

Appendix
Updated Terms and Conditions for 2019
Texas Parks and Wildlife Department
Exempted Fishing Permit
PERMIT NO.: 18-SERO-05

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

PURPOSE

The purpose of this exempted fishing permit (EFP) is to allow the Texas Parks and Wildlife Department (TPWD) 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 the Texas 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 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 for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP). 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 (ACL) 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 Reef Fish FMP 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 Texas and who are in compliance with all other Texas 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

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.

closure). Private anglers will be able to land red snapper harvested from state and federal waters during seasons announced by TPWD. Note that persons aboard state-licensed charter vessels are not exempt from these, or any other federal regulations, and cannot fish for or possess gulf reef fish in or from federal waters unless that vessel also has a federal reef fish permit. 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, TPWD's application indicated it will encourage anglers and state-licensed charter vessel captains to report landings through the iSnapper mobile application. 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. 2019 ISSUANCE OF ALLOCATION TO TPWD

NMFS has established an apportionment of the red snapper recreational quota corresponding to TPWD's request for the private angling component. TPWD based its request on 16% of the Gulf-wide annual private angling component quota. For the private angling component, this equated to 241,245 pounds whole weight (ww) in 2018. For 2019, the red snapper private angling component ACL is proposed to be increased to 4,269,000 pounds ww. As a result of the proposed ACL increase, the red snapper private angling quota for Texas would be 265,090 pounds ww, an increase of 23,845 pounds ww. All red snapper landed in Texas will be counted against Texas' quota and both state and federal waters will be closed when the combined state and federal waters private angling landings are projected to meet the quota. TPWD'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

Texas opened state waters on January 1, 2018; any landings in state waters before issuance of this EFP will count against the 2018 quota allocated through this EFP. Texas will explore setting the opening date for federal waters at a time of the year when sea conditions are more favorable to recreational fishing (sometime after June 1). For 2019, TPWD will work through the TPWD Commission to set appropriate season lengths (opening and closing dates) for both state and federal waters and monitor catches to stay within the quota.

TPWD will identify anglers who are eligible to harvest red snapper under the EFP by providing NMFS with a registry of state fishing license holders. By holding the appropriate Texas 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. All red snapper landed in Texas must be harvested in accordance with this EFP. TPWD must enforce the Texas private angling season and ensure each participant abides by all federal fishing regulations and specific requirements imposed by NMFS through these terms and conditions when fishing in federal waters.

Federally permitted for-hire vessels that also have a Texas 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 Texas 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 Texas's quota under this EFP.

Private-boat and state charter landings will be estimated by the Texas Marine Sport Harvest Monitoring Program. Private-boat landings will be monitored weekly and these data will be used to generate an estimate of the aggregate number of fish intercepted. As there is a strong relationship between the number of red snapper intercepted and the total private-boat landings estimated, landings (in numbers) will be projected based on the number observed to date, and poundage will be calculated from a length-weight relationship.

TPWD will estimate landings expected in state waters throughout the year and then set the federal season based on the remaining quota. TPWD will monitor landings and should the total quota be reached. TPWD will close harvest for red snapper private recreational component in both state and federal waters. If the recreational quota is exceeded in 2019, TPWD will adjust the quota for the following year to account for the overage in 2019 should the EFP be extended for an additional year.

TPWD 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 TPWD 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 TPWD 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-05), through December 31, 2019.

D. EXEMPTIONS AND FISHING RESTRICTIONS

This EFP is issued to TPWD in accordance with procedures established at 50 CFR 600.745(b). The EFP exempts private anglers conforming to TPWD'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 in federal waters must be prohibited for the remainder of the fishing year. This will apply to all private anglers even if TPWD 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) when fishing in federal waters.

E. REPORTING REQUIREMENTS AND DATA DISSIMINATION

TPWD must report red snapper landings in numbers and pounds, the estimated number of trips and anglers landing red snapper, and any other relevant information to NMFS at least bimonthly. At the end of each fishing year, a final report summarizing the results of the EFP by TPWD shall be provided to NMFS for review and comment as soon as possible but no later than April 15 of the next calendar year. Because Texas' sampling periods do not conform to the calendar year, the report will include actual landings from January 1 through November 20 and estimated landing for the remainder of the year (November 21 – December 31).

The fishing activities carried out under the EFP, which are otherwise prohibited, are for the purpose of collecting catch information. The 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 TPWD 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)).