

SUBJECT: Finfish commercial license management

COMMITTEE: State Recreational Resources — favorable, with amendment

VOTE: 7 ayes — Kuempel, Cook, J. Davis, Ellis, Homer, Hope, Ritter
0 nays
2 absent — Alexander, Crownover

SENATE VOTE: On final passage, April 9 — voice vote

WITNESSES: (*On original version:*)
For — Frank Clark, Finfish Producers Association; Ruth West, Finfish Producers of Texas; Lara Phillip and Lara Ruben, Bay King Seafood; Bruce C. Austin; Danny Baker; Wesley Blevins; Robert Chandler Sr.; Ellie D. DuBose; Vance Pierce; Carroll West

Against — None

On — Hal Osburn, Texas Parks and Wildlife Department Coastal Fisheries Division; Muriel Tipps, Matagorda County

BACKGROUND: A finfish generally is any fish in the ocean except shellfish. The commercial finfish industry in Texas is based mainly on black drum fish or flounder. The shrimp and crab industries already have limited entry license programs in place. Commercial fishing licenses are required for harvesting and selling finfish in Texas. However, there are no restrictions on entry into the fishery. Fishery restrictions set by the Texas Parks and Wildlife Commission include specific times for fish periods, restrictions on fishing areas, size, bag, and possession limits, as well as specifications on quantity and type of gear that can be used.

DIGEST: SB 1303 would establish a limited entry license management program for the commercial finfish industry, a review board to advise Texas Parks and Wildlife Department (TPWD), and a fund to begin a limited entry license buy back program. It would be legislative intent that the programs promote economic stability in the fishery as well as the conservation of fish. The Parks and Wildlife Commission would consider recommendations of the review

board, plus the social and economic viability of the finfish industry in reissuing licenses through the buy back program.

Review board. This bill would establish a nine-member finfish license management review board to include members knowledgeable about the industry who qualify for licenses themselves, to be elected by the license holders. It would advise the Texas Parks and Wildlife Commission and the Texas Parks and Wildlife Department on the administration of the limited entry licensing program for finfish, including appeal, transfer, renewal, suspension, revocation, and eligibility for licenses. TPWD's executive director would establish procedures for the review board operation.

Commercial finfishing license. SB 1303 would prohibit anyone from engaging in commercial finfishing unless the person had a commercial finfish or general commercial fisherman's license plus authorization to use the license holder's finfishing equipment in his or her immediate possession. Beginning September 1, 2000, TPWD would issue a commercial finfish license only to those with documentation proving they held finfish licenses between September 1, 1997 and April 20, 1999.

The fee for a commercial finfish license, valid for one year, would be set at \$300 or an amount set by the commission, whichever was higher. A license would be transferrable for a fee at any time. The bill would authorize TPWD's executive director to suspend or revoke licenses for various offenses, including theft of gear or fish, taking fish by unlawful means, exceeding daily bag and possession limits, unlawfully selling crabs, and exceeding trotline length and number. An individual would not be allowed, directly or indirectly, to hold more than three licenses.

License buyback. TPWD would be authorized to implement a license buyback program. The commission would establish criteria, in consultation with the license management review board, by which TPWD would select licenses to be purchased from willing license holders. Bought back licenses would be retired until the commission found that management of the finfish fishery warranted the reissuing of those licenses.

Licenses would be reissued through auction or lottery. At least 20 percent of the license fees and transfer fees would be set aside to buy back licenses. TPWD could solicit and accept grants and donations for the buyback fund.

A person holding a finfish fisherman's license would not be required to obtain a commercial fishing boat license or a general commercial fisherman's license, nor would they be required to pay per trot line tag. TPWD would implement the finfish license management program not later than September 1, 2000, and report on it to the Legislature and the governor not later than the beginning of the second regular session after implementation. The report would include an overview of the program, including, biological, social, and economic impacts.

Gear limits. SB 1303 would establish limits for commercial finfish license holders of up to 20 trot lines not more than 600 feet long, and up to 20 crab traps for bait use in commercial fishing, to be established by commission proclamation no later than September 1, 2000.

Other provisions. This bill would add commercial finfish license holders and commercial crab license holders to the list of license holders from whom restaurants, retail, and wholesale dealers would be allowed purchase fish and shellfish. The bill would add the Parks and Wildlife Code chapter on clams, mussels, sponge crabs, and blue crabs (Chapter 78) to the list of those commercial fishing activities that must abide by commercial fishing regulations.

SB 1303 would exclude from the definition of commercial finfish fisherman an individual who held an individual bait dealer's license, was in a licensed menhaden vessel taking menhaden, takes minnows for bait only, or took finfish in tidal waters only.

The bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

Over fishing has become a serious problem throughout the world and is affecting Texas Gulf Coast waters as well. The Legislature established a license management program for shrimp fishermen in 1995, and for crab fishermen in 1997. These programs have been very successful. The finfish industry is ready to try its own limited entry license management program in the hopes that over fishing will be prevented and that the resources on which they depend will be conserved for years to come.

SB 1303 has the support of the industry, and was worked out with industry participation. The bill states specifically that both the social and economic

viability of the industry must be considered in working out details of the licensing and buy back programs. Under this bill, anyone who held a finfish license in the period from September 1, 1997, through April 20, 1999, would be eligible to have a commercial finfish license, so all current participants in the fishery would be protected.

Although the fee for the commercial finfish fisherman's license would be set at \$300, these same license holders would be exempt from the general commercial fishing license, the general commercial fishing boat license, and the trot line tag fees. That means these license holders would benefit because they would be buying one license instead of four and paying roughly the same amount.

The only aquatic product industries that do not have restrictions on licenses limiting entry into the fishery are the oyster and finfish industries. Although the number of finfish licenses would be limited from the time this bill takes effect, licenses could be transferred at any time for a fee. Individuals could transfer licenses to family members or to other individuals who want to move from another segment of the fishing industry.

Shrimpers who keep finfish as a by-catch are regulated under current law, and would continue to be allowed to keep finfish totaling half the weight of the shrimp catch. This applies to other fishing industries as well.

OPPONENTS
SAY:

No apparent opposition.