

## **Potential Impacts of Eliminating Amendment 30B Permit Restrictions**

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LAPP/DM Branch  
January 7, 2014

### **Background**

In 2009, the Gulf of Mexico Fishery Management Council (Council) approved a requirement that federally permitted for-hire vessels abide by federal reef fish regulations if more restrictive than state regulations when fishing in state waters. The purpose of this requirement was to improve the effectiveness of federal management measures in instances where states adopted less restrictive regulations. Currently, the Council is reconsidering this permit restriction, as states are more frequently adopting inconsistent regulations due to shortened federal fishing season lengths (particularly for red snapper). The Council is developing a framework action which includes alternatives to: 1) retain 30B permit restrictions, 2) rescind 30B permit restrictions but only for red snapper and/or gag, 3) rescind 30B permit restrictions for all reef fish, and 4) extend 30B permit restrictions to private recreational vessels fishing in state waters. The following analysis summarizes the potential impacts of eliminating or extending 30B permit restrictions.

Evaluation of the impacts of 30B permit restrictions is complex. For-hire vessels have been restricted from landing reef fish outside federal fishing seasons since 2009; therefore, no recent data exists to model potential impacts. Although there are some landings in recent years from state waters when federal seasons are closed, these landings are relatively small and primarily from private vessels or non-federally permitted for-hire vessels. Analyses are further complicated by state to state differences in the availability of reef fish in state waters, the extent of inconsistent fishing seasons by state and when they occur, and changes in angler behavior resulting from modifications to permit restrictions.

For purposes of this analysis, impacts are evaluated only for red snapper and to a limited extent for gag. Impacts are evaluated on a state-by-state basis first and then evaluated on a Gulfwide basis to determine how elimination or extension of Amendment 30B may affect fishing season lengths for these species. Elimination or extension of Amendment 30B permit conditions could also affect other reef fishes, such as gray triggerfish or hogfish, but inconsistent state regulations for these species are relatively new and could not be fully analyzed herein.

### **Inconsistent Regulations - 2013 and 2014**

In 2014, the federal recreational season for Gulf of Mexico red snapper will be June 1 through July 10. The red snapper bag limit will be 2 fish and the size limit will be 16 inches total length (TL). The gag recreational season will begin July 1, but the 2014 closure date has not yet been determined. The gag bag limit will be 2 fish and the size limit will be 22 inches TL. In 2013, the recreational gag season ended on December 3. Alabama and Mississippi adopted consistent

regulations for gag and red snapper in 2013 and it is assumed that these states will also adopt consistent regulations for 2014. Florida established a June 1-July 14 red snapper season in 2013. They also opened state waters off four coastal counties to gag harvest three months prior to the federal season in 2013. Louisiana adopted consistent regulations for gag, but not for red snapper in 2013. It is assumed that Louisiana regulations for gag will be consistent in 2014. For red snapper, Louisiana will open state waters on three day weekends (including some holidays) beginning the Saturday (April 19, 2014) before Palm Sunday and continuing through September 30. Texas has year-round seasons for red snapper and gag and maintains a 4-fish bag limit and 15 inch size limit for red snapper.

### **Data used for Analysis**

Marine Recreational Information Program (MRIP), Headboat, and Texas Parks and Wildlife Department landings data were obtained from the Southeast Fisheries Science Center's Annual Catch Limit database and used for analysis. Landings data up to 2012 were considered for all states, except Louisiana. For Louisiana, landings were obtained from the Louisiana Department of Wildlife and Fisheries (LA-DWF) 2013 red snapper quota monitoring program. The LA-DWF quota monitoring program provides landings by mode on a weekly basis both during and outside the federal season.

Due to changes in the MRIP angler intercept survey beginning in March 2013, MRIP landings for 2013 were not considered in this analysis. Preliminary 2013 red snapper catch estimates produced by MRIP were unexpectedly high relative to previous years. At this time, NOAA Fisheries does not have a sufficient understanding of how to use the 2013 MRIP landing estimates without better understanding how they fit into the broader scientific basis for management, which includes the stock assessment and the full historical times series of fishery data.

In addition to landings data, 2014 red snapper projections described in [SERO-LAPP-2013-10](#) were modified to account for rescinding of 30B. Projections were modified to account for for-hire landings occurring in state waters when federal waters are closed based on the methods described below.

### **State by State Impacts of Rescinding 30B**

#### *Florida*

Between 2008 and 2012, Florida adopted consistent regulations in all years, except 2008. In 2008, Florida maintained a 200-day red snapper season (April 15-October 31), while the federal season was 65 days (June 1-August 4). After 2008 and until 2013, Florida maintained consistent regulations. In 2013, Florida established a 44-day summer fishing season (June 1-July 14), while the federal season was open 28 days (June 1-28). Estimates of the 2014 federal red snapper season presented in [SERO-LAPP-2013-10](#) assumed Florida would adopt a consistent recreational fishing season length. At this time, the Florida Fish and Wildlife Conservation

Commission has yet to set the 2014 fishing season length. For purposes of this analysis, the impacts of 30B were modeled assuming Florida adopts a 44-day season in 2014 compared to the 40-day federal season length.

Given that this analysis was unable to use 2013 data, and Florida had consistent regulations from 2009-2012, estimating the impacts of 30B on Florida for-hire anglers relied on many assumptions. As described in [SERO-LAPP-2013-02](#), for-hire out-of-season landings per day were computed in a similar manner as was done for private angler landings per day. Florida for-hire out-of-season landings per day were computed by multiplying estimated 2014 Florida in-season landings per day by the proportion of landings by charter vessels or headboats from Florida state waters during the 2012 federal red snapper season. Charter vessels in 2012 reported 31% of the total Florida charter landings from state waters, while headboats reported 8% of their landings from state waters (Table 1). Projected in-season MRIP and Headboat landings per day for Florida in 2014 were 53,897 pounds and 5,433 pounds of red snapper per day, respectively. Charter vessels account for 33% of the red snapper landings (based on 2012 data), resulting in in-season landings per day of 17,786 pounds per day for charter vessels. Assuming landings per day in state waters are 31% and 8% of in-season landings per day than 5,514 pounds of red snapper would be landed per day by charter vessels from state waters and 441 pounds per day would be landed per day by headboats from state waters. However, as discussed in SERO (2013), significant effort shifting is likely to occur when federal waters close. This was previously observed in 2008 when Florida waters remained open after federal waters closed – landings per day increased by a factor of 1.56. To account for effort shifting, a sensitivity run was performed that doubled state water landings per day for charter vessels (=11,028 pounds/day = 62% of in-season landings per day. This was done to evaluate the sensitivity of different landings per day on estimated season lengths. Another sensitivity run was completed that assumed headboat out-of-season landings per day were comparable to charter out-of-season landings per day (1,684 pounds/day = 31% × 5,433 pounds/day).

**Table 1.** Florida private and for-hire landings by year and area fished, 2011-2012.

Year	Mode	Landings (lbs ww)			Percent by Area	
		State waters	Federal waters	Total	State waters	Federal waters
2011	Charter	188,128	366,231	554,359	34%	66%
	Headboat	12,093	221,100	233,193	5%	95%
	Private	377,050	518,619	895,669	42%	58%
2012	Charter	198,589	442,847	641,436	31%	69%
	Headboat	15,815	190,015	205,830	8%	92%
	Private	455,680	833,574	1,289,253	35%	65%

### *Alabama and Mississippi*

Both Alabama and Mississippi have adopted consistent regulations for red snapper and gag in recent years in their state waters, which extend three nautical miles offshore. Although gag

and red snapper can be caught in these state waters, no red snapper were reported by charter vessels or headboats from Alabama state waters in 2011 or 2012 (Table 2). Similarly, no red snapper landings were reported from Mississippi state waters by private or for-hire vessels in 2011 or 2012 (Table 3). However, in the last year, Alabama has deployed artificial reefs just inside the territorial sea/exclusive economic zone boundary, which may attract reef fish such as red snapper and has the potential to increase landings from territorial waters. Private anglers from Alabama did report harvesting 4-14% of red snapper from state waters during 2011 and 2012 (Table 3). Given these states' histories with adopting consistent regulations, coupled with limited availability of red snapper and gag in state waters, it was assumed for purposes of this analysis that elimination of 30B would have no effect. However, impacts may result from rescinding 30B if these states adopt inconsistent regulations in the future.

**Table 2.** Alabama private and for-hire landings by year and area fished, 2011-2012.

Year	Mode	Landings (lbs ww)			Percent by Area	
		State waters	Federal waters	Total	State waters	Federal waters
2011	Charter	0	339,837	339,837	0%	100%
	Headboat	0	80,866	80,866	0%	100%
	Private	51,180	1,295,872	1,347,053	4%	96%
2012	Charter	0	359,469	359,469	0%	100%
	Headboat	0	71,482	71,482	0%	100%
	Private	138,917	874,543	1,013,460	14%	86%

**Table 3.** Mississippi private and for-hire landings by year and area fished, 2011-2012.

Year	Mode	Landings (lbs ww)			Percent by Area	
		State waters	Federal waters	Total	State waters	Federal waters
2011	Charter	0	2,440	2,440	0%	100%
	Headboat	666	5,921	6,587	10%	90%
	Private	0	37,134	37,134	0%	100%
2012	Charter	0	997	997	0%	100%
	Headboat	0	5,894	5,894	0%	100%
	Private	0	182,721	182,721	0%	100%

### *Louisiana*

Estimating the impacts of 30B for Louisiana was approached in a different manner than for the other states, because recent data were available to assess the impacts of inconsistent state regulations. Louisiana state waters were open in 2013 a total of 73 more days than the federal season. In 2013, the LA-DWF quota monitoring program indicated Louisiana private anglers landed 1,653-2,327 pounds of red snapper per day out-of-season compared to 9,229 pounds per day during the core summer fishing season. Private out-of-season landings per day were

18-25 percent of peak summer federal season landings per day. In comparison, federally permitted for-hire vessels were prohibited from fishing in state waters. Louisiana non-federally permitted for-hire vessels landed 183-185 pounds of red snapper per day out-of-season compared to 1,654 pounds of red snapper per day during the federal season. For-hire out-of-season landings per day were 11 percent of peak summer federal season landings per day.

To estimate the potential impact of eliminating 30B, Louisiana for-hire catch landings per day were comparatively increased by the same amount as observed for private vessels. In other words, out-of-season landings per day were 18 to 25% of federal season landings per day. This resulted in state water for-hire landings per day before the season of 296 fish per day (=1,654 pounds × 1,653/9,229) and after the season of 417 pounds per day (=1,654 pounds × 2,327/9,229). No separate adjustments were made for headboats, because they are included in the for-hire landings from Louisiana's quota monitoring program. A sensitivity run was also performed doubling the for-hire landings per day from state waters (= 588 pounds/day pre-federal season and 834 pounds per day post-federal season).

**Table 4.** Louisiana private and for-hire landings by time period, 2013.

Mode	Dates Surveyed	Days Surveyed*	Landings (lbs ww)	Landings/Day	Fed Season
Private	Mar 23-May 31	31	51,244	1,653	No
	Jun 1-28	28	258,416	9,229	Yes
	Jun 29-Sep 29	42	97,745	2,327	No
	Oct 1-14	14	44,900	3,207	Yes
For-Hire	Mar 23-May 27	30	5,557	185	No
	May 31-Jun 30	31	51,278	1,654	Yes
	Jul 1-Sep 29	40	7,311	183	No
	Oct 1-14	14	10,256	733	Yes

### *Texas*

During 2012, Texas vessels reported landing 616,736 pounds of red snapper. A total of 479,011 pounds (77.7%) was landed during the federal season. Out-of-season landings accounted for 22.3% of the total harvest, with most out-of-season landings by headboats and private boats. Similar to Louisiana, private vessels were used as a proxy for estimating charter for-hire landings. Out-of-season landings per day were estimated by dividing aggregate out-of-season 2012 landings for the private and charter sectors (January-April and September-December, because data were available on a two-month wave basis) and headboats (January-May and August-December, because data were available monthly) by the number of days state waters were open when federal waters were closed (n = 320 days in 2012). Similarly, in-season landings per day were estimated by dividing aggregate in-season private/charter (May-Aug) and headboat (Jun-Jul) landings by the number of days the federal season was open (n=46). It should be noted that this approach may underestimate out-of-season landings per day and

overestimate in-season landings per day for for-hire and private vessels since landings during May and August cannot be separated from landings when the federal season was open.

Private out-of-season landings were 171 pounds of fish per day or 7.6% of in-season landings per day. Charter out-of-season landings were 33 pounds of fish per day or 5.4% of in-season landings per day. To estimate the impacts of rescinding 30B, charter out-of-season landings per day were increased to 7.6% of in-season landings per day. This resulted in out-of-season charter landings of 47 pounds of fish per day. Given the number of federal permitted for-hire vessels fishing in Texas, this value appears to considerably underestimate the impacts of rescinding 30B. Therefore, an additional sensitivity run was performed using observed headboat out-of-season catch rates from 2011 and 2012.

Since implementation of 30B, several Texas headboats have been observed transferring their federal permits to other vessels when the federal waters red snapper season is closed. This has allowed these vessels to fish in state waters without violating the provisions of 30B. In-season and out-of-season landings for these vessels were computed using 2011 and 2012 data. To maintain data confidentiality, specific landing amounts cannot be provided. It was determined that out-of-season landings per day for these vessels were 36% and 22% of in-season landings per day during 2011 and 2012, respectively. Out-of-season landings per day for all headboats fishing off Texas were calculated by multiplying the in-season landings per day estimated for 2014 (=6,198 pounds/day) by 22-36%. This scales to an observed out-of-season headboat catch rate ranging from 1,363 to 2,209 pounds/day. Applying these observed headboat state waters catch rates to the charter in-season catch rate of 618 pounds/day computes to a potential out-of-season charter catch rate of 136- to 220-pounds/day.

**Table 5.** Texas 2012 red snapper landings by time period. Note: private and charter landings are estimated by wave while headboat landings are estimated by month. If the federal season is only partially open during a wave or month then some landings reported during the wave or month may actually occur outside the federal season. Landings per day were calculated by dividing landings by the number of days federal waters were open (n=46) and state waters were open when federal waters were closed (n=320).

Mode	Time Period	Landings (lbs ww)	% landings	Landings/Day	Fed Season
Private	Jan-Apr, Sep-Dec	54,618	35%	171	No
	May-Aug	103,319	65%	2246	Yes
Charter	Jan-Apr, Sep-Dec	10,688	27%	33	No
	May-Aug	28,440	73%	618	Yes
Headboat	Jan-May, Aug-Dec	72,419	17%	n/a	No
	Jun-Jul	347,252	83%	n/a	Yes

### Change in Red Snapper Season Length – Rescind 30B

Assuming Florida, Alabama, and Mississippi adopt consistent regulations, Louisiana and Texas maintain state water fishing seasons as described earlier in this document, and 30B remains in

effect, the median season length for 2014 was estimated to be 40 days ([SERO-LAPP-2013-10](#)). Projections described in [SERO-LAPP-2013-10](#) were updated with the out-of-season catch rate estimates described above to evaluate the impacts of rescinding 30B. To evaluate the sensitivity of results, analyses were also performed assuming Florida adopts a 44-day season in 2014, consistent with the season length they established in 2013. All results are compared relative to the 40-day recreational red snapper season for 2014. Low and high out-of-season landings per day were considered as described above and summarized in Table 6.

**Table 6.** Estimated out-of-season red snapper landings per day by state and mode as used in model projections.

State	Mode	State Water Landings/Day	
		Low Estimate	High Estimate
Florida	Charter	5,514	11,028
	Headboat	441	1,684
Alabama	Charter	0	0
	Headboat	0	0
Mississippi	Charter	0	0
	Headboat	0	0
Louisiana	For-hire pre-Fed	296	588
	For-hire post-Fed	417	834
Texas	Charter	47	220
	Headboat	1,363	2,209

Rescinding 30B is estimated to reduce the length of the federal season to 32 to 36 days (10-18%) if only Texas and Louisiana adopt inconsistent regulations. If Florida adopts a 44-day season length and Texas and Louisiana adopt inconsistent regulations, the federal season might be reduced to 31 to 35 days (13-23%). Changes in-season length could be lower or higher than estimated here depending on the degree of inconsistent regulations adopted by each state. For example, if Florida proposed establishing a season longer than 44-days, then federal season lengths would be even shorter than those presented here. Similarly, if Texas or Louisiana reduced the length of their state water seasons, then federal season lengths would be longer than those presented here.

### **Change in Red Snapper Season Length – Maintain 30B and Expand to Include Federally Permitted Private Vessels**

The Framework Action for modifying for-hire permit conditions also includes an alternative that would extend 30B restrictions to private recreational vessels by establishing a private recreational vessel permit to fish for reef fish in the EEZ. As a condition of the permit, if federal regulations for Gulf reef fish are more restrictive than state regulations, a person aboard a vessel for which a private recreational permit for Gulf reef fish has been issued must comply with such federal regulations regardless of where the fish are harvested. Since such a permit is not yet in place, it is impossible to determine how many private anglers would purchase such a

permit versus simply fish in state waters. To analyze the impacts of this action, out-of-season private landings in the 2014 season projection model ([SERO-LAPP-2013-10](#)) were set equal to zero. Private out-of-season landings were estimated from Louisiana and Texas and totaled approximately 220,000 pounds. Requiring private vessels to abide by 30B regulations would extend the recreational red snapper season by slightly less than two days.

### **Potential Impacts to Gag Recreational Fishing Season – Rescind 30B**

Florida accounts for greater than 95% of the annual recreational gag landings. In recent years, they have adopted an inconsistent season in state waters off four coastal counties in the Big Bend of Florida. Approximately 150,000 pounds of gag were landed from state waters during April through June 2012 by private anglers and non-federally permitted charter vessels. These landings accounted for 16% of the total recreational landings in 2012 and did not result in the annual catch limit being exceeded. Given the limited geographic area with inconsistent regulations it is impossible to predict what impact rescinding 30B would have on gag harvest. However, based on NMFS federal permit records, few for-hire vessels operate in the Big Bend of Florida; thus, rescinding 30B for gag under this scenario would likely have minimal impacts. If Florida adopted inconsistent regulations for gag in other areas of Florida, such as off of the west Florida peninsula, then impacts would likely be far greater.

### **Discussion**

Rescinding 30B regulations will shorten the federal red snapper season, and potentially seasons for other federally managed species. This analysis estimates the recreational red snapper season will be shortened by 4-9 days (10-23%), but results are highly uncertain given numerous factors. The abundance of reef fish in state waters varies from state to state and within a state making it difficult to estimate how much effort and landings could be shifted into state waters. Additionally, changes in angler behavior are impossible to predict; however, if given the opportunity, federally permitted for-hire vessels would almost certainly fish in state waters when federal waters are closed. Another complicating factor is when during a year will regulations be inconsistent, as this effects the projected catch rate. For instance, if states extend the season to just before or slightly after the federal season, than daily landings are likely to be higher and closer to catch rates observed in-season. This is evidenced by Louisiana's quota monitoring program which saw increases in out-of-season landings per day on Memorial Day weekend and during July and early August 2013.

Managers should recognize that the impacts of 30B are dynamic and vary with the amount of fish landed by a state and the degree of state inconsistency. The more state regulations are inconsistent and the greater that state's ability to land federally managed species in state waters, the shorter federal seasons will become, to compensate for increased landings from state waters. This analysis assumed states will adopt state regulations similar to what they implemented in 2013 for red snapper. However, if states adopt regulations that are less consistent, then impacts would be greater than those described herein.

## References

SERO. 2013. Gulf-wide and State-specific Projected 2013 Red Snapper Federal Season Closure Dates. NMFS, Southeast Regional Office, St. Petersburg, Florida 16 pp.

SERO-LAPP-2013-02 (with addendum). 2013. Updated 2013 Gulf of Mexico Red Snapper Recreational Season Length Estimates. NOAA Fisheries Service, Southeast Regional Office, St. Petersburg, FL, May 21, 2013; updated June 4, 2013.

SERO-LAPP-2013-10. 2013. 2014 Gulf of Mexico Red Snapper Recreational Season Length Estimates. NOAA Fisheries Service, Southeast Regional Office, St. Petersburg, FL. December 4, 2013.