

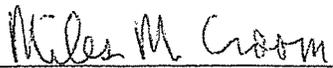
Gulf Headboat Collaborative  
Revised Exempted Fishing Permit (EFP)  
PERMIT NO.: 13-SERO-02

Evaluation and Feasibility of an Alternative Allocation-Based Management Strategy

This revised EFP is issued to the Gulf Headboat Collaborative (Collaborative) in accordance with procedures established at 50 CFR 600.745(b), and supersedes an EFP (13-SERO-01) issued August 26, 2013. The Collaborative consists of headboat owners/captains and their associated vessels (see attached Appendix 1). The EFP establishes a specific allocation of red snapper and gag, as calculated and described in the attached "Terms and Conditions" (Appendix 2), to be harvested during the fishing year by the Collaborative vessels. The EFP exempts the Collaborative's listed vessels from regulations at 50 CFR § 622.34(b) and (e); recreational season closures for red snapper and gag. The exemption does not apply to 622.34(d), addressing the February-March shallow-water grouper closure offshore of 20 fathoms in the Gulf of Mexico. For gag, the EFP exempts the Collaborative's participating vessels from regulations at 50 CFR § 622.8(b), which closes the recreational sector when the gag catch target is reached. NOAA Fisheries will account for the Collaborative's allocation of gag in its projections of when the catch target will be met. However, this EFP does not exempt the Collaborative's participating vessels from Section 407(d) (16 U.S.C. 1883) of the Magnuson-Stevens Fishery Conservation and Management Act. Section 407(d) requires that if NOAA Fisheries determines the Gulf of Mexico red snapper recreational quota has been met, harvest must be prohibited for the remainder of the fishing year, even if the Cooperative has allocation remaining.

The EFP is valid for the period January 1, 2014, through December 31, 2015, when signed by both the Regional Administrator and the authorized representative of the Collaborative, and becomes effective on the later of the two signature dates.

All vessels engaging in the activities authorized pursuant to this EFP must have a copy of this EFP onboard. As specified in 50 C.F.R. § 600.745(b)(9), failure to comply with any of the terms and conditions identified in the attached Appendix 2 may be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP.

for	 _____ Signature	<u>11/26/13</u> Date Signed	 _____ Signature	<u>11/26/13</u> Date Signed
	Roy E. Crabtree, Ph.D. Regional Administrator National Marine Fisheries Service		Randy Boggs, EFP Holder	

By signing this document, the EFP holder agrees that the owners and crews of the participating vessels identified in the attached Appendix 1 understand and will comply with the intent and the terms and conditions, outlined in Appendix 2, of this permit.

Appendix 1. List of participating vessels in the Gulf of Mexico Headboat Collaborative Exempted Fishing Permit. Effective January 1, 2014. List modified December 5, 2013. Based on this list, 286,457 pounds whole weight (ww) of the 5.39 million pound ww red snapper recreational quota (5.3146%) and 43,053 pounds gutted weight (gw) of the 1.519 mp gw gag recreational catch target (2.8343%) is allocated to the Collaborative. These weights translate to 55,527 individual red snapper, and 6,017 individual gag.

<u>Vessel Name</u>	<u>Owner/Operator (not including corporations)</u>	<u>Coast Guard Documentation</u>
Captain John	Johnny Williams, Galveston TX	1152450
La Pesca	Paul Dirk and Rene Gabriel, Port Aransas, TX	526583
Scat Cat	Bobby Grumbles, Port Aransas, TX	555458
New King Fisher	Kelly Owens, Port Aransas, TX	601342
Gulf Winds II	Randy and Susan Boggs, Orange Beach, AL	904277
Reel Surprise	Randy and Susan Boggs, Orange Beach, AL	904088
Zeke's Lady	Tom Steber, Orange Beach, AL	633522
Escape	Frank Thierry, Jr., Dauphin Island, AL	1023378
Sweet Jody	Cliff Cox, Destin, FL	649964
Destin Princess	Kelly Windes, Destin, FL	1041055
Destiny	Kelly Windes, Destin, FL	1138087
Fish N Xpress	Bill and Cindy Little, Port St. Joe, FL	554082
Super Queen	Eric Spaulding, Clearwater, FL	541178
Gulf Queen	Eric Spaulding, Clearwater, FL	611950
Double Eagle II	Chad Haggert, Clearwater, FL	522907
Double Eagle III	Chad Haggert, Clearwater, FL	622650
Gulf Star	Richard Castellano, Tarpon Springs, FL	1039798

Appendix 2.  
Terms and Conditions  
Gulf Headboat Collaborative  
Revised Exempted Fishing Permit (EFP)  
PERMIT NO.: 13-SERO-02

Evaluation and Feasibility of an Alternative Allocation-Based Management Strategy

A. PURPOSE.

The purpose of this exempted fishing permit (EFP) is to evaluate the viability of an allocation-based management strategy that could potentially improve the conservation of the resource and economic stability and performance of the headboat sector. Headboats participating in the study will be allowed to fish for red snapper and gag grouper, based on quota allocation issued to them through the Gulf Headboat Collaborative (Collaborative), outside the normal recreational fishing seasons. The goals of the headboat pilot project are to:

1. Assess whether a cooperative program can achieve conservation and economic goals more effectively than the existing management system.
2. Evaluate a new electronic data collection method and evaluate its effectiveness in providing accurate, next to real-time catch and effort data.
3. Conduct a comparative socio-economic study between the existing headboat industry, and the Collaborative before, during, and after the pilot project, to determine the potential economic impacts of an alternative management method on the headboat industry.

B. BACKGROUND.

The current management system for recreational fisheries in the Gulf of Mexico 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. Lack of effective mechanisms to account for catches in a timely manner has led to overages of the allowable catches, which has resulted in the imposition of stricter controls to manage catches and to address the conservation implications from exceeding catch limits. The Gulf of Mexico Fishery Management Council convened a Headboat Advisory Panel (AP) to provide recommendations for alternative management strategies. After careful deliberation, the AP concluded that an allocation-based management system would most effectively address the challenges faced by the headboat industry because it would give headboats the flexibility to operate throughout the year when their customers wanted to go fishing.

In response to this recommendation, some members of the headboat industry developed a proposal for a pilot study to examine the viability of an allocation-based program for its segment of the recreational sector. By issuing this EFP, NOAA Fisheries authorizes a select group of headboats to participate in such a pilot program to evaluate its potential as an industry-wide

fisheries management solution. For purposes of this project, NOAA Fisheries establishes the following terms and conditions, which specify how this program will be conducted.

C. INITIAL ISSUANCE OF ALLOCATION TO THE COLLABORATIVE

Beginning January 1, 2014, NOAA Fisheries will establish an apportionment of the red snapper recreational quota and gag recreational catch target corresponding to the Collaborative participants' aggregate landings for each species during 2011, compared to total recreational harvest of these two species during 2011. The allotment amount and participating vessels are identified in Appendix 1. NOAA Fisheries will convert the apportioned pounds into a fixed number of individual red snapper and gag using regionally-specific average weights of fish sampled by the Southeast Headboat Survey. Average weights are based on average weights from the prior season as adjusted for any increases in weight associated with stock rebuilding. This allocation will be assigned to the Collaborative through the NOAA Fisheries' Southeast Regional Office's Catch Share Program Web site as a shareholder account to be managed by the Collaborative's manager. The Collaborative will then be responsible for establishing individual vessel accounts associated with this shareholder account, and for transferring allocation to those individual vessel accounts based on decisions by the Collaborative on how to best allocate quota amongst the participating vessels.

D. PERMIT CONDITIONS.

The Collaborative will hold a portion of the Collaborative's total allotted catch in reserve to guard against excessive harvest by one or more of its members. The Collaborative will ensure each participant abides by all federal fishing regulations and specific requirements imposed by NOAA Fisheries through these terms and conditions.

The Collaborative agrees that all harvest of red snapper and gag by Collaborative participants will count against the harvests authorized by this EFP; no recreational fishing for these two species may occur outside this EFP, even during normal open recreational fishing seasons.

The participating Collaborative vessels are expected to retain all legal-sized fish that appear to be mortally injured (a minimum of 16 inches for red snapper and 22 inches for gag) caught by anglers on their headboats as long as the vessel has not reached the bag limit for all fishers aboard the vessel for those species (i.e., 2 red snapper and 2 gag per angler per day) and the vessel's assigned allocation has not been exceeded. Should a participating vessel's harvest during a specific trip exceed the allocation available in the vessel account, the participating vessel captain or owner must acquire, through transfer, sufficient allocation into the vessel account prior to submitting a landing notification.

The Collaborative participants must account for and collect data for each individual red snapper and gag grouper caught aboard that participant's vessel, and submit landings reports through the Southeast Headboat Survey (or other electronic reporting applications approved by NOAA Fisheries for use; see Section H, REPORTING REQUIRMENTS), as well as through the NOAA Fisheries' Southeast Regional Office's Catch Share Program Web site.

When a participant has exhausted their assigned allocation in their vessel account, the participating vessel must cease targeted fishing for red snapper and gag (regardless of whether the general recreational season is otherwise open for those species), and may not retain red snapper or gag during any trip targeting other species. No additional red snapper or gag shall be retained until that participant acquires additional quota allocation from other Collaborative members or from the Collaborative manager to take additional headboat trips to target or retain red snapper or gag. Otherwise, for the remainder of that calendar year, the participant must release any red snapper or gag caught incidentally in targeting other species, even if the red snapper and/or gag recreational seasons are open.

Collaborative vessels are identified in Appendix 1. Vessels may not join or leave the program in mid-year. Collaborative participants agree to fish within the EFP program for the entirety of the fishing year. Any participant who withdraws from the EFP program within the fishing year forgoes any further privilege to harvest or retain red snapper or gag for the remainder of the fishing year, even if the regular recreational fishing season is open. At the end of 2014, participants can choose to opt out of the pilot program and not participate for 2015. The Collaborative is provided the flexibility to add new participants prior to the start of the 2015 fishing year. NOAA Fisheries would adjust the amount of the allocation for 2015 according to the modified number of participants, based on the formulae described above.

NOAA Fisheries could terminate the EFP for all participants even if only a single participant is responsible for violating the terms and conditions of the EFP (see 50 C.F.R. § 600.745(b)(9)).

Each vessel shall carry on board and prominently display the EFP. The EFP must be presented for inspection upon request of any authorized law enforcement officer.

A draft report summarizing the results of the EFP socio-economic study performed by Collaborative partners shall be provided to NOAA Fisheries for review and comment. NOAA Fisheries personnel will review the socio-economic study and determine if it is based on the best available scientific information.

#### E. EFFECTIVE DATES.

This EFP is valid when signed by the NMFS Regional Administrator and the EFP holder identified on the EFP (13-SERO-02), and is effective January 1, 2014, through December 31, 2015.

#### F. EXEMPTIONS AND FISHING RESTRICTIONS.

This EFP is issued to the Gulf Headboat Collaborative (Collaborative) in accordance with procedures established at 50 CFR 600.745(b). The EFP exempts the Collaborative's listed vessels (Appendix 1) from the following regulations:

- 1) Recreational season closures for red snapper and gag at 50 CFR § 622.34(b) and (e); and
- 2) Closure of the recreational sector when the gag catch target is reached at 50 CFR § 622.8(b); NOAA Fisheries will account for the Collaborative's allocation of gag in its projections of when the catch target will be met.

The exemption does not apply to 622.34(d), establishing the February-March shallow-water grouper closure offshore of 20 fathoms in the Gulf of Mexico; participating vessels will be restricted to fishing shoreward of the demarcated line representing the 20-fathom contour.

This EFP does not exempt the Collaborative's participating vessels 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 NOAA Fisheries determines the Gulf of Mexico red snapper recreational quota has been met, harvest must be prohibited for the remainder of the fishing year. This will apply even if the Collaborative and its participating members have allocation remaining.

#### G. MONITORING REQUIREMENTS.

Each participating vessel identified in Appendix 1 shall install, maintain, and operate a vessel monitoring system (VMS) in accordance with all applicable reporting requirements of VMS users, including notification to enforcement agents or state and federal port agents upon leaving and returning to a pre-approved landing locations ("hail in/hail out") and abide by any other enforcement or dockside monitoring requirements implemented by the Collaborative or at the request of NOAA Fisheries.

To ensure 100% catch accountability and to enable a transparent monitoring system, the Collaborative will adhere to strict protocols to track each fish caught and landed during a headboat trip. As a participating captain is leaving the dock, he/she will "hail out" using a VMS device or by calling in. The captain will receive a confirmation number for that particular trip. At least one hour prior to returning to the dock, the headboat captain will enter a landing notification providing the vessel name, location of landing, time of landing, species and number of fish caught using a VMS or by calling in. This will alert law enforcement and port agents to the headboat's return, and allow for a dockside intercept if deemed necessary by enforcement and headboat port samplers.

#### H. REPORTING REQUIREMENTS AND DATA DISSEMINATION.

At the end of the trip, the captain will use the Southeast Headboat Survey (or other electronic reporting applications approved by NOAA Fisheries for use) to report trip-specific landing and fishing effort data. Reports must be submitted on the day of each trip and include the vessel name, number of anglers, trip location, depth fished, number and species of fish retained and released, fuel price and gallons used on the trip, number of crew, and other biological and socio-economic data required by this EFP.

The fishing activities carried out under the EFP, which are otherwise prohibited, are for the purpose of collecting catch information. The EFP holder and all participating vessels agree to the public release of aggregated information obtained as a result of activities conducted under this permit.

#### I. SANCTIONS.

Failure of the vessel owner, operator, EFP holder, 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)).

All Collaborative participants identified in Appendix 1 for this exempted fishing project are jointly and severally liable for exceeding the aggregate catch limits specified in this EFP.

J. WAIVER.

The EFP holder on his/her 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 or the 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.