


UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

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F/SER24:SG

Mr. Doug Gregory, Executive Director
 Gulf of Mexico Fishery Management Council
 2203 North Lois Avenue, Suite 1100
 Tampa, Florida 33607

MAY 22 2017

Dear Mr. Gregory: 

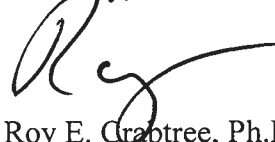
NOAA's National Marine Fisheries Service requests the Gulf of Mexico Fishery Management Council review the enclosed Exempted Fishing Permit (EFP) application at the June 2017 meeting. The EFP proposal was submitted by the Louisiana Department of Wildlife and Fisheries (LDWF). LDWF is requesting to test a state-based management approach for private anglers fishing for red snapper. The EFP would be for 2018 and 2019.

During the two years of the EFP, 25,000 pounds of red snapper per year would be available for harvest by private recreational anglers in federal waters of the Gulf of Mexico (Gulf) when state waters are open but federal waters are closed. LDWF currently sets a state water recreational red snapper season based on Louisiana's historic and projected share of the total annual Gulf recreational red snapper harvest (14% or about 1.098 million pounds); LDWF would shorten this season by an equivalent number of days to account for the number of red snapper to be landed in this pilot program.

LDWF would select by lottery a subset of private anglers who possess both a valid Louisiana saltwater fishing license and a Recreational Offshore Landing Permit. Each program participant would receive an equal allocation of fish derived from the reserved 25,000 pounds of red snapper. The participants would be required to declare the vessel upon which they would be fishing for the duration of the EFP, and declare a fishing trip at least 24 hours prior to departure. Additionally, the participants would be required to submit electronic reports of fishing activities, even if no red snapper are harvested.

The intent of this EFP is to test the use of validated, real-time data to manage and provide accountability for private recreational red snapper landings in Louisiana as an alternative to the current, Gulf-wide fixed seasons approach.

Sincerely,



Roy E. Crabtree, Ph.D.
 Regional Administrator

Enclosure



**Exempted Fishing Permit (EFP) Application for State Management Pilot Project
Louisiana Department of Wildlife and Fisheries**

Date: 19 May 2017

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Introduction:

The very popular Red Snapper, *Lutjanus campechanus*, has experienced greatly reduced seasonal openings for private recreational harvest in recent years. While Red Snapper populations in the northern Gulf of Mexico (Gulf) are healthier and individuals are more abundant than they have been in years, the Red Snapper season for private recreational anglers in waters of the federal Exclusive Economic Zone (EEZ) has been shortened from 365 days in 1996 to 9 days in 2014, 10 days in 2015, 9 days in 2016 (plus an extra 2 days due to severe weather), and three days in 2017.

Many recreational anglers who pursue the Red Snapper and other offshore species are dissatisfied with both the short federal seasons and the reduced fishing opportunities for several popular species. In addition, Louisiana's coastal communities, the recreational fishing industry, and associated businesses (bait, tackle, marinas, restaurants, gas stations, etc.) have expressed concern over economic loss due to fewer anglers traveling to coastal areas to go fishing. To assist in alleviating these concerns, the Louisiana Department of Wildlife and Fisheries (LDWF) has increased fishing opportunities by opening recreational Red Snapper harvest seasons in state waters; however, these state seasons are largely inconsistent with federal recreational Red Snapper seasons in the EEZ, only partly address the issues, and may result in difficulties in enforcement of the state waters only season.

The recent short Red Snapper seasons for the private sector in EEZ waters are the product of several factors including increasing catch rates and fish sizes, implementation of a protective 20% buffer to prevent harvest quota overages during state seasons, and implementation of longer state water fishing seasons. While the Marine Recreational Information Program (MRIP) and state landings data collection programs have improved in recent years, most do not provide the real-time data needed to proactively manage seasons in both state and federal waters. Results of this project will help test the utility of near-real-time, user-reported electronic data as a component of the existing La Creel program. This could further increase Louisiana's ability to manage recreational harvest in its state and adjoining federal waters to a

scientifically determined quota of Red Snapper. It would allow side-by-side comparison of two methods (La Creel and MRIP) for tracking harvest in real-time or near-real-time, to enable comparisons that may allow broader application of either method in management situations. It would help quantify the differences between estimates derived from each process, so that biases or deficiencies could be addressed in the development stages of those management regimes.

Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico was proposed to “to provide flexibility in the management of the recreational sector’s harvest of Red Snapper by restructuring the federal fishery management strategy to allow for the regional variation of management measures, and developing accountability measures for recreational overages to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. By establishing regional management through delegation or a conservation equivalency approach, the States would have the ability to tailor the management measures to address the regional differences in the fishery.” Although the amendment garnered some support among the membership of the Gulf of Mexico Fishery Management Council (GMFMC), the amendment was not approved by the GMFMC and the concept of regional (or state) management of Red Snapper resources remains untested.

The LDWF proposes to evaluate an alternative to the fixed season approach currently used to manage Red Snapper recreational harvests. To that end, LDWF is requesting an Exempted Fishing Permit (EFP) to test a state-based management approach that combines the La Creel data collection program with improved electronic reporting that would further maximize management flexibility and fishing opportunities for the recreational harvest of Red Snapper in state and federal waters of the Gulf off Louisiana.

Statement of Purposes and Goals:

The purpose of this EFP is to test the use of validated, near-real-time data to manage and provide full accountability for private recreational Red Snapper landings in Louisiana as an alternative to the current, Gulf-wide fixed season approach. The goal is to use La Creel and an associated electronic reporting system to monitor landings of this species in near-real-time and apply LDWF Secretarial authority to close the season when the quota is met. As part of this goal, we would evaluate the feasibility and adequacy of this program to effectively monitor landings and provide other data needed by fishery managers and stock assessment biologists.

This project would:

- Evaluate an alternative method to manage recreational harvest of Red Snapper by monitoring eligible fishing in near-real-time
- Provide anglers greater flexibility in fishing times over a longer period of time
- Provide managers with near-real-time harvest data

Fishing Activities under the Proposed EFP:

LDWF proposes a two-year EFP during which 25,000 pounds of Red Snapper per year would be requested from the National Marine Fisheries Service (NMFS) to be harvested by private recreational anglers to test this alternative management approach. The fish captured under this EFP would not impact the Red Snapper total landings in Louisiana. LDWF currently sets a state water recreational Red Snapper season based on Louisiana's historic and projected share of the total annual Gulf recreational Red Snapper harvest (14% or about 1.098 million pounds); LDWF would shorten this season by an equivalent number of days to account for the number of Red Snapper landed in this study. The NMFS would convert 25,000 pounds of Red Snapper into a fixed number of fish that could be harvested by anglers during the calendar year. NMFS, working with LDWF, would determine the appropriate conversion ratio based on recent observed weights of Red Snapper expected to be landed by recreational anglers in Louisiana during 2018 and 2019. Each program participant would receive an equal allocation of fish (about 20 fish) derived from the reserved 25,000 pounds of Red Snapper for the EFP.

For the two-year period of the EFP, LDWF would select by random lottery 150 private anglers who possess both a valid Louisiana saltwater fishing license and a Recreational Offshore Landing Permit (ROLP) to harvest Red Snapper in federal waters outside of the established federal season for the species, under stipulations and guidelines as set forth by LDWF. LDWF would adjust the state water season to account for the number of Red Snapper landed in federal waters. Randomly selected ROLP holders would be provided with an official EFP participant identification number that must be carried on board the vessel(s) for which it was issued for law enforcement validation purposes. The participants would also be required both to declare the vessel upon which they would be fishing for the duration of the EFP, and to declare a fishing trip at least 24 hours prior to departure. Additionally, the participants would be required to submit electronic reports of fishing activities, even if no Red Snapper are harvested, as per instructions from LDWF on electronic reporting methods (either with an enhancement of the smartphone-based ROLP application or web-based form; both would be developed and available). A toll-free number would also be established as a valid back-up method for submission of fishing activity information.

All anglers harvesting Red Snappers under the EFP would be required to abide by the federal minimum size limit for the year during all fishing activities. The EFP program would have no daily bag limit and the total limit per EFP participant would be determined by the number of fish allocated to each participant.

Use of the approved electronic reporting methods and the official EFP identification number would authorize the program participant to harvest and possess a set number of Red Snapper from federal EEZ waters when the federal recreational Red Snapper fishing season is normally closed to private anglers. The number of Red Snappers caught by each participant will be monitored through the electronic reporting system; these data will be available to enforcement personnel. The unique identification number issued at the beginning of the harvest period would be valid for that harvest period only. LDWF would track which numbers are distributed to each program participant and such numbers are not transferable to other anglers. However,

program participants would be allowed to harvest and share fish caught by another angler on the same vessel during the same fishing trip in which the eligible EFP identification holder is participating. Fish harvested in federal waters by the non-study participants on the same trip would be counted against the participant's total allocation. Anglers on a fishing trip with an EFP participant would be subject to the same restrictions and requirements as the participant.

Participation in the EFP program would be voluntary; eligible anglers would include those that hold both a valid Louisiana saltwater fishing license and a ROLP, including those domiciled in states other than Louisiana. Prospective participants would be selected by random drawing and subsequently contacted by e-mail, at which point they could either accept or decline participation in the EFP program. If an angler declines participation, that angler would be removed from the list of eligible anglers and another randomized angler would be selected until all 150 study participant slots are filled or the eligibility list is exhausted. Voluntary participation will help ensure that participants are bought-in to the program, thereby increasing the likelihood of compliance and the quality of the resulting data.

Declaring a fishing trip via electronic reporting would be used to monitor effort, obtain real time landings data, track remaining available Red Snapper, and evaluate the socioeconomic aspect of private recreational fishing. LDWF would require participants to comply with certain monitoring and reporting protocols to participate in the EFP program. Prior to taking a fishing trip during the closed federal private recreational season for Red Snapper, the EFP participant would be required to notify LDWF via a department-approved method a minimum of 24 hours prior to departure and indicate the expected time and location at which any EFP fish would be landed. LDWF would use this information to validate harvest, to collect biological information to be included in stock assessments and management strategy evaluations, and to ensure program guidelines are being followed. At the time of arrival at the dock, anglers would be required to report electronically via a department designated method (or via toll-free phone number) to LDWF, both landings (or lack of landings) and number of fishers in the party.

Program participants would also be required to participate in any dockside, web-based, mail or phone interviews conducted by LDWF, such as socioeconomic surveys to determine important indicators of angling experience and angler compliance with regulations. Through application of the principles and tenets of the behavioral-sciences (e.g. cognitive psychology, behavioral economics), these data could be used to adapt this program, or other management programs proposed in the future, to increase uptake and compliance by designing around the values, opinions, and beliefs held by the anglers themselves.

Our partners in tracking and enforcing the numbers of red snapper allocated/harvested by each EFP participant will be LDWF Enforcement Division. We will create a participant database that tracks the numbers of red snapper harvested and reported under the EFP by each participant. This database will be updated immediately following daily harvest report submittal by the participating angler. The database will be available 24/7 to LDWF Enforcement Division dispatchers who can be contacted anytime and from any place by enforcement agents in the

field. A simple exchange of the briefest information will identify the participant and the number of snappers remaining under his/her allocation.

Approach:

Louisiana intends to quantify the benefits of regional management, including a flexible season approach and electronic reporting, but with a randomly-selected group of valid ROLP holders.

- The region included will be Louisiana’s state territorial sea and the adjoining EEZ waters off Louisiana’s coast.
- Only private recreational anglers are included in this project.
- Louisiana reserves the right to discontinue this study based on harvest rates or enforcement concerns.
- The EFP will be effective for two years. The potential fishing periods will be calendar years of 2018 and 2019, or set time frames within those calendar years.
- Participants must possess a valid Louisiana fishing license and a valid Louisiana ROLP.
- Participants must allow dockside sampling.

- The Department will determine when EFP participants can harvest and possess Red Snapper from federal EEZ waters outside the federal private angling season, but this must occur within the time frame that state waters are open as declared by the Louisiana Wildlife and Fisheries Commission. Participants would still be free to participate in the state recreational fishing season for Red Snapper, but not during declared fishing trips under the EFP.
- EFP participants would be required to abide by the established federal minimum size limit and land fish harvested under the EFP in Louisiana. Participants would be exempted from the federal bag limit.
- Landings would be tracked via electronic reporting and validated with La Creel. LDWF would report catches from the EFP to NMFS as they become available. The Red Snapper season in state waters would be adjusted to compensate for the 25,000 pounds that would be harvested from federal waters.
- The LDWF Secretary would close the state waters season when the Louisiana self-imposed quota is projected to be reached. EFP fish not harvested by the time the Louisiana state water’s season is closed would be revoked and no longer valid for the remainder of the year.
- Any landings exceeding the self-imposed quota in year one would be deducted from year two.
- Failure to comply with the terms and conditions of the EFP may be grounds for revocation, suspension, or modification of the EFP by NMFS with respect to all persons and vessels conducting activities under the EFP.

Justification for Issuance of the EFP:

Section 318(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires NMFS to “promulgate regulations that create an expedited, uniform, and regionally-

based process to promote issuance, where practicable, of experimental fishing permits”. 16 U.S.C. § 1867(d). NMFS accordingly promulgated such regulations in 50 C.F.R. § 600.745. These regulations authorize the NMFS Regional Administrator to “authorize, for limited testing” and “data collection” the “target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited” 50 C.F.R. § 600.745(b)(1).

The NMFS Regional Administrator has the authority to approve the EFP sought by this application. LDWF seeks this EFP to engage in limited testing of a regional form of management coupled with a flexible season approach and electronic reporting for the private recreational sector. The EFP would enable LDWF to collect data on (i) the feasibility and desirability of a state management program with near-real-time electronic reporting that monitors landings of Louisiana’s private recreational fishers from the Gulf; (ii) the efficacy of monitoring and reporting protocols necessary to administer such a program; (iii) the achievability of either reducing or eliminating management uncertainty in the Red Snapper harvest of the private recreational sector through improved reporting; and (iv) the ability to achieve real-time harvest numbers. The NMFS Regional Administrator can thus authorize “out-of-season” private recreational harvest by anglers that would otherwise be prohibited by NMFS regulations for the designated purposes of “limited testing” and “data collection” proposed by LDWF.

The results of this EFP could inform future management decisions. Private recreational anglers in Louisiana and across the Gulf are generally unsatisfied with the way marine recreational fisheries are currently managed. This EFP would test one alternative approach that could increase flexibility and expand access for private recreational anglers. Electronic reporting has been successfully applied in other fishing sectors and may be useful for management of the private recreational sector. Multiple discussions and reports have reviewed potential issues with angler-based reporting of information for monitoring quota. However, few attempts have been made to actually implement such quota monitoring. Louisiana has an existing quota monitoring program that can be used to benchmark the information from the EFP to better quantify differences intrinsic to the different data collection methods.

This EFP could also help achieve the management objectives set forth in the Reef Fish Fishery Management Plan (FMP) prepared by the GMFMC. One FMP objective is to “establish a fishery reporting system for monitoring the reef fish fishery.” This EFP would test new electronic reporting measures for the private recreational sector that could achieve near-real-time accounting for landings, which would be a significant improvement over the status quo, especially in regions where near-real-time creel survey monitoring is not practical. Further, by allowing more flexible opportunities for fishing instead of only during short fishing seasons, a program of this type could reduce fishing mortality by reducing regulatory discards. An extended fishing season could also help achieve another FMP objective to “maximize net economic benefits from the reef fish fishery.”

The EFP could help achieve certain MSA requirements. In particular, National Standard 1 requires NMFS to prevent overfishing while achieving optimum yield on a continuous basis. 16 U.S.C. § 1851(a)(1). The alternative management approach that would be tested under this EFP

could address both aspects of this requirement. By using this technology to improve monitoring and reporting of recreational landings, electronic reporting validated by dockside samplers could help better project private recreational landings and thus minimize the likelihood of overfishing catch quotas. Similarly, improved catch accounting could also reduce or eliminate management uncertainty, which would eliminate the need, or reduce the amount set aside, for the 20 percent buffer that currently reduces the quota available to the recreational sector and better achieve optimum yield in this sector.

National Standard 9 requires NMFS to minimize bycatch and bycatch mortality to the extent practicable. 16 U.S.C. § 1851(a)(9). The alternative management approach tested under this EFP could both help avoid the need for extensive closed seasons when fish must be discarded and provide anglers with an opportunity to retain such fish. In that respect, the approach tested under the EFP would promote conservation of the project species by reducing discards and discard mortality, consistent with National Standard 9.

In addition, National Standard 10 requires NMFS to “promote the safety of life at sea.” 16 U.S.C. § 1851(a)(10). By allowing anglers to fish during an extended season when they want to go fishing, instead of during short fishing seasons that may span times of rough weather, this EFP could help promote safety of life at sea.

Finally, there is no apparent downside to this proposal. The EFP would use fish normally landed during the state season, so there would be no additional landings from Louisiana. Private recreational anglers would have greater flexibility to fit fishing trips for Red Snapper into their schedules and allow other anglers aboard the same vessel to share in the EFP fishing experience. Additionally, they would still be free to participate in the state recreational fishing season for Red Snapper, but not during declared fishing trips under the EFP.

Vessel Information for Vessels Participating in the EFP:

Prior to the effective opening of Red Snapper season under this EFP, LDWF would provide NMFS with a list of private angler ROLP holders who were selected and agreed to participate in the EFP. Each participating ROLP holder would specify one affiliated vessel (including license/registration information and owner contact information), although reasonable allowances would be made for changes to this declared vessel. NMFS would thus have a complete list of vessels that could potentially be fishing under this EFP.

Species Expected to Be Harvested under the EFP, Amount of Harvest, Disposition of Regulated Species, and Anticipated Environmental Impacts (including impacts on fisheries, marine mammals, threatened or endangered species, and essential fish habitat):

This EFP would authorize the harvest of 25,000 pounds of Red Snapper by private anglers in the Gulf during each of the years 2018 and 2019. This quantity of fish would come from the state’s historic and projected share of total Gulf recreational landings, as previously described. Accordingly, the quantity of fish harvested under this EFP would otherwise be available for

harvest by state private recreational fishermen, and so would not impact state's total landings. However, the state season would be adjusted to compensate for 25,000 pounds of Red Snapper harvested during this study. LDWF would require that all fish harvested under this EFP may not be sold, consistent with current requirements applicable to all reef fish harvested by the recreational sector. Additionally, no fish allocated under this EFP would be transferred to another angler except to those private recreational anglers aboard the same declared vessel as the EFP participant during the same fishing trip. EFP participation is neither transferable nor assignable; an EFP is valid only for the vessel(s) for which it is issued.

LDWF does not anticipate that the EFP would cause any impacts to marine mammals, threatened or endangered species, or essential fish habitat. The entire vertical line recreational fishery for reef fish throughout the Gulf is estimated to result in 125 sea turtle interactions annually, or 375 "takes" over a three-year period. Compared to the number of participants in the Gulf-wide recreational fishery for reef fish, the number of anglers fishing under this EFP would be minimal, and any changes to sea turtle interactions are therefore likely negligible. The Gulf reef fish fishery is classified in the 2017 Marine Mammal Protection Act List of Fisheries as Category III fishery. This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from the fishery is less than or equal to 1% of the potential biological removal. Dolphins are the only species documented as interacting with this fishery. Bottlenose dolphins may prey upon the bait, catch, and/or released discards of the reef fish fishery. Since overall fishing effort is not likely to change significantly under this EFP, existing analyses of recreational fishing impacts under the current FMP should not change as a result of this EFP. The EFP could marginally reduce discards by authorizing retention of fish caught out of season that would otherwise be discarded.

Approximate Times and Places Fishing Would Take Place Under the EFP:

Fishing would occur under this EFP in the Louisiana territorial sea and adjoining federal waters of the Gulf off Louisiana's coast during 2018 and 2019 when the general recreational fishing seasons for Red Snapper in federal waters are closed. Opening of each annual Louisiana state waters Red Snapper season would be set by the Louisiana Wildlife and Fisheries Commission; the LDWF Secretary would declare the state waters season closed when the state quota is met or projected to be met. EFP fish not harvested by the time the Louisiana state water's season is closed would be revoked and no longer valid for the remainder of the year.

Signature of the Applicant:

_____	_____
Patrick Banks	Date
Assistant Secretary	
Office of Fisheries	
Louisiana Department of Wildlife and Fisheries	

Appendix A

EFFORT REPORTING PROGRAM

ELIGIBILITY

A random selection of 150 private recreational anglers would be contacted from the database of Louisiana ROLP holders. Program sample frame will include all private angler ROLP holders in the 2016/2017 calendar years.

Each program participant would receive an equal allocation of fish divided from the reserved 25,000 pounds of Red Snapper for the EFP program.

PARTICIPATION GUIDELINES

Participating anglers must agree to abide by the following program guidelines:

1. Obtain all applicable licenses and permits prior to participating in the program.
2. Show proof of current Louisiana Saltwater Fishing License and ROLP.
3. The federal waters EFP fishing season would commence on the date specified by LDWF, but must occur during the same time that state waters are also open for red snapper harvest as declared by the Louisiana Wildlife and Fisheries Commission. The federal fishing season would end when all private landings of Red Snapper for that calendar year are projected to be taken OR when the NMFS Regional Administrator projects the recreational landings are met even though EFP allocation remains unused.
4. Abide by existing federal size limit regulations in place at the year the fish is harvested.
5. The program would have no daily bag limit and the total limit per EFP participant would be determined by the number of fish allocated to each participant.
6. The privilege to harvest fish allocated to each participant would not be sold. Fish allocated to an EFP participant are not transferable and are only valid for the vessel for which it is issued. At no time would the number of Red Snapper aboard the declared vessel plus those Red Snapper previously landed exceed the total number of fish allocated to the EFP participant.
7. An EFP declared vessel would not be allowed to harvest Red Snapper from federal waters under this EFP and harvest Red Snapper in state waters on the same trip. All Red Snapper on board an EFP vessel during a declared EFP trip would be considered to be from federal waters.
8. Notify LDWF via department-approved method when taking a fishing trip during the closed federal recreational season when fishing trip would be made. Notification must be a minimum of 24 hours prior to leaving the dock. Any changes to trip information must be updated immediately. Anglers must provide the following:
 - a. Trip date (if multiple dates are planned each date must be provided)
 - b. Landing location or site
 - c. Expected landing time
 - d. Number of anglers
9. Participate in any dockside or phone interviews by LDWF staff, such as socioeconomic surveys.

10. Report the following information via smart phone app or web-based reporting in such a manner designated by the department prior to offloading Red Snapper from the declared vessel:
- a. Trip Date
 - b. Number of anglers on the trip
 - c. The number of Red Snapper landed (even if none were harvested) during the trip
 - d. Number of undersized Red Snapper released by all anglers on the trip
 - e. Number of other released Red Snapper **NOT** included in undersized releases

REVOCATION OF PROGRAM ELIGIBILITY

Failure to comply with any of the program requirements described above and agreed to by the angler would result in removal of the participant from the program.