

Appendix
Terms and Conditions
Louisiana Department of Wildlife and Fisheries
Exempted Fishing Permit
PERMIT NO.: 18-SERO-04

Management of the Harvest of Red Snapper by the Private Recreational Component in the
Exclusive Economic Zone Off Louisiana's Gulf Coast for 2018 and 2019

PURPOSE

The purpose of this exempted fishing permit (EFP) is to allow the Louisiana Department of Wildlife and Fisheries (LDWF) to conduct a pilot study during 2018 and 2019 to test data collection and quota monitoring methodologies for management of harvest of red snapper off Louisiana's Gulf of Mexico (Gulf) coast by the private recreational component. The federally permitted for-hire component is not included in this EFP. Note that persons aboard state-licensed charter vessels are prohibited from fishing for or possessing red snapper in or from federal waters when under charter unless those vessels have been issued a federal reef fish charter vessel/headboat permit¹.

BACKGROUND

The current management system for red snapper in the Gulf utilizes traditional tools such as bag limits, size limits, and shortened seasons to remain within the allowable annual catch levels, and to achieve the other goals and objectives outlined in the fishery management plans. Currently, the recreational sector for red snapper is divided into the private angling and federal for-hire components, each with a separate quota. State-permitted for-hire vessels are included in the private angling component, but are not able to fish in federal waters. Despite regular increases in the recreational annual catch limit since 2010, shorter federal red snapper seasons have continued as the quota is caught in a shorter amount of time and inconsistent state water seasons become longer. The Gulf of Mexico Fishery Management Council (Council) is currently developing Amendment 50 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico to establish a program to allow each Gulf state to establish a management program that would provide flexibility in the management of the recreational harvest of red snapper for its anglers.

The National Marine Fisheries Service (NMFS) encouraged each of the five Gulf States to submit EFP applications to test state-based recreational red snapper management programs, and in response, each Gulf state developed a proposal for a pilot study. The Council reviewed these applications, and after careful deliberation, recommended the approval of each state's EFP application with the caveat that the length of the Gulf-wide federal for-hire component season not be affected by the issuance of these EFPs.

By issuing this EFP, NMFS exempts private anglers who hold a valid recreational fishing permit

¹ Persons aboard vessels that have been issued a federal reef fish charter vessel/headboat permit may fish for or possess red snapper in and from federal waters only during the federal charter vessel/headboat season and are not exempt from any federal regulations.

issued by the State of Louisiana and who are in compliance with all other Louisiana requirements for landing red snapper in that state from regulations at 50 CFR § 622.34(b) (recreational season closure for red snapper) and 50 C.F.R. 622.41(q)(2)(i) (private angler component in-season closure). Private anglers will be able to land red snapper harvested from state and federal waters during seasons announced by LDWF. Note that persons aboard state-licensed charter vessels are not exempt from these, or any other federal regulations. For purposes of this project, NMFS establishes the following terms and conditions, which specify how this program will be conducted.

Although not covered by this EFP, LWDF's application indicated it will encourage anglers and for-hire captains to report landings through a smartphone/tablet application associated with LWDF's Recreational Offshore Landing Permit (ROLP). Anglers will be able to use the application to report their personal catch and state-licensed charter vessel captains will be able to report the catches of their customers. NMFS suggests LWDF consider requiring the use of the application in the second year of the program.

TERMS AND CONDITIONS

A. INITIAL ISSUANCE OF ALLOCATION TO LDWF

After the EFP is effective, NMFS will establish an apportionment of the red snapper recreational quota corresponding to LDWF's request for the private angling component. LDWF applied the historical landings methodology used in Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico ($50\% * (1986-2005, 2007-2009, 2011-2013) + 50\% * (2007-2009, 2011-2013)$). This equation, when applied to private angler landings, equates to a quota of 743,000 pounds whole weight (ww). The Gulf red snapper stock is currently being assessed. Should this assessment result in a change to the 2019 recreational quota, the terms and conditions of this EFP will be reissued to reflect the adjustment to Louisiana's allocation. The 2018 and 2019 seasons for private anglers (state and federal waters) and state-licensed charter captains (state waters only) will begin on the Fridays before Memorial Day (May 25, 2018, and May 24, 2019). The private angler season may be weekend days (Friday-Sunday) and federal holidays (Memorial Day, Independence Day, and Labor Day) or could be weekdays as well. A different season may be applied to the state-licensed charter captains at LDWF's discretion. LDWF's allocation, when combined with the allocation provided to other Gulf states in their respective EFPs, does not exceed the Gulf-wide private angling component quota.

B. PERMIT CONDITIONS

Eligible anglers and for-hire captains will need to hold both a valid Louisiana Saltwater Fishing License and an ROLP to participate in the EFP. LDWF will request private anglers to apply for participation in the EFP through the ROLP. Anglers agree to be subject to the applicable terms and conditions associated with this EFP. Although not covered by this EFP, state-licensed charter vessel captains under charter will also be encouraged to report red snapper landings through the EFP reporting application and website. With the exception of persons fishing on federally permitted charter vessels and headboats, all red snapper landed in Louisiana must be harvested in accordance with this EFP. LDWF must enforce the Louisiana red snapper season

and ensure each participant abides by all federal fishing regulations and specific requirements imposed by NMFS through these terms and conditions.

Federally permitted for-hire vessels that also have a Louisiana state charter captain or charter vessel license must follow the federal for-hire season for red snapper harvested in federal waters, and can only fish for red snapper in state waters when both the federal for-hire season and Louisiana red snapper fishing season overlap. Any harvest by these vessels will be attributed to the federal for-hire component's quota and not counted toward Louisiana's quota under this EFP, to the best of the ability of the LA Creel program. To date, all charter activities taking place during the federal for-hire season for red snapper has been attributed to this fleet by NOAA Fisheries; LA Creel has not separated federally permitted for-hire harvest from state for-hire harvest. LDWF will work with NOAA Fisheries to develop a mutually agreed-upon method to separate these landings based on the LA Creel monitoring program and assignment of effort into federally permitted trips and “other” charter trips, and may or may not have variance estimates included.

LA Creel has been certified through the Marine Recreational Information Program. Quota monitoring will be conducted through the LA Creel program, and a voluntary program of angler-reported information will also be implemented. Trip information collected through dockside surveys will be compared to angler information submitted through LA Creel for the same trip, when possible, to evaluate the angler-reported information.

The allocation of the private angling and state charter for-hire component’s quota is measured in pounds, but LA Creel reports the number of red snapper landed. The average weight of red snapper derived from the dockside sampling will be used to convert the number of fish landed to pounds landed. LDWF will monitor landings weekly as they are available. Should the allocation be reached, LDWF must close the Louisiana fishing season. Closures will be made by the LDWF Secretary or the Louisiana Wildlife and Fisheries Commission.

For 2018, the red snapper fishing season based off of LDWF projections for private anglers fishing in state and federal waters and state-licensed charter captains fishing in state waters will begin on May 25 and continue until the quota is caught. Should the recreational quota be exceeded in 2018, LDWF will adjust the quota for the following year to account for the overage in 2018.

LDWF must account for and collect data as specified in the reporting requirements to NMFS’ Southeast Regional Office for posting on their website. Annual draft reports summarizing the results of the EFP by LDWF shall be provided to NMFS for review and comment. NMFS personnel will review the report and determine if it is based on the best available scientific information.

NMFS could terminate the EFP if LDWF violates the terms and conditions of the EFP (see 50 C.F.R. § 600.745(b)(9)).

C. EFFECTIVE DATES

This EFP is effective when signed by the NMFS Regional Administrator and the EFP holder identified on the EFP (18-SERO-04), through December 31, 2019.

D. EXEMPTIONS AND FISHING RESTRICTIONS

This EFP is issued to LDWF in accordance with procedures established at 50 CFR 600.745(b). The EFP exempts private anglers conforming to LDWF's EFP requirements from the following regulations:

- 1) Recreational season closure for red snapper at 50 CFR § 622.34(b)
- 2) Private angler component in-season closure at 50 C.F.R. 622.41(q)(2)(i)

This EFP does not exempt private anglers from Section 407(d) (16 U.S.C. 1883(d)) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Section 407(d) requires that if NMFS determines the Gulf red snapper recreational quota has been met, harvest must be prohibited for the remainder of the fishing year. This will apply to all private anglers even if LDWF still has allocation remaining. In addition, the EFP does not exempt private anglers from the federal minimum size limit at 50 CFR § 622.37(a)(1) and bag limit at 50 CFR § 622.38(b)(3).

E. REPORTING REQUIREMENTS AND DATA DISSIMINATION

LDWF must report red snapper landings in numbers and pounds, the estimated number of trips and anglers landing red snapper, and any other relevant information at least bimonthly. At the end of each fishing year, a report summarizing the results of the EFP by LDWF shall be provided to NMFS for review and comment as soon as possible but no later than April 15 of the next calendar year.

The fishing activities carried out under the EFP, which are otherwise prohibited, are for the purpose of collecting catch information. Anglers participating under this EFP agree to the public release of aggregated information obtained as a result of activities conducted under this permit.

F. ENFORCEMENT

Anglers fishing under this EFP must be able to provide the appropriate state license and any other state-required documentation to state and federal law enforcement agents. Anglers fishing for red snapper outside the state season, unless also participating in another state's EFP whose waters are open to red snapper harvest, will be considered in violation of the EFP.

G. SANCTIONS

Failure of LDWF or any person to comply with the terms and conditions of this permit, any notice issued under 50 CFR Part 600 any other applicable provision of 50 CFR Parts 600 and 622, the Magnuson-Stevens Act, or any other regulations promulgated thereunder, may be

grounds for revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act with respect to all persons and vessels conducting activities under the EFP (50 CFR § 600.745(b)(9)).