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March 30, 2015

Kevin Anson, Chair
Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue, Suite 1100
Tampa, Florida 33607

**RE: Ocean Conservancy's Written Comments for the Gulf of Mexico Fishery Management Council
April, 2015 Meeting in Biloxi, Mississippi**

Dear Chairman Anson,

Ocean Conservancy¹ is pleased to offer the following comments regarding business to be discussed by the Gulf of Mexico Fishery Management Council at the upcoming April, 2015 meeting in Biloxi, Mississippi.

- 1.) **Council Should Take a Precautionary Approach in Setting Gag Grouper ACL:** Although faced with the prospect of nearly doubling gag ACLs based on SSC ABC adjustments, council should act as conservatively as possible and seek to address uncertainty in the stock assessment as well as the fact that recreational fishermen have struggled in recent seasons to catch the majority of their allocation.
- 2.) **Council Should Set Action 2 Alternative 2 as Preferred in Amendment 39 - Regional Management:** Delegating management of the private recreational red snapper fishery to the states will allow for the unique needs of fishermen from different regions to be taken into account when making management decisions.
- 3.) **Council Should Work to Develop New Alternatives for the Electronic Log Books Discussion Draft and Act to Move the Document on to Scoping:** Ocean Conservancy offers specific recommendations for selecting preferred alternatives as well as the creations of several new alternatives for this burgeoning amendment as outlined below.

The aforementioned items are discussed in greater detail in the following sections. We would also like to note that we have submitted a separate letter specifically addressing Gulf of Mexico greater amberjack rebuilding and a recent Federal Register notice regarding the need for rebuilding of that stock.²

¹ Ocean Conservancy, a non-profit organization with offices in Florida, Louisiana, Texas, California, Oregon, Alaska, and Washington, D.C., educates and empowers citizens to take action on behalf of the ocean. From the Arctic to the Gulf of Mexico to the halls of Congress, Ocean Conservancy brings people together to find solutions for our water planet. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations.

² 80 Fed. Reg. 12621 (Mar. 10, 2015).

1.) Council Should Take a Precautionary Approach in Setting Gag Grouper ACL

We recommend that the Council act conservatively when setting ACLs for gag grouper, despite the fact that the SSC's recommendation for 2015-17 ABCs would allow the Council to possibly double the existing ACL. It is commendable that the Council has already taken a measured and cautious approach thus far in compelling the SSC to consider the possible impacts of the recent red tide event on the gag grouper stock, and now even though the SSC has determined that there was no measurable impact from the 2014 red tide event, the Council should continue the careful and tactful approach heretofore taken. Seeking out possible ecosystem effects and analyzing their impacts on managed stocks leads to strong management decisions, and Ocean Conservancy applauds the Council on taking this approach.

In the past four seasons recreational landings have fallen short of the Annual Catch Target, sometimes by nearly 40%. The 2014 season, which ended on December 3, 2014, also seems poised to have landed significantly less than the ACT of 1.519 million pounds gutted weight.³ Council should take these figures into consideration when setting ACLs for gag for 2015 and onward, as an increase in ACL may not be warranted if the existing lesser ACLs and associated ACTs cannot be met. Furthermore, analysis of why anglers have not been landing their share of the quota should be undertaken in order to make informed management decisions going into the future.

In addition, we encourage council to explore the utilization of a male-female spawning stock biomass reference point, as opposed to the female-only spawning stock biomass reference point currently being used. Directing the SSC to consider the male-female reference point may result in a more complete picture of Gulf of Mexico Gag stock and could result in more appropriate catch limits.

The most precautionary course of action currently before council keeps the 2015 recreational ACL at the previously established 1.708 million pounds gutted weight.⁴ This conservative approach would reduce concerns among the commercial and recreational fishing public about the accuracy of the gag stock assessment and would allow for more time to ensure that the stock is actually rebuilt while still allowing for an increase in the ACL. Ocean Conservancy recommends that the Council lends strong credence to the status quo alternative as it makes its management decisions on this issue.

2.) Council Should Set Action 2, Alternative 2 as Preferred in Amendment 39 – Regional Management

We recommend that the council acts at this meeting to select the remaining required preferred alternative for Amendment 39, Action 2 when it convenes in Biloxi, as this will allow for the final action to be taken on regional management sooner and will help states realize greater autonomy in management of their recreational red snapper stocks.

Selecting Alternative 2 for Action 2, will focus regional management solely on the private recreational sector, and will benefit the private recreational sector by allowing state managers to cater red snapper regulations directly to the recreational fishermen who target the species. This will allow for greatly expanded state discretion in setting bag limits, regional closures, seasonal closures, size limits, and other management aspects all the way out to the 200 mile limit. Acting at the council meeting in Biloxi will expedite the ultimate approval of Amendment 39, and will help realize the benefits of state management of the recreational red snapper fishery sooner.

³ NOAA Fisheries, *Gulf of Mexico Recreational Landings*, http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/recreational_gulf/index.html (accessed January 21, 2015).

⁴ 50 C.F.R. §622.41(d)(2)(4).

3.) Council Should Work to Develop New Alternatives for the Electronic Log Books Discussion Draft and Act to Move the Document on to Scoping

Ocean Conservancy commends the council in making efforts to increase accountability in the charter for hire sector by developing an electronic logbooks (ELBs) discussion document and contemplating the range of management options that could be deployed. We urge the council to take appropriate steps at this council meeting in Biloxi to ensure this document continues to move forward into scoping.

Ocean Conservancy makes the following recommendations to the council as it continues to develop the Electronic Log Books (ELB) discussion draft.

a.) Include the Following New Actions for Consideration

New Action 1. Compliance/Accountability Measures. Council should develop an action that would require charter vessels only be authorized to harvest and/or possess federally managed species if the charter vessel's fishing reports have been submitted by the vessel and received by NMFS in the time specified. All delinquent reports must be submitted by the vessel and received by NMFS before the vessel could harvest and/or possess federally managed species. Permits will be suspended immediately when or if a vessel does not supply the necessary data on the date designated by the SRD.

This action is needed to ensure compliance among vessels in the charter for hire fleet and to facilitate the overall success of the program.

New Action 2. Data Collection Program. Council should develop an action that unifies the charter for hire sector under a single data collection program. This could be done by creating a new program specifically designed for ELB data collection of charter for hire data or it could be completed by merging ELB data into the Southeast Regional Headboat Survey.

New Action 3. Calibrating to Existing Surveys. Council should develop an action that requires the ELB program to run side by side with existing surveys to create the needed calibration factor for stock assessments and management advice.

New Action 4. Hail-in/Hail-Out. Council should develop an action that would require vessels designated by the SRD to hail out upon departure from the dock and to hail in upon return. This action would provide a method for sampling or law enforcement notification in the event that VMS is not selected as a preferred alternative.

Thank you for your consideration of our comments. Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,

/s Jon Paul S. Brooker, JD

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