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The current minimum size limit is 8 inches total length.

Size Limit	Recreational Sector
8 inches TL (Status Quo)	0.0%
10 inches TL	31.83%
12 inches TL	76.46%

Bag limit for the Recreational Sector

The current bag limit for the recreational sector has lane snapper included in the 20 reef fish aggregate bag limit. The aggregate bag limit includes lane snapper and the species of vermilion snapper, gray triggerfish, almaco jack, golden tilefish, goldface tilefish, and blueline tilefish. The Gulf council is considering reducing the bag limit for lane snapper within the aggregate bag limit with the options of only 2, 5, 10, or 15 lane snapper.

This potential bag limit regulation change to the recreational sector was analyzed with the Gulf recreational datasets of TPWD, LA Creel, Headboat, and MRIP. The datasets were explored to determine the number of lane snapper harvested per person. Figure 3 provides the distribution of Gulf lane snapper harvested per person in the recent time period of 2021 through 2023.

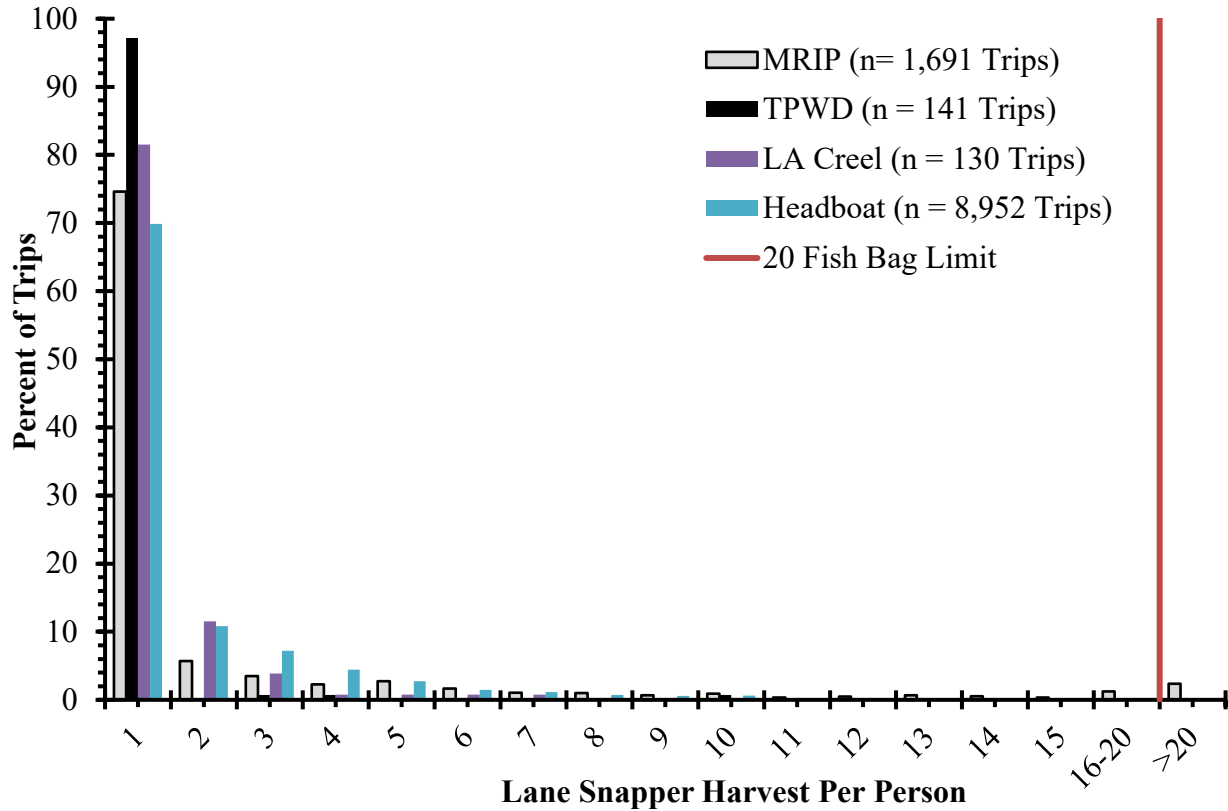


Figure 3. Distribution of the Gulf of Mexico recreational lane snapper harvested per person for each recreational dataset. Data comes from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 to 2023.

Lane snapper are currently part of the 20-reef fish aggregate bag limit that also includes: vermilion snapper, gray triggerfish, almaco jack, tilefish (golden), goldface tilefish, and blueline tilefish. An analysis of the 2021 through 2023 TPWD, LA Creel, Headboat, and MRIP data showed that less than 1% of the trips (n = 392 trips) reached the 20-reef fish aggregate bag limit when all seven species in the aggregate were included (Figure 4). Also, the majority of the trips (65%, 23,614 trips) harvested just 1 of the seven aggregate species on a trip. Since the current 20 fish bag limit is rarely met the other species should not be impacted by reducing the lane snapper bag limit within the 20-reef fish aggregate.

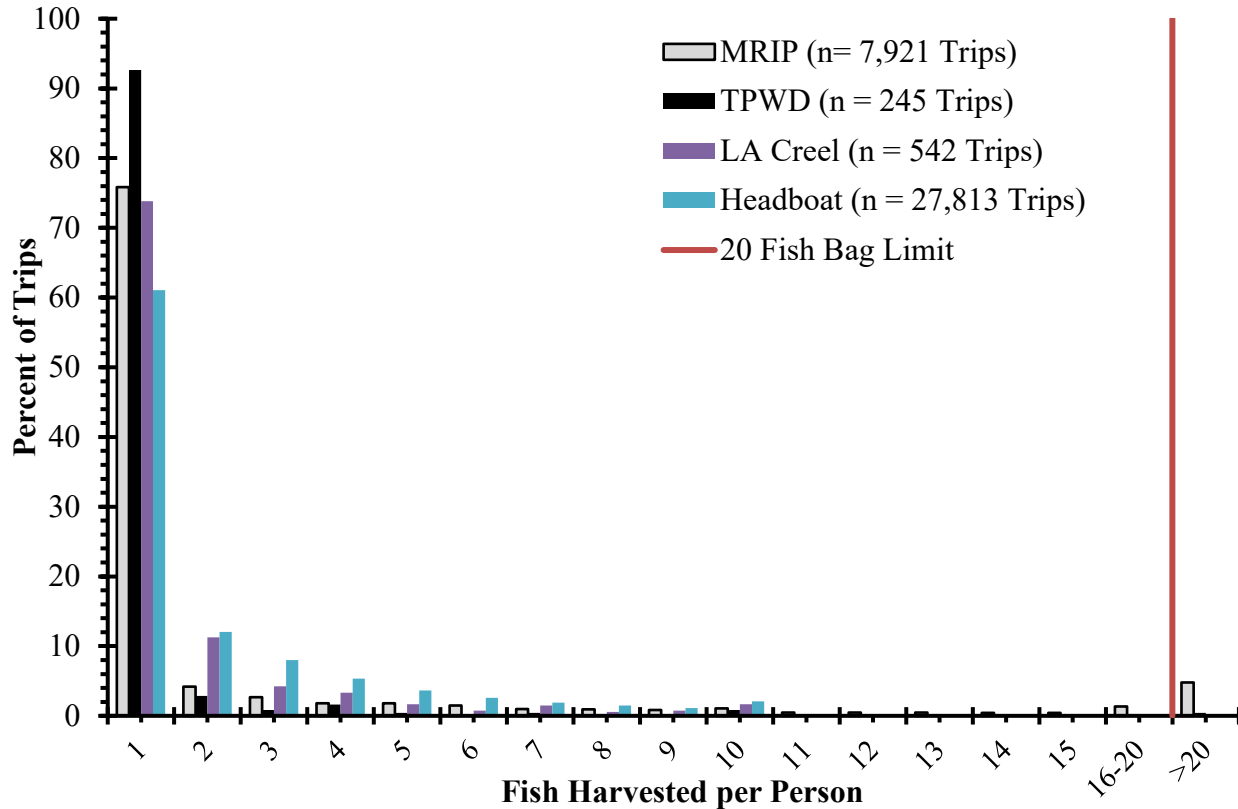


Figure 4. Number of reef fish per angler per trip (expressed as a percentage) landed within the 20-reef fish aggregate bag limit from the Gulf of Mexico for each recreational dataset. The 20 reef fish aggregate consist of gray triggerfish, vermilion snapper, lane snapper, almaco jack, tilefish (golden), goldface tilefish, and blueline tilefish.

Percent reductions in recreational harvest were estimated for the potential bag limit changes ranging from 2, 5, 10, 15, and 20 lane snapper per person. The current regulation allows 20 lane snapper to be harvested per person. Percent reductions were calculated from limiting trips in recent years that exceeded the bag limit being considered. For example, for the 2 lane snapper per person bag limit all of the trips that exceeded the 2 fish bag limit but were below or at the 20 fish bag limit were reduced to only have a harvest of 2 fish. Trips that exceeded the current 20 fish bag limit were not modified since these trips were illegal and it is assumed the same level of illegal harvest will continue in the future. Then a percent reduction was calculated by comparing the new harvest from the modified trips to the harvest without the modified trips. The results are shown in Table 4.

Table 4. Estimated percent reduction in Gulf of Mexico lane snapper recreational landings for the four recreational surveys from changing the 20 fish bag limit to 2, 5, 10, and 15 lane snapper. Data comes from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The current bag limit is 20 fish.

Bag Limit	TPWD	LA Creel	Headboat	MRIP
20 Lane Snapper (Status Quo)	0.0%	0.0%	0.0%	0.0%
2 Lane Snapper	10.7%	30.1%	40.0%	29.0%
5 Lane Snapper	3.8%	11.8%	14.4%	16.1%
10 Lane Snapper	0%	0%	1.6%	4.9%
15 Lane Snapper	0%	0%	<1%	<1%

To make the bag limit percent reductions by dataset easier to comprehend the bag limit percent reductions were combined into one recreational sector percent reduction. This was done by weighting the percent reductions in Table 4 by the proportion of recreational landings generated by each dataset from 2021, 2022, and 2023. Table 5 has the result of the overall recreational sector lane snapper bag limit reduction in landings.

Table 5. Estimated percent reduction in Gulf of Mexico lane snapper recreational landings for the overall recreational sector from changing the 20 fish bag limit to 2, 5, 10, and 15 lane snapper. Data comes from the recreational intercept data from TPWD, LA Creel, Headboat, and MRIP from 2021 through 2023. The current bag limit is 20 fish.

Bag Limit	Recreational Sector
20 Lane Snapper (Status Quo)	0.0%
2 Lane Snapper	29.2%
5 Lane Snapper	15.7%
10 Lane Snapper	4.6%
15 Lane Snapper	<1%

Predicted Landings

The Gulf lane snapper stock is monitored by combining the commercial and recreational landings against a single ACL. This stock has been closed three out of the past four years because the ACL was met or predicted to be met. Changes to the size limit and bag limit are being considered with the hope of preventing future closures of the Gulf lane snapper stock. The percent reductions from the size limit and bag limit changes done above are applied to predicted future landings to determine if the ACL will be met. Therefore an estimate of predicted future landings are needed.

In October of 2024 an Abbreviated Framework increased the ACL to 1,088,873 pounds whole weight (lbs ww). The combined commercial and recreational landings for each year from 2020, 2021, and 2022 were not high enough to exceed the new ACL. However, the more recent years of 2023 and 2024 have higher Gulf lane snapper stock landings. Predicted future landings came from the 2023 and available 2024 landings because this assumes future landings will reflect the most recent landings. At this time available 2024 commercial and recreational landings are available from January 1 through August 31, 2024. The commercial landings for the past three

years of available and complete data (2021, 2022, and 2023), and available 2024 landings are shown in Figure 5. The recreational landings are generated in two-month waves (e.g. January/February, April/May) but were converted to monthly landings to match the commercial landings. The recreational landings were converted from a two-month wave to monthly landings by assuming uniform landings within each individual wave. Also, the MRIP Fishing Effort Survey (FES) data was used because the most recent ACL set in the Abbreviated Framework was based on MRIP FES data. The recreational landings for the past three years of available and complete data (2021, 2022, and 2023), and available 2024 landings are shown in Figure 6.

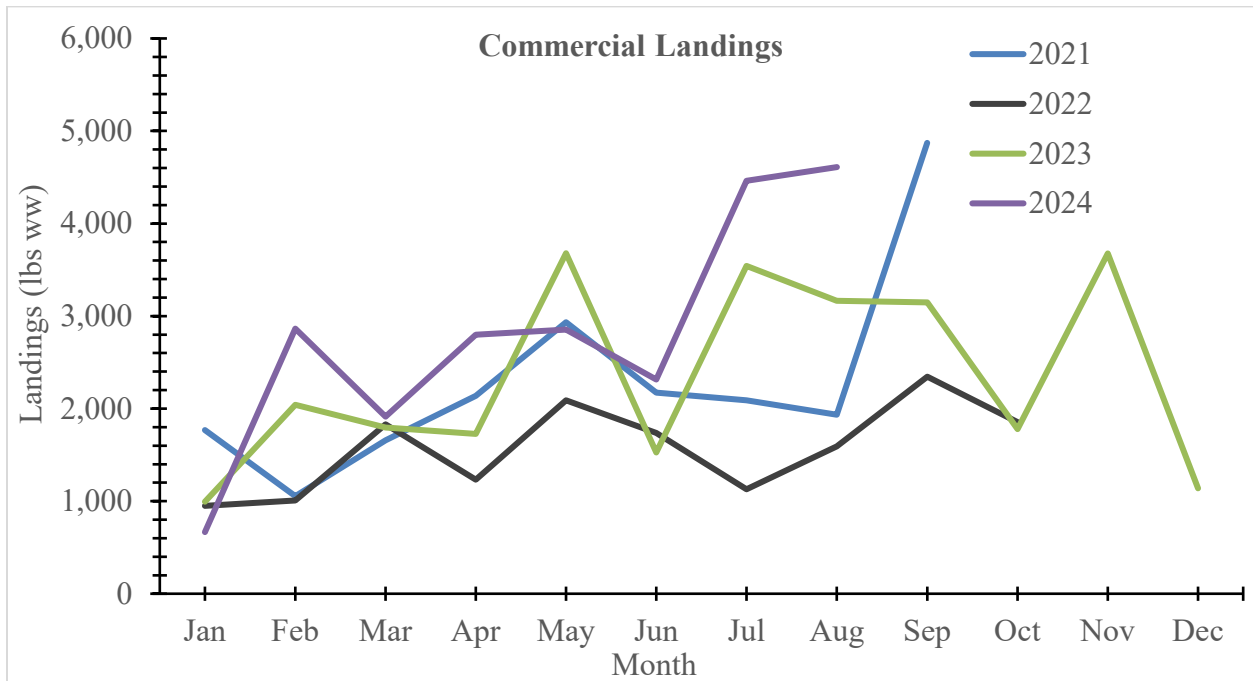


Figure 5. Gulf of Mexico lane snapper commercial landings by month from 2021, 2022, 2023, and 2024. Landings in months with a closure were removed and not included in the figure. At this time 2024 landings are only available from January 1 through August 31, 2024.

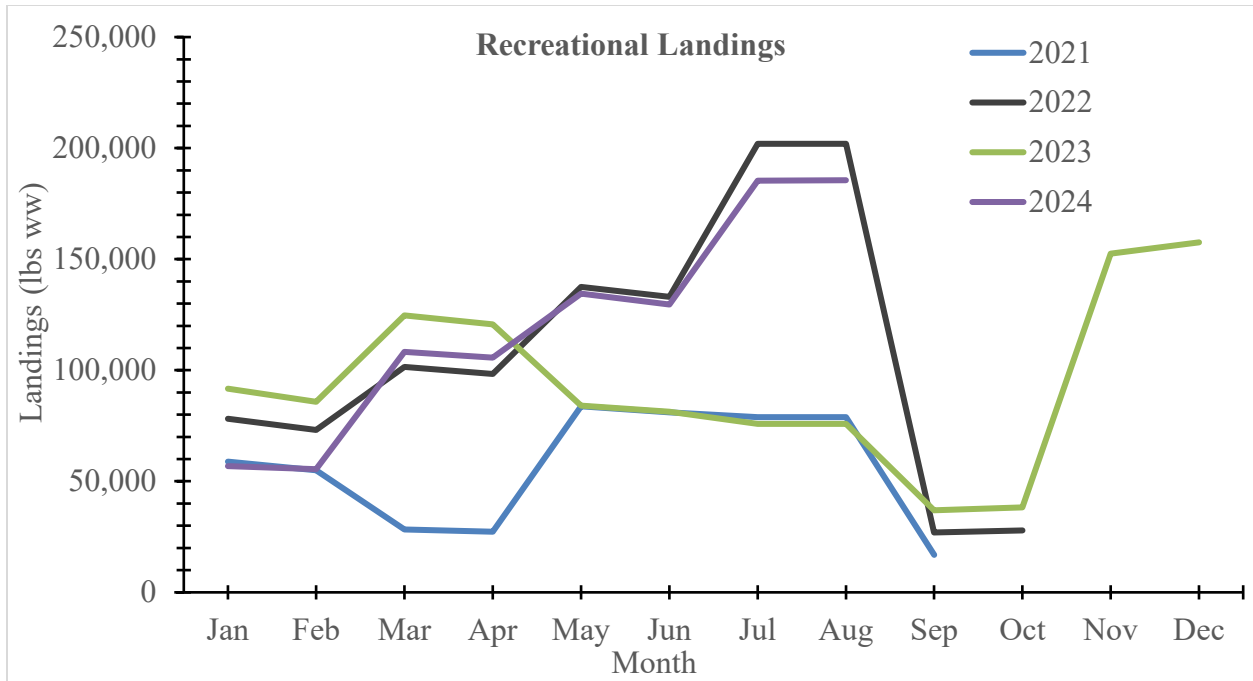


Figure 6. Gulf of Mexico lane snapper recreational landings by month from 2021, 2022, 2023, and 2024. Landings in months with a closure were removed and not included in this figure. At this time the 2024 landings are only available from January 1 through August 31, 2024.

Predicted landings came from a two-year average of available monthly landings from 2023 and 2024, and just 2023 monthly landings when 2024 landings are not available. As discussed earlier, these recent years of data were chosen since the Gulf lane snapper stock is displaying higher overall landings in the 2023 and 2024 years than in past years. Gulf lane snapper stock landings from 2020, 2021, and 2022 were low and would not result in an ACL overage. The predicted monthly landing from January 1 through August 31 landings came from average monthly landings of 2023 and 2024. Predicted monthly landings from September 1 through December 31 were 2023 monthly landings. The Gulf lane snapper stock is monitored with the combined commercial and recreational landings. Figure 7 provides the combined landings and also the predicted landings.

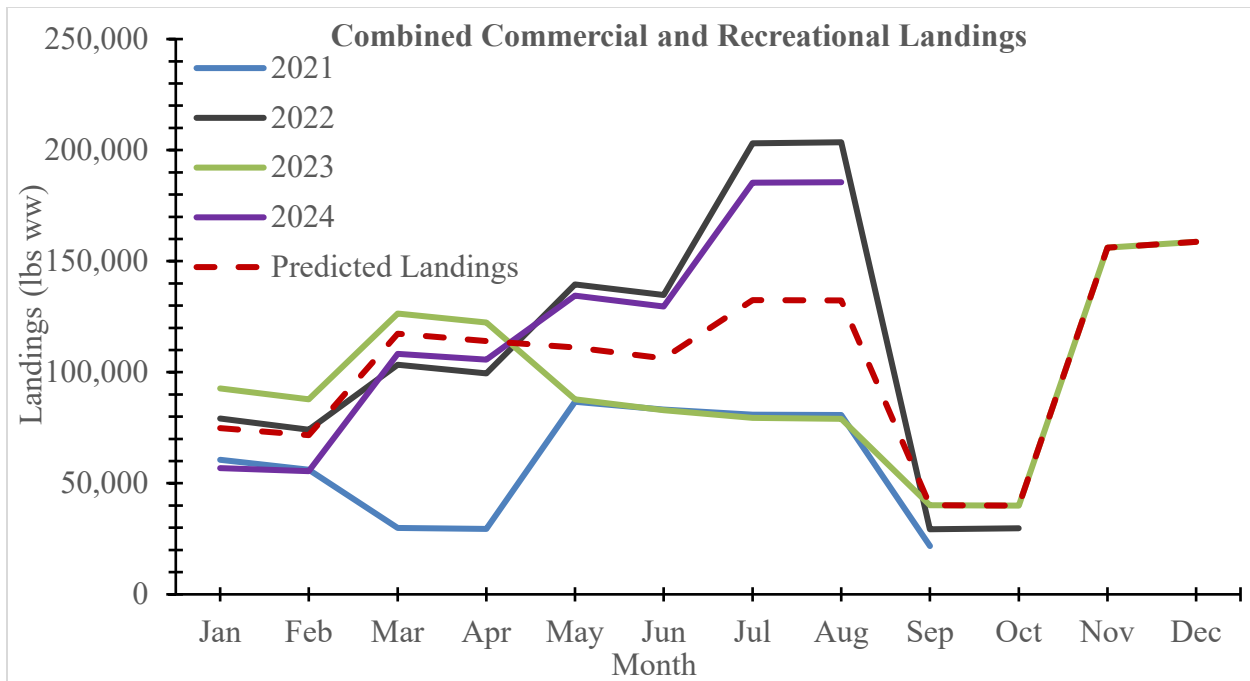


Figure 7. Gulf of Mexico lane snapper commercial and recreational landings by month from 2021, 2022, 2023, 2024, and predicted landings. Landings in months with a closure were removed and not included in this figure.

Combining reductions from size and bag limits to predicted landings to evaluate if ACL will be met

The percent reductions for the size limit was done for the commercial sector and for the four recreational surveys. The weight these size limit percent reductions are applied to the predicted landings are based on the contribution the commercial sector and the four recreational surveys make to the total commercial and recreational landings. Table 4 provides the contribution the commercial sector and the four recreational surveys made to the total Gulf lane snapper landings from 2021, 2022, and 2023. The majority (>90%) of the Gulf lane snapper stock landings come from MRIP. The percent reductions from the bag limit options were only applied to the recreational landings and followed the same data weighting set in Table 6 but did not modify the commercial landings. The predicted landings per day were cumulatively summed to determine when and if the ACL (1,088,873 lbs ww) was predicted to be met. Table 7 provides the closure dates when and if the ACL was predicted to be met. The ACL is expected to be met as early as November 29 or the ACL is not expected to be met.

Table 6. Gulf of Mexico lane snapper total landings (commercial and recreational) for the commercial sector and the four recreational surveys from 2021, 2022, and 2023. The landings are in pounds whole weight (lbs ww) and percent of the total landings.

Data	Landings (lbs ww)	Percent
Commercial Sector	67,625	2.4%
TPWD	3,581	<1%
LA Creel	6,916	<1%
Headboat	155,345	5.4%
MRIP	2,627,821	91.8
Total	2,861,289	100%

Table 7. Predicted closure dates when the ACL is expected to be met for the Gulf of Mexico lane snapper stock with changes to the size and bag limits. Closure dates are when the ACL (1,088,873 lbs ww) is expected to be met.

Regulation	Closure Date
20 Lane Snapper Bag Limit (Status Quo)	
8 inches TL (Status Quo)	29-Nov
10 inches TL	No Closure
12 inches TL	No Closure
2 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	No Closure
10 inches TL	No Closure
12 inches TL	No Closure
5 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	10-Dec
10 inches TL	No Closure
12 inches TL	No Closure
10 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	3-Dec
10 inches TL	No Closure
12 inches TL	No Closure
15 Lane Snapper Bag Limit	
8 inches TL (Status Quo)	30-Nov
10 inches TL	No Closure
12 inches TL	No Closure

This analysis assumes the high Gulf lane snapper stock landings that were observed in 2023 and 2024 will continue. If future landings are lower and similar to the 2020, 2021, and 2022 Gulf lane snapper stock landings then the ACL is not expected to be met even without any changes to the size or bag limits. However, if future landings are similar to the landings in 2023 and 2024

then the regulation changes of 10 and 12 inch size limits for the stock and a 2 lane snapper bag limit for the recreational sector are expected to prevent the ACL from being met.

References

SEDAR 49. 2016. SEDAR 49. Gulf of Mexico Data-limited Species: Red Drum, Lane Snapper, Lesser Amberjack. North Charleston, South Carolina.