

Appendix
Terms and Conditions
Florida Fish and Wildlife Conservation Commission
Exempted Fishing Permit
PERMIT NO.: 18-SERO-01

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

PURPOSE

The purpose of this exempted fishing permit (EFP) is to allow the Florida Fish and Wildlife Conservation Commission (FWC) 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 Florida's Gulf of Mexico (Gulf) coast by the private recreational component. Note that persons aboard state-licensed charter vessels are prohibited from fishing for or possessing red snapper in or from federal waters 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 plan. 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 permitted to harvest red snapper and other reef 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 issued by the State of Florida and who are in compliance with all other Florida requirements for

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.

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 FWC. 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, FWC's application indicated it will encourage anglers and state-licensed charter vessel captains to report landings through a smartphone/tablet application. 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 FWC consider requiring the use of the application in the second year of the program. Anglers and state-licensed charter vessel captains will also be encouraged to use fish descender devices or venting tools for fish showing signs of barotrauma.

TERMS AND CONDITIONS

A. INITIAL ISSUANCE OF ALLOCATION TO FWC

After the EFP is effective, NMFS will establish an apportionment of the red snapper recreational quota. FWC originally requested an allocation based on the average annual private angling component landings from Florida from 2006-2015, excluding 2010. This equates to approximately 42% of Gulf-wide annual private angling component quota, or 1,631,700 pounds whole weight (ww). However, on April 13, 2018, FWC requested changes to their application that included an additional 146,815 pounds ww of quota. Therefore NMFS will assign 1,778,515 pounds ww to Florida through this EFP.

FWC will project the Florida season lengths based on 1,600,664 pounds ww, which is a 10% buffer below FWC's allocation request. This buffer will be used to account for management uncertainty. For 2018, Florida is projecting a 40-day season that begins on June 11. 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 Florida's allocation. The 2018 and 2019 seasons for private anglers (state and federal waters) and state-licensed charter captains (state waters only) will be determined by FWC based on the assigned quota reduced by the buffer. FWC'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

FWC will require private anglers to sign up for the state's Gulf Reef Fish Survey (GRFS) to participate in the EFP. By signing up for GRFS and holding the appropriate Florida state fishing license, which serves as a proxy for this EFP, anglers agree to be subject to the applicable terms and conditions associated with this EFP. FWC will provide NMFS with lists documenting angler or state charter captain information gathered through the GRFS registry and Gulf Reef Fish State For-Hire Pilot Program. This list will be provided to NMFS just prior to the Florida

Special Red Snapper Fishing Season and will be updated after each fishing season. To facilitate quota monitoring and ensure GRFS requirements are met, all red snapper harvested through this EFP in state and federal waters off Florida will be required to be landed in Florida. FWC must enforce the Florida Special Red Snapper Fishing 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 Florida 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 Florida Special 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 Florida's quota under this EFP.

The GRFS is currently undergoing review and certification through the Marine Recreational Information Program (MRIP) and could be certified later this year. If certified, GRFS would supplement MRIP. Therefore, Florida red snapper landings used to compare with the allocation provided through this EFP and evaluate the effectiveness of the Florida state management program will be estimated by GRFS and MRIP.

For 2018 and 2019, the red snapper fishing season for private anglers fishing in state and federal waters and state-licensed charter captains fishing in state waters will be set by FWC based on their assigned quota reduced by the buffer. FWC will account for FWC's allocation of red snapper in its projections of when the catch target will be met and will verify these landings through estimates from MRIP, GRFS, and the MRIP For-Hire Telephone Survey. FWC projects a 40-day season for 2018 that begins June 11. If recreational landings are less than the assigned quota at the end of the 2018 or 2019 seasons, FWC may reopen in fall of 2018 or 2019 to land the uncaught portion of the quota. Should the recreational quota be exceeded in 2018, FWC will adjust the 2019 quota by the amount it was exceeded in 2018.

FWC must account for and collect data as specified in the reporting requirements (see below) to NMFS' Southeast Regional Office for posting on their website. Annual draft reports summarizing the results of the EFP by FWC shall be provided to NMFS for review and comment by April 15. NMFS personnel will review the report and determine if it is based on the best available scientific information.

NMFS could terminate the EFP if FWC 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-01), through December 31, 2019.

D. EXEMPTIONS AND FISHING RESTRICTIONS

This EFP is issued to FWC in accordance with procedures established at 50 CFR 600.745(b). The EFP exempts private anglers conforming to FWC'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 FWC 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

FWC 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 FWC 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 FWC 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)).