

The RED SNAPPER Act of 2017

Frequently Asked Questions

What does the RED SNAPPER Act accomplish?

- The RED SNAPPER Act would permit access in a larger area for private recreational fisherman to sustainably harvest red snapper, while creating a conservation area for red snapper at the greatest depths. Red snapper is abundant in depths ranging from 50 fathoms and thrives to 100 fathoms and is not migratory. One fathom is a unit of measurement equal to 6 feet.

States would retain the authority to manage the fishery and establish seasons for harvesting red snapper in state waters - nine miles. However, the bill also creates an expanded area out to 25 fathoms, but not less than 25 miles for states to establish season lengths for private anglers to harvest red snapper. Fishing days beyond nine miles would have to be managed in accordance with both the national standards and other criteria outlined in the bill, mindful that this bill still retains the Gulf Council's ability to establish the total allowable catch.

How will this bill amend or impact the Magnuson-Stevens Act (MSA)?

- This bill only amends MSA as it pertains to private recreational fishing seasons and **does not** change any other authorities prescribed under the statute, including the ability for the federal government to establish a total allowable catch or amend the acceptable biological catch.

How will this bill impact the federally permitted charter and commercial fishing sectors?

- The bill is specifically focused on management of the private recreational fishing sector and does not make any changes to the management of the federally permitted charter or commercial fishing sectors. In addition, federally permitted charter fishermen would still have access to fish inside state waters (nine miles) during their season (i.e. when the Exclusive Economic Zone is open).

According to one federally permitted fishermen, "*Generally, the commercial boats fishing red snapper fish outside 20 and up to 40 or 50 miles offshore. Off FL they generally fish outside 20 miles and rarely inside 10 to 15 miles. Off AL is about the same and up to 50 miles or more offshore. MS boats, are about the same but in all cases boats from FL may fish off AL and LA and MS boats can fish off AL and LA. LA boats can fish as close as 15 or 20 miles and up to 50 miles offshore. TX boats generally fish more than 20 miles and can fish outside 50 miles depending on what part of the coast as the northern coast deep water is further offshore than the southern coast.*"

What is the available area in the Gulf for private recreational anglers to harvest red snapper?

- This bill would retain state authority inside nine miles and permit states the ability to establish seasons out to depths of 25 fathoms (150 feet) but no less than 25 miles. In some regions of the Gulf, such depths are reached at shorter distances than in other regions.

How would this bill impact current state management of red snapper?

- Currently, states manage the red snapper fishery out to nine nautical miles. This legislation retains that authority and also proposes extending a state's management authority to establish private angler seasons based upon depth and distance from the shoreline. This bill would not transfer management authority of the entire fishery to the states and does not divide allocations among the Gulf States. Finally, this bill would also give more weight to state harvest data to help provide NOAA with more timely information about catch rates and effort.

What accountability measures are in place to prevent overfishing?

- When establishing seasons, states must ensure season lengths are consistent with the National Standard Guidelines in MSA. Second, because the RED SNAPPER Act amends section 407(d) of MSA, overages by any sector are of greater consequence for that particular sector. NOAA has stated "*accountability measures require that a component that exceeded its ACL in a year must have the component ACL in the next year reduced by the amount of the overage of the total ACL.*" (2017 Gulf of Mexico Red Snapper Recreational Season Length Estimates) In 2016, NOAA estimated that the private angling sector exceeded its component ACL by 25 percent (1M lbs ww) and the federal charter landings were 30 percent (908K lbs ww) below the component ACL. However, for 2017, due to current law, the entire recreational sector overage was only reduced by 129,906. The RED SNAPPER Act would fix this disparity. Third, the Secretary still has the authority to regulate a state season if a state is taking actions or has failed to take action that leads to implementation of a federal fishery management plan being negatively affected.

How will this bill prevent the Gulf red snapper stock from being depleted?

- While NOAA reports that red snapper is overfished, according to current Gulf of Mexico Fishery Management Council (the Council) member, former Chairman of the Council and retired University of South Alabama marine biologist Dr. Bob Shipp, "the species is abundant to 50 fathoms and thrives to 100 fathoms and is not migratory." Furthermore, according to an analysis requested by the Alabama Department of Conservation and done by Dr. Sean Powers, Chair, Dept. of Marine Sciences; Director, Center for Environmental Resiliency, University of South Alabama & Senior Marine Scientist III, Dauphin Island Sea Lab, just 19 percent of red snapper occur in water less than 25 fathoms. In other words, in regions of the Gulf where habitat distribution is similar, 81% percent of the stock is protected. Furthermore, former Louisiana Sea Grant Director, Dr. Charles Wilson has similar numbers from a MMS study done for Louisiana oil platforms.

As previously stated, the bill would require states to set fishing seasons consistent with the National Standard Guidelines in the Magnuson-Stevens Act. In addition, the bill does not eliminate quotas and allows NOAA the ability to more effectively manage any quota overages by a particular sector. For example, any quota overage in 2017 by any sector would lead to a decrease for that specific sectors ACL in 2018. Any effort indirectly or otherwise to manage beyond prescribed Annual Catch Targets or quota limits could lead to quota overages, greater paybacks for a specific sector and overfishing.

State surveys also offer more accurate and timely data on harvest rates and fishing effort. States can better manage opening and closing their waters to prevent overfishing. Certified surveys and other means of data collection will ensure the federal government has better data. The federal program that estimates angler harvest – the Marine Recreational Information Program (MRIP) – is capable of providing baseline trends in fishing effort. But, for many offshore fisheries MRIP does not provide data at the level of accuracy or timeliness needed for in-season management.

Finally, those private anglers caught illegally harvesting red snapper should continue to face appropriate penalties when caught.

How will this bill impact the already shortened federal seasons?

- This bill would provide access for private recreational fishermen within a new area, making the length of the federal season for private recreational anglers moot. This bill would not affect the ability of the National Marine Fisheries Service to set federal seasons for the federally permitted commercial and charter sector(s). States may establish separate seasons inside and beyond nine nautical miles or they may choose to manage the entire area (within 9nm and beyond) authorized by this legislation as one area and therefore, establish one season.

Is Congress prescribing limits on state seasons?

- No, this bill would provide greater access for recreational fishermen to harvest red snapper in state waters but also balances appropriate sustainability protections to ensure the stock remains healthy and abundant. The legislation does not limit a state's ability on when or how to structure (i.e. days of the week, time of the year, bag limits) its red snapper season(s).

How will charter fisherman with state permits be impacted by the RED SNAPPER ACT?

- The bill only grants authority to a State to establish the timing and duration of the fishing season for private recreational fishing of red snapper. It does not grant to States other authorities. Since the extended red snapper management zones are still Federal waters, outside the boundaries of the State, only the Federal Government may issue such grants of authority to charter fishermen holding state permits.

Who will enforce fishing regulations in the expanded area?

- NOAA partners with numerous state, territorial, and commonwealth marine conservation law enforcement agencies to help protect and conserve marine resources for future generations. Through these partnerships, enabled by the Cooperative Enforcement Program, NOAA supplements enforcement efforts with thousands of specially trained and authorized state, territorial, and commonwealth marine conservation law enforcement officers.

*Since the inception of the **Cooperative Enforcement Program**, these partner agencies have provided critical law enforcement activity on behalf of NOAA Law Enforcement. In return, we have provided substantial funding, training, and support to partners to ensure the continued enforcement of federal and state marine conservation laws.*

With the passage of the Magnuson-Stevens Reauthorization Act in 2007, 45 states, territories, commonwealths, and U.S. possessions became eligible to participate in a Joint Enforcement Agreement program. Currently, there are joint enforcement agreements (JEAs) with 28 states, territories, and commonwealths. (http://www.nmfs.noaa.gov/ole/about/our_partners/states.html)

All the Gulf States have Joint Enforcement Agreements (JEA) with NOAA. These agreements include deputizing and funding for state officers to perform patrols and enforce the regulation in the EEZ and in state waters for vessels coming from the EEZ. Each state handles the patrols differently but off the coast of Alabama and Florida, for example, the vast majority of fisheries enforcement in federal waters is done by state officers. There is some enforcement done by the USCG and even less patrols are done by the NOAA uniformed officers.

How will this legislation impact both younger and older red snapper?

- Fishing red snapper in waters less than 25 fathoms will continue the harvest of 2-7 year-old fish that has been seen in all sectors for the past 25 years. Dr. Shipp notes, “Projections from the last century suggest red snapper stocks won’t reach rebuilding goal until the year 2032. But this lofty target is based on establishing a desired age structure within the stocks. It does not take into account the recent expansion of snapper into areas long devoid of the fish, nor the creation of massive areas of habitat on shelf bottoms that were previously nearly featureless.” In addition, this bill creates a protected area for deeper stocks.

How will the fishery be managed after 2024?

- This bill leaves the authority to modify or extend all of the provisions enacted in the RED SNAPPER ACT at the discretion of Congress, not the National Marine Fisheries Service.

How does the inclusion of Gulf State recreational fisheries surveys, data from the Gulf States Marine Fisheries Commission and nongovernmental organizations and sources such as universities and research institutions impact data collection, reporting and use? How will use of these sources impact use of the Marine Recreational Information Program (MRIP)?

- In NOAA’s 2017 Gulf of Mexico Red Snapper Recreational Season Length Estimates, the following sources were used to determine Recreational red snapper landings, catch rates, and mean weights:
 1. Marine Recreational Information Program (MRIP), including the for-hire charter survey.
 2. Southeast Region Headboat Survey (SRHS).
 3. Louisiana Department of Wildlife and Fisheries (LDWF) creel survey (LA Creel).
 4. Texas Parks and Wildlife Department (TPWD) charter and private/rental creel survey.

Inclusion of data from additional state surveys along with other sources cited above can help reduce the uncertainty that has arisen between various sources of data. NOAA acknowledges “the majority of landings are estimated by surveys and landings data are

delivered to managers after the season ends.” The legislation does not replace the use of MRIP but does provide NMFS with more “real time” data regarding catch rates and effort throughout various regions of the Gulf.

What is barotrauma?

- Red snapper, prefer habitat(s) near both artificial and natural reefs and at deeper depths. As a result, when these fish are caught, the rapid ascent can cause a series of internal injuries due to the pressure differences between the deep and the surface. These pressure-related injuries are known as barotrauma. There are, however, techniques to help red snapper recover and minimize the potential of the species dying or becoming an easy target for ocean predators.

What other species have sustainably been managed based on depth and distance?

- The Pacific Fishery Management Council uses distance and depth-based management measures that set specific fishery conservation areas for the pacific ground fish fishery. Similarly, Gulf shrimp are managed based on the depths at which they can be found.