

FREEZE EVENT RESPONSE – SPOTTED SEATROUT
EMERGENCY ADOPTION PREAMBLE

1. Introduction.

Pursuant to Parks and Wildlife Code, §12.027 and Government Code, §2001.034, the Texas Parks and Wildlife Department (the department) adopts, on an emergency basis, new §57.983, concerning Special Provisions – Spotted Seatrout. The emergency action imposes restrictions on the take of spotted seatrout in the upper and lower Laguna Madre bay systems and certain associated nearshore waters of the Gulf of Mexico in response to the impacts of recent prolonged severe freezing weather. The emergency rules will be in effect for 120 days and may be extended for up to an additional 60 days if the department determines that continuation is necessary to protect the resource.

In February 2021, a severe winter storm event affected Texas, including the entire coast. While freeze events along the coast are not unheard of, prolonged extreme cold temperatures of the type seen in February can cause fish kills and affect abundance and reproduction of spotted seatrout. If fish are not able to find refuge in deeper, thermally stable water, they can die when water temperatures remain too low for extended periods. If enough mature female fish are removed from the population, reproductive potential is depressed, which can impact size and structure of the stock. As the recent storms concluded, the department determined that the Laguna Madre bay systems were the location of significant mortality of spotted seatrout. Using guidelines established by the American Fisheries Society, the department assessed the Laguna Madre and determined an estimated mortality of 142,000 spotted seatrout, which is significant and is the largest freeze related fish kill event in the Laguna Madre in more than thirty years. Fish kills at this scale have the potential to significantly depress reproductive success, an effect that has the potential to become even more pronounced if significant numbers of spawning females are removed from the system by recreational angling activity. For that reason, the Texas Parks and Wildlife Commission and the department's executive

director have determined that there is an immediate danger to spotted seatrout populations in the form of angling pressure additive to population impacts resulting from the severe freeze event and it is necessary to promulgate rules on an emergency basis to protect spotted seatrout populations. Spotted seatrout are a fish species regulated by the department. The new harvest regulations would affect the waters of the upper and lower Laguna Madre from the John F. Kennedy Causeway in Nueces County southward to the Brownsville Ship Channel and South Bay in Cameron County, and the waters of the Gulf of Mexico associated with the beachfront from the Packery Channel South Jetty to the Rio Grande in Cameron County. The rule imposes a slot limit of 17-23 inches and a daily bag limit of three fish for spotted seatrout, which is intended to reduce the harvest of mature female fish and thus preserve reproductive potential while maintaining some opportunity for the harvest of spotted seatrout.

2. Statutory Authority.

The rule is adopted on an emergency basis under Parks and Wildlife Code, §12.027, which authorizes the Texas Parks and Wildlife Commission and the department's executive director to adopt emergency rules if there is an immediate danger to a species authorized to be regulated by the department, and under Government Code, §2001.034, which authorizes a state agency to adopt such emergency rules without prior notice or hearing.

2. Text.

§57.983. Special Provisions – Spotted Seatrout.

(a) In the waters of the Laguna Madre (upper and lower bay systems) south of the John F. Kennedy Causeway in Nueces County to the Brownsville Ship Channel and South Bay in Cameron County; and in the waters of the Gulf of Mexico contained in the area beginning at the convergence of the beachfront and Packery Channel South Jetty, then extending perpendicular to the beachfront a distance of 500 yards into the Gulf of Mexico, then extending parallel to the beachfront to a point 500 yards

off of the beachfront and perpendicular to the convergence of the beach front and the Rio Grande, then perpendicular to the beachfront, then along the beachfront to the point of origin, the bag and possession limits for the take of spotted seatrout shall be as follows.

(1) minimum length limit: 17 inches;

(2) maximum length limit: 23 inches;

(3) possession limit: 3 spotted seatrout.

(b) To the extent that any provision of §57.981 of this title (relating to Bag, Possession, and Length Limits) conflicts with the provisions of this section, this section controls.

This agency hereby certifies that the emergency adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

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