

## Exempted Fishing Permit Application

**Date:** January 5, 2018

**Applicant:** Louisiana Department of Wildlife and Fisheries

**Contact:** Patrick Banks, Assistant Secretary  
Office of Fisheries  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive  
Baton Rouge, LA 70898  
(225) 765-5020

### Introduction:

Opportunities for recreational anglers to harvest the popular Red Snapper, *Lutjanus campechanus*, in federal waters have been greatly reduced in recent years. While Red Snapper populations in the northern Gulf of Mexico (Gulf) are healthier and more abundant than they have been in decades, the private recreational season for Red Snapper in waters of the federal Exclusive Economic Zone (EEZ) was shortened from 365 days in 1996 to 9 days in 2014, 10 days in 2015, and 9 days in 2016 (plus an extra 2 days due to severe weather). The 2017 season was initially 3 days, but the Secretary of Commerce extended it for an additional 39 days. The for-hire industry has also experienced truncated seasons. The for-hire industry has not had a Red Snapper season longer than 50 days since 2010. In 2014, for-hire captains had an all-time low of 9 days available to take clients fishing for Red Snapper.

These recent shortened recreational Red Snapper seasons in the EEZ are the product of several factors including increasing catch rates and fish sizes, implementation of a protective 20 percent buffer on the annual catch limit (ACL) to account for management uncertainty, longer recreational Red Snapper seasons in state waters throughout the Gulf, and difficulty in predicting recreational landings. 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 actively manage recreational seasons in both state and federal waters.

Many recreational anglers and for-hire captains who pursue Red Snapper are dissatisfied with the short federal Red Snapper seasons and reduced fishing opportunities for this species in federal waters. In addition, Louisiana's coastal communities, the recreational fishing industry, and associated businesses (bait and tackle shops, 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 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 do not allow equal access to all Louisiana anglers and for-hire captains.

LDWF proposes to evaluate an alternative to the fixed season approach currently used to manage Red Snapper recreational harvests. LDWF is requesting an Exempted Fishing Permit (EFP) to test a state-based management approach that allows harvest in federal waters off Louisiana. Landings will be monitored in near real-time through Louisiana's existing recreational landings data collection program (LA Creel), and the seasons will be closed when landings approach or reach the Louisiana quota (based on LA Creel estimates). LDWF will also track fishing at oil and gas platforms, artificial reefs, and natural bottom. This information is important due to the federally mandated removal of non-producing oil and gas platforms, which are also key habitat for recreational red snapper fishing off Louisiana. Participants would also have the option to try new electronic reporting methods (a smartphone application and website for private anglers and a smartphone application and website or an electronic logbook for for-hire captains); the EFP would test the validity of these methods. This management approach would maximize management flexibility and fishing opportunities for Red Snapper for private anglers and for-hire captains in Gulf waters off Louisiana while constraining recreational harvest to the given quota.

**Statement of Purposes and Goals:**

The purpose of this EFP is to test a state-based management approach. Recreational fisheries differ across the Gulf. Louisiana proposes a unique management strategy tailored to the needs of the Louisiana recreational fishing community. To accomplish this goal, we will test the use of validated, near real-time landings data to flexibly manage and provide full accountability for both the private angling and for-hire components of the recreational Red Snapper fishery in Louisiana as an alternative to the current Gulf-wide fixed season approach. The goal is to use LA Creel and new, voluntary electronic reporting methods to monitor private recreational and for-hire landings of Red Snapper in near real-time and apply authority of the LDWF Secretary or the Louisiana Wildlife and Fisheries Commission (LWFC) to close the season when the quota is approached or met, based on landings estimates from LA Creel. As part of this goal, we will evaluate the feasibility and adequacy of these programs to not only effectively monitor landings but also provide other data needed by fishery managers and stock assessment biologists.

This project will:

- Evaluate potential differences in effort and catch over the types of hard structure offshore of Louisiana. Results could inform future management options or fishery independent sampling (e.g. depth/distance regulations, hypoxia effects on distribution, etc.) and provide valuable information to our Artificial Reef Council.
- Compare the catch and biological differences from captures on oil and gas platforms, artificial reefs, and natural bottom.
- Provide private anglers and for-hire captains greater flexibility in fishing over a longer period of time.
- Provide managers with near real-time landings data.

- Allow a comparison of electronic reporting and creel surveys for both management efficiency and angler acceptance in a single time frame.

**Fishing Activities under the Proposed EFP:**

LDWF proposes a two-year study under this EFP; the fishing periods would be calendar years 2018 and 2019 and will include set time frames within those calendar years. Under this EFP, recreational anglers would be permitted to harvest Red Snapper from oil and gas platforms, artificial reefs, and natural bottom located in Louisiana's state territorial sea and the adjoining federal EEZ, from shore to 200 nautical miles, during seasons established by the LDWF Secretary or LWFC. Program guidelines for all anglers are in Appendix A.

LDWF will manage the areas under this EFP as one unit and will recommend that the LWFC set a simultaneous season opening date of the Friday before Memorial Day (May 25, 2018 and May 24, 2019) for both state and federal waters and both the private angling and for-hire components. LDWF will recommend that the private angling season be composed of three-day weekends as well as Memorial Day, Independence Day, and Labor Day holidays, if applicable, and be open until their portion of the quota is landed. LDWF will recommend that the for-hire component's season run seven days per week until their portion of the quota is landed.

LDWF will set Louisiana's quota based on the state's historical and projected share of the total annual Gulf recreational Red Snapper ACL. Using the formula established in Reef Fish Amendment 40 ( $50\% * (1986-2005, 2007-2009, 2011-2013) + 50\% * (2007-2009, 2011-2013)$ ), the Louisiana quota would equate to 743,000 pounds for the private angling component and 317,000 pounds for the for-hire component. The quota of each component will be monitored through LA Creel and electronic reporting. The LDWF Secretary or LWFC will close each component's season in all areas for the remainder of the year when the component's share of Louisiana's quota is projected to be met, according to landings estimates from LA Creel. Any component landings exceeding the specified quota in year one will be deducted from that component's quota in year two, if the overall Louisiana recreational quota is exceeded.

The fish captured under this EFP would not increase the total recreational Red Snapper landings in Louisiana over the state's historical share of Gulf-wide recreational harvest. Therefore, there would be no additional biological impacts on Red Snapper or other managed or unmanaged species as harvest would be the same as what is normally be landed in Louisiana.

Participants are not required to land their fish in Louisiana. Participants must abide by all licenses and permits required by the state where they are landing their catch. To avoid double counting, anglers are required to report their catch to the state where they are landing their catch.

Participation in the study would be voluntary. Eligible anglers and for-hire captains would include those that hold both a valid Louisiana Saltwater Fishing License and a Recreational Offshore Landing Permit (ROLP), including those domiciled in states other than Louisiana. The ROLP is free but required to land many offshore species, including Red Snapper. LDWF

implemented this requirement to be able to better quantify and characterize the private anglers and for-hire captains that fish offshore. Anglers fishing aboard a for-hire vessel are not required to obtain a ROLP as they are covered by the ROLP issued to the for-hire vessel captain. State for-hire captains (those without a federal for-hire reef fish permit) will be included in this study; however, they are not permitted to fish outside of Louisiana's territorial sea (measured 9 nautical miles from the low tide baseline).

An angler or a for-hire captain would indicate their preference to participate in the EFP by logging onto the ROLP smartphone application or website and stating they both wish to fish for Red Snapper and agree to dockside sampling at a public or private facility, when feasible. If the angler in charge/for-hire captain decides to participate, they will be directed to another field requiring their vessel registration. If they do not own a vessel, they would submit the vessel registration information for the vessel on which they will be fishing; if not known, they would state "No Vessel." Participants would print a copy of their ROLP, which will indicate their participation in the EFP, and carry it on their person while fishing under the EFP for enforcement purposes. Participant names will be forwarded to NOAA Fisheries periodically throughout the season. If an angler or for-hire captain declines to participate in the EFP, they may still land red snapper in Louisiana but may only fish for red snapper in state waters during season declared by the LWFC or in federal waters under federal regulations set by NOAA Fisheries. Regardless, they must still have a Louisiana Saltwater Fishing License and an ROLP.

Participating anglers must abide by the federal minimum size limit (currently 16 inches) and two fish bag limit during all fishing activities as well as stipulations and guidelines set forth by LDWF and the EFP, including monitoring and reporting protocols.

All participants (private anglers and for-hire captains) would be subject to periodic, random LA Creel dockside surveys at public and private facilities and associated online and phone effort surveys. LA Creel data fields are located in Appendix B. LA Creel data will provide official landings estimates for both the private angling and for-hire components and will be used to monitor each component's progress toward the quota. LA Creel data will also be used to validate any data received from voluntary electronic reporting methods. When a LA Creel dockside sampler intercepts an angler or captain who states he is participating in the EFP or who has Red Snapper on board, the sampler will record the vessel number. Vessel numbers will be matched with those entered through the voluntary electronic reporting methods (as described below) so that the data sets from LA Creel and the electronic reporting methods can be statistically analyzed and compared.

Supplemental electronic reporting of catch would be voluntary but encouraged so that we can evaluate data obtained from these methods and compare them with official landings estimates provided through LA Creel. Private recreational anglers and state for-hire captains would have the option to report catch through the ROLP smartphone application or website. If a private angler or state for-hire captain opts to participate in voluntary electronic reporting, the angler in charge of the vessel (vessel owner or operator) or captain would use the ROLP smartphone application or website to declare a trip to fish Red Snapper in the areas authorized under this

EFP, no more than five days prior to departure but by 11:59 pm the day before departure, and indicate the expected time and location at which any Red Snapper would be landed. LDWF will then issue the vessel an official trip identification number. This unique number would be valid for those days only and cover all anglers on board that vessel for that trip. The angler in charge/captain would carry this number onboard the vessel for which it was issued for validation purposes during LA Creel dockside surveys. Upon returning from the trip, the angler in charge/captain would report fishing activities for all anglers on board that vessel for that trip to LDWF via the ROLP smartphone application or website, even if no Red Snapper are harvested. Reports would include the number of Red Snapper landed and discarded (or lack of Red Snapper landings), number of anglers in the party, fishing location, and depth. This angler in charge/captain would not be able to receive additional trip identification numbers until he submits the requested data. If the vessel has an open trip identification number and lands fish in another state, they would report via Louisiana's ROLP smartphone application or website that their activities concluded in another state.

Supplemental electronic reporting of catch by federal for-hire captains would also be voluntary. They would have the option to report their catch via the ROLP smartphone application or website or via a CLS America tablet installed and active on their fishing vessel as part of the LDWF Electronic Charter Pilot Logbook Program. LDWF has partnered with CLS America to test this program; the costs associated with these logbooks are covered by an existing electronic reporting grant through the National Fish and Wildlife Foundation (NFWF). If participating in this program, captains would hail out on the provided tablet. At the conclusion of the trip, captains would record and submit catch (including discards) and effort information. A complete list of information is listed in Appendix A.

LDWF will report landings under the EFP to NOAA Fisheries as they are available. Currently, LA Creel information is available about two weeks after a survey week ends. We expect to maintain this reporting rate; if we experience data management issues in the first few weeks of the new reporting system, the available data will be updated as the new system information is developed.

Participants would be requested to participate in any online, mail, or phone surveys conducted by LDWF, such as socioeconomic surveys to determine important indicators of angling experience and angler compliance with regulations.

Louisiana reserves the right to end this study based on landings approaching Louisiana's quota or enforcement or budgetary concerns. If the Gulf of Mexico Fishery Management Council's (Gulf Council) Louisiana Reef Fish Management Plan is implemented prior to the end date of this study, LDWF may amend the EFP or conclude the study. Failure to comply with the terms and conditions of the EFP may be grounds for revocation, suspension, or modification of the EFP by NOAA Fisheries with respect to all persons and vessels conducting activities under the EFP. NOAA Fisheries may close recreational fishing in the entire Gulf when the Gulf ACL is met regardless if Louisiana has reached its quota.

**Justification for Issuance of the EFP:**

A recent study by Karnauskas et al (2017), based on data collected in 2007 and 2011, indicates that oil and gas platforms attract mostly young Red Snapper that make up only 1.8 percent of the Red Snapper biomass in the Gulf. The age of Red Snapper inhabiting Louisiana oil and gas platforms largely ranges from 3 to 8 years. Artificial reefs hold 10.8 percent of the Gulf Red Snapper biomass, mostly off Alabama. Most Louisiana anglers harvest Red Snapper from these structures; this harvest will neither have a significant negative impact on the population as anglers are harvesting from a very limited percentage of biomass nor affect the older individuals in the spawning population. This EFP will also provide information that may be used to update the evaluation provided by Karnauskas et al (2017) in terms of age structure on different habitat types as LA Creel dockside samplers will record total and fork length, weight, and area caught and will remove otoliths for age analysis. Participants will also be encouraged to report habitat type fished via the voluntary electronic reporting methods.

Regulations at 50 C.F.R. § 600.745 (b) (1) allow the NOAA Fisheries Regional Administrator to “authorize data collection” of the “target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited.” The NOAA Fisheries Regional Administrator has the authority to approve the EFP sought by this application. LDWF seeks this EFP to engage in testing of a state-based red snapper management approach coupled with voluntary electronic reporting methods for the recreational sector validated by LA Creel. The NOAA Fisheries Regional Administrator can thus authorize “out-of-season” recreational harvest by anglers that would otherwise be prohibited by NOAA Fisheries regulations.

The results of this EFP could inform future management decisions. Some recreational anglers and for-hire captains in Louisiana and across the Gulf are generally dissatisfied with the way marine recreational fisheries are currently managed. This EFP would test one alternative approach that could increase flexibility and expand access for recreational anglers and for-hire captains. Louisiana has an existing quota monitoring program (LA Creel) that can be used to benchmark the data collected via the voluntary electronic reporting methods under the EFP to better quantify differences intrinsic to 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 Gulf Council. One FMP objective is to “establish a fishery reporting system for monitoring the reef fish fishery.” This EFP would test and evaluate new, voluntary electronic reporting methods for the private angling and for-hire components, which could provide near real-time accounting for landings.

The EFP could help achieve certain MSA requirements. In particular, National Standard 1 requires NOAA Fisheries 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. Voluntary electronic reporting validated by dockside samplers could improve monitoring and reporting of recreational landings and help better project recreational landings to maximize fishing opportunities and minimize the likelihood of overfishing quotas.

In addition, National Standard 10 requires NOAA Fisheries to “promote the safety of life at sea”. 16 U.S.C. § 1851(a)(10). By allowing anglers and for-hire captains 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 increase in fish harvest associated with this proposal. Louisiana would forego a separate season within state jurisdiction. The EFP essentially would use fish normally landed during the state season, so there would be no additional landings from Louisiana.

**Vessel Information for Vessels Participating in the EFP:**

When an angler or for-hire captain indicates their preference to participate in the EFP, they will specify one affiliated vessel (including license/registration information and owner contact information), although reasonable allowances would be made for changes to this declared vessel. LDWF would periodically provide NOAA Fisheries with a list of private and for-hire vessels who have volunteered and agreed to participate in the EFP. NOAA Fisheries 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 recreational anglers to harvest Red Snapper from oil and gas platforms, artificial reefs, and natural bottom located in Louisiana’s state territorial sea and the adjoining federal EEZ, from shore to 200 nautical miles, during seasons established by the LDWF Secretary or LWFC during each of the years 2018 and 2019. Fishing will commence on the Friday before Memorial Day each year. The season for the private angling component will include three-day weekends as well as Memorial Day, Independence Day, and Labor Day holidays, if applicable. The season for the for-hire component will run seven days per week. The LDWF Secretary or LWFC will close each component when LA Creel landings data indicate the component’s quota is met or projected to be met. This quantity of fish would come from the state’s historical 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 recreational anglers in state waters and would not impact the state’s total landings. LDWF would require that all fish harvested under this EFP not be sold, consistent with current requirements applicable to all reef fish harvested by the recreational sector.

Since the quantity of fish landed under this EFP would be consistent with Louisiana’s historical landings and 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. There should be no additional environmental impacts on other managed or non-managed species, protected resources, or habitat during the timeframe of this EFP. The EFP could marginally reduce discards by allowing a longer fishing season, thus reducing the number of fish caught out of season that would otherwise be discarded. The entire vertical line recreational fishery for reef fish throughout the Gulf is estimated to result in 125 sea turtle

interactions annually, or 250 takes over a two-year period. The number of angler days under this EFP would be very similar to the numbers of angler days for Red Snapper fishing in state waters; therefore, any changes to sea turtle interactions are likely negligible because overall effort is not expected to substantially change. This EFP is also not expected to adversely affect marine mammal populations. The Gulf reef fish bottom longline/hook-and-line gear 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 percent 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.

**Approximate Times and Places Fishing Will Take Place Under the EFP:**

Fishing would occur under this EFP in Louisiana territorial sea and in adjoining federal waters of the Gulf out to 200 nautical miles during 2018 and 2019. If the EFP is approved, both the private angling and for-hire seasons would open the Friday before Memorial Day. The private angling season will include three-day weekends as well as Memorial Day, Independence Day, and Labor Day holidays, if applicable. The for-hire season will run seven days per week until that component of the quota is landed. The LDWF Secretary or LWFC will close each component when LA Creel landings data indicate the component's quota is met or projected to be met.

**Signature of the Applicant:**

\_\_\_\_\_  
Patrick Banks  
Assistant Secretary  
Office of Fisheries  
Louisiana Department of Wildlife and Fisheries

\_\_\_\_\_  
Date



## **Appendix A PROGRAM GUIDELINES**

### **ELIGIBILITY**

Possession of a Louisiana Recreational Offshore Landing Permit (ROLP) and a Louisiana Saltwater Fishing License. Program sample frame will include all private anglers and for-hire captains who hold an ROLP for the 2018/2019 calendar years and who indicate they want to participate in this study. Anglers and captains are not required to be residents of Louisiana.

### **PARTICIPATION GUIDELINES**

Participating anglers and for-hire captains 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 valid Louisiana Saltwater Fishing License and ROLP.
3. Indicate a preference to participate in the EFP via the ROLP smartphone application or website and provide vessel registration.
4. The EFP season will commence on the date specified by the LDWF Secretary or LWFC but must occur during the same time that state waters are also open for Red Snapper harvest.
5. The EFP season for each component will end when that component's portion of the recreational quota for Red Snapper for that calendar year is projected to be taken OR when the NOAA Fisheries Regional Administrator projects the Gulf-wide recreational quota has been met, even if Louisiana's quota has not been fully harvested.
6. Anglers must abide by existing federal size limit regulations in place for the year the fish are harvested (currently 16 inches).
7. The program will have a two fish daily bag limit.
8. At no time shall the number of Red Snapper onboard the declared vessel exceed the total sum of all bag limits.

### **Voluntary Electronic Reporting:**

Note: any EFP participant who opts to also participate in voluntary electronic reporting may opt out of voluntary electronic reporting at any time. Also, any EFP participant who originally opted out of voluntary electronic reporting may opt in at any time.

### *Private recreational anglers/state for-hire captains:*

If opting to participate in voluntary electronic reporting,

1. An angler in charge (vessel owner or operator)/for-hire captain would notify LDWF via the ROLP smartphone application or website when taking a fishing trip for Red Snapper during the EFP season to obtain a trip identification number. Notification must be no more than five days prior to departure but must be made by 11:59 pm the day before departure. Any changes to trip information must be updated immediately. The angler/captain must provide the following:
  - a. Trip date (if multiple dates are planned each date must be provided)

- b. Landing location or site
  - c. Vessel registration.
2. Upon return from his trip, the angler/captain would report the following information via the ROLP smartphone application or website. He would not be able to obtain another trip identification numbers until he reports these data.
- 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
  - f. Location (oil field area, i.e. West Delta WD, Ship Shoal SS, East Cameron EC, etc.)
  - g. Average depth of water
  - h. Whether Red Snapper harvest came from an artificial reef, natural bottom, or standing platform.

If the vessel has an open trip identification number and lands in another state, the angler/captain would submit via the ROLP smartphone application or website that their activities concluded in another state. If an angler/captain has an open trip identification number (did not submit the above data), he would not be able to request a trip identification number for his next trip, just like a trip that concludes in Louisiana.

Participants would be requested take part in any dockside, phone, or online interviews by LDWF staff, such as LA Creel or socioeconomic surveys.

Participants are encouraged to use a barotrauma reduction device. Use of the device is at the discretion of the angler.

*Federal for-hire captains:*

If opting to participate in voluntary electronic reporting, a federal for-hire captain would have the option to use the ROLP smartphone application or website as described above or take part in the LDWF Electronic Logbook Charter Pilot Program. If participating in the latter, a federal for-hire captain would:

1. Possess a qualified electronic tablet provided by CLS America in conjunction with the LDWF Electronic Logbook Charter Pilot Program.
2. Hail out prior to leaving for a trip.
3. Record the following catch and effort information upon return as required in logbook:
  - a. Vessel information, name, registration, license and permit numbers
  - b. Date and time of trip
  - c. Departure and return location and if public or private facility
  - d. Number of anglers and crew
  - e. Number of hours fished
  - f. Region fished
  - g. Target species
  - h. Hours fished

- i. Declaration of species, species and number landed and discarded alive and dead.

Landings tracked via voluntary electronic reporting will be validated through LA Creel. LDWF will report landings data from the EFP as well as state-water recreational landings data to NOAA Fisheries as they become available.

LDWF will conduct LA Creel dockside intercept surveys and phone/online effort surveys. When a LA Creel dockside sampler intercepts an angler or captain who states he is participating in the EFP or who has Red Snapper on board, the sampler will record the vessel number. Vessel numbers will be matched with those entered via the electronic reporting methods. The two data sets (from dockside sampling and the electronic reporting application) will be compared.

**REVOCATION OF PROGRAM ELIGIBILITY**

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

DRAFT

## **Appendix B LA CREEL DATA INPUTS**

When anglers and for-hire captains are intercepted at the dock during LA Creel sampling, the following information will be collected:

- Trip identification number (if participating in voluntary electronic reporting)
- Vessel identification number
- Date
- Launch or marina
- Number of anglers
- Number of Red Snapper harvested
- Number of Red Snapper discarded
- Area fished
- Habitat type fished.

LDWF biologists will also collect hard parts and sex information along with fork length for Red Snapper landed. All aging will be conducted by LDWF at the LDWF Age and Growth Laboratory in Baton Rouge, Louisiana.

DRAFT