

Appendix
Terms and Conditions
Mississippi Department of Marine Resources
Exempted Fishing Permit
PERMIT NO.: 18-SERO-03

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

PURPOSE

The purpose of this exempted fishing permit (EFP) is to allow the Mississippi Department of Conservation and Natural Resources (MDMR) 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 Mississippi'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 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 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 Mississippi and who are in compliance with all other Mississippi requirements for landing red snapper in that state from regulations at 50 CFR § 622.34(b)

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.

(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 MDMR. 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.

TERMS AND CONDITIONS

A. INITIAL ISSUANCE OF ALLOCATION TO MDMR

After the EFP is effective, NMFS will establish an apportionment of the red snapper recreational quota corresponding to MDMR's request. MDMR based its request on the 2017 harvest documented with the Tails n' Scales reporting system. This equates to a quota of 137,949 pounds whole weight (ww) with 135,149 pounds provided for private recreational anglers (state and federal waters) and 2,800 pounds provided for the state charter for-hire sector. MDMR will project the Mississippi season lengths based on 121,634 pounds ww and 2520 pounds ww, respectively, which is a 10% buffer below MDMR's allocation request. This buffer will be used to account for management uncertainty and will be the basis for calculating Mississippi's fishing season. 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 Mississippi's allocation. The 2018 and 2019 seasons for private anglers (state and federal waters) and state-licensed charter captains (state waters only) may begin as early as May 1 and continue until the quota, less 10 percent, is projected to be caught. MDMR'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

MDMR will require private anglers report red snapper landings through a mandatory reporting system (Tails n' Scales) to participate in the EFP. By signing up for Tails n' Scales and holding the appropriate Mississippi 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. Although not covered by this EFP, state-licensed charter vessel captains under charter will also be required to report red snapper landings through Tails n' Scales. All red snapper landed in Mississippi must be harvested in accordance with this EFP. MDMR must enforce the Mississippi 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 an Mississippi 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 Mississippi 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 Mississippi's quota under this EFP.

Tails n' Scales is expected to be certified through the Marine Recreational Information Program (MRIP) before the end of the fishing season. To validate angler reported information provided through Tails n' Scales, a corresponding dockside survey of anglers will be conducted by MDMR staff at public vessel launches and marinas. Trip information collected through dockside surveys will be compared to angler information submitted through Tails n' Scales for the same trip. In addition, phone and visual effort surveys will be conducted. The phone surveys will be used to complete or close out expired trips initiated through Tails n' Scales but marked as abandoned in the program. Visual surveys (aircraft and MDMR vessels) will provide vessel counts (effort estimates) and MDMR vessels will intercept anglers leaving or returning on red snapper trips.

The allocation of the private angling and state charter for-hire component's quota is measured in pounds, but Tails n' Scales 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. MDMR will monitor landings weekly and should the allocation, less the buffer, be reached, MDMR must close the Mississippi fishing season. Closures will be announced three days prior to the closure through public notices and emails to those registered in Tails n' Scales.

For 2018, the red snapper fishing season based off of MDMR projections for private anglers fishing in state and federal waters and state-licensed charter captains fishing in state waters may begin as early as May 1 and continue until the quota is caught. Should the recreational quota be exceeded in 2018, MDMR will adjust the quota for the following year to account for the overage in 2019.

MDMR 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 MDMR 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 MDMR 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-03), through December 31, 2019.

D. EXEMPTIONS AND FISHING RESTRICTIONS

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

- 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 MDMR 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

MDMR 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 report summarizing the results of the EFP by MDMR 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 MDMR 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)).

H. WAIVER

The EFP holder on its own behalf, and on behalf of all persons conducting activities authorized by the permit under his/her direction, waives any and all claims against the United States and its agents and employees, for any liability whatsoever for personal injury, death, or damage to property directly or indirectly due to activities under this permit.