

June 7, 2017

To: Secretary Ross

Fr: Earl Comstock

Re: Update on Private Recreational Fishing for Gulf Red Snapper

At the appropriations hearing this morning Senator Shelby may ask about the situation with recreational fishing for red snapper in the Gulf of Mexico. The Federal fishing season this year for private recreational anglers (those fishing from their own boats as opposed to charter boats) was only three days, from June 1 to June 3, so it has already closed.

At the request of the White House (Dearborn/McGinley) and a dozen Congressmen from all five States bordering the Gulf of Mexico for a three day a week Federal season throughout the summer, you authorized me to explore an extension of the Federal fishing season.

There are three reasons an extension is warranted –

- (1) the Federal season for recreational anglers has been reduced to only three days despite a significant increase in the stock, causing immense frustration to anglers and grave economic harm to businesses that depend on recreational anglers;
- (2) the States disagree with NMFS stock assessments and estimates of recreational catch, with the result that each State has been setting its own fishing season in State waters for red snapper, with seasons ranging from 68 days to all year; and
- (3) an extension provides an opportunity to reset the relationship between the Department, the States and Congress over management of red snapper and could lead to a long term solution by spurring Congressional action that is needed to fix this issue.

I have had two very productive conference calls with the directors of all five State fishery managers. They have all indicated that their States are willing and able to quickly change their rules to allow for an alignment of the open and closed days throughout the summer. They are presently getting angler feedback on two possible options:

- (A) a two day a week (Saturday-Sunday) summer season starting on June 17 and ending on Labor Day (with Monday and Tuesday, July 3 and 4, included), for a total of 27 days, with States that have a fall season (Florida and Texas) allowed to keep them; and
 - (B) a three day a week (Friday-Sunday) summer season starting on June 16 and ending on Labor Day (with Monday and Tuesday, July 3 and 4, included) for a total of 39 days.
- Under this three day option, States must give up their fall seasons.

As discussed, under either option the increased angler catch will result in the overall catch limit for this year being exceeded by 30% and 50%. NMFS has assessed the impact of such an overage and agrees it does not threaten the health of the stock. It may slow rebuilding of the stock, but so far the stock is ahead of schedule. Either option would mean that, absent Congressional action to modify the Magnuson-Stevens Act requirements for the Gulf, the recreational season next year would be significantly reduced. All the State fishery managers know this, but agree that coordinated action has the greater long term benefit.

At the meeting organized by Whip Scalise with a dozen Gulf State Congressmen, and based on preliminary feedback the State fishery managers have gotten, the preference is for a three day a week summer season. However, Texas said that it will be very unlikely their anglers will agree to give up the fall season (which while long results in a very small catch), so the two day a week season may be what everyone can agree to.

Proceeding with either option will be opposed by the commercial fishermen and the charter operators, even though neither of their seasons will be affected this year. Their concern will be that overfishing by the recreational sector will result in a reduction in the overall catch limit for next year, and hence a reduction in commercial and charter catch limits next year. The States believe that the NMFS stock assessments have been low for years, and we are going to work with the States and NMFS to see if an adjustment is warranted. If it is, then this concern of the commercial and charter sectors can be addressed or mitigated.

Either option will almost certainly draw a lawsuit, either by the commercial sector or the environmental community, or both. As discussed, they can not get a temporary restraining order (TRO) because the Magnuson-Stevens Act prohibits them. However, they might be able to get an injunction based on the argument we are violating a recent court order that stopped a 2 percent re-allocation from commercial to recreational that the Gulf Council had adopted.

We are scheduled to have another call on Tuesday at which the States will report back on which option they will support and we hope to make a collective decision. To do that I will need your authorization to go forward. At the meeting I will review the impacts of exceeding the catch limits and ask the States to reaffirm they accept the possibility of reduced seasons next year.

Approving either option would reset the debate, demonstrate DoC can work with the States, address a serious economic harm to businesses, reduce a major source of constituent frustration and benefit the fishery long term by aligning the State and Federal seasons.

Approval would also put the ball squarely in the court of Congress. Congress would need to act to prevent reduced catch limits for all fishing sectors next year. This problem will not be able to be addressed through the fishery management system without a change in law. The Congressional representatives know this, and are looking to DoC for leadership. By resetting the debate and building a strong partnership with the State fishery managers, which is what this action will do, we can provide the leadership Congress is asking of us.

Considering the above, I recommend you approve proceeding with either option if the States will agree to a coordinated summer season.

☒ Agree *Per Conversation w/Sec and Eric 6/12/2017*

☐ Agree, but only option ____.

☐ Disagree. Do not proceed.