



October 4, 2015

Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2203 North Lois Ave, Suite 1100
Tampa, FL 33607

Dear Chairman Anson,

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance), please accept the following comments on the following issues to be discussed at the Gulf of Mexico Fishery Management Council (Gulf Council) meeting in Galveston, Texas this week.

Amendment 39 (Regional Management)

- **We continue to strongly support Action 2 Alternative 2 - regional management for private anglers.** This alternative is endorsed by a vast majority of the charter/for-hire sector, and is also supported by the Reef Fish Advisory Panel (AP). The charter/for-hire fleet wants to remain under federal management and the protections it affords their businesses.

Gray Triggerfish

- **We support the Reef Fish AP's overwhelming recommendation to untable Amendment 33 and consider gray triggerfish in the document.** Commercial management of gray triggerfish isn't working – biomass and spawning potential are at or near all-time-lows while commercial discarding continues to rise and commercial quota overages have occurred in two of the last three years. Untabling Amendment 33 will give the industry and the Gulf Council the chance to discuss whether an individual fishing quota (IFQ) could effectively solve some of these problems and help rebuild this fishery.

Joint Amendment to Require Electronic Reporting for Charter Vessels and Headboats

- **We support the AP's overwhelming recommendation to proceed with the charter/headboat electronic reporting document separately from the South Atlantic.** Splitting this document will allow the Gulf Council to move forward more quickly and effectively to implement this positive program and acknowledges the preference the Gulf fleet has for trip-level reporting (as opposed to the South Atlantic's preference for weekly reporting).

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Gag

- **We support the AP's recommendation to increase the recreational gag size limit to 24 inches** in order to help promote conservation of this species.
- **We also support the AP's unanimous recommendation to adjust of the recreational season to include a winter season (January 1-31)** in order to maximize economic opportunities for the charter boats reliant on gag grouper, while continuing to manage this species under federal ACL/ACT requirements.
- **Furthermore, we support the AP's unanimous recommendation to increase the commercial gag size limit to 24 inches if the recreational gag size limit is increased to 24 inches.** This will create parity between the sectors and will help promote conservation of this species.

Hogfish

- **We support the AP's recommendations that define the hogfish management unit, identify maximum sustainable yield proxy and (a conservative) minimum stock size threshold and initiate a plan amendment for hogfish management.** We also support the AP's recommendations to create a recreational/commercial split of the hogfish allocation and to **increase the minimum size limit from 12 inches to 14 inches.** These measures are necessary to improve hogfish management and conservation.

Coral Habitat Areas of Particular Concern (HAPC)

- **We support the AP's unanimous recommendations to develop a working group where scientists and fishermen collaborate to identify new and existing coral areas in need of protection.** A working partnership like this will help ensure that HAPCs maximize the most critical habitat protections while engaging fishermen to operate their gear in an accountable manner that causes the least amount of habitat damage. We believe that responsible, low-impact commercial fishing can continue to coexist with habitat protection – the two ideas are not mutually exclusive.

Reef Fish Amendment 41 and 42

- **We support moving forward with Amendment 41 and 42 to develop charter/for-hire and headboat red snapper and reef fish management plans.** Doing so will afford these groups the opportunity to develop accountable management plans that work for their businesses and promote sustainable harvesting.

Ad Hoc Private Angler Advisory Panel AP

- **We support the immediate development and implementation of this AP, including a charge, membership, roles and responsibilities, and a timeline for meetings.** The chance for private anglers to come together to discuss fishery solutions is long overdue. Please stop stalling.

Recalibration

- **We support the AP's overwhelming recommendations to improve the use of recalibration in fishery management.**
- First, we support the AP's request to have the Science Center run additional red snapper recalibration projections using a range of assumptions that we believe are reasonable, including

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1) that recreational selectivity will change over time (rather than remain constant) and 2) that recreational discard mortality is higher than 10%. We believe these assumptions are just as plausible as the ones used by the Science Center and should be evaluated.

- Second, we support the AP's request that all future Gulf Council decisions that involve recalibration use a more comprehensive analysis than the one recently used in red snapper, which was determined to be a "*preliminary, interim approach*" that "*may not be defensible from a scientific point of view.*" Further, the recalibration approach chosen was the simplest of three approaches that were evaluated by the working group, which concluded "*We recommend that investigation continue on the remaining two methods. It is possible that one of them will be determined to be better at some future date.*" All we are asking is that in the future, the full suite of approaches be evaluated and reviewed by the Science and Statistical Committee before being used for management purposes.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Eric Brazer". The signature is written in a cursive style with a prominent "E" and "B".

Eric Brazer, Deputy Director
Gulf of Mexico Reef Fish Shareholders' Alliance

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June 5, 2015

Kevin Anson, Chair
Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue, Suite 1100
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RE: Ocean Conservancy Comments on Actions before the Gulf of Mexico Fishery Management Council for Its June, 2015 Meeting In Key West, Florida

Dear Chairman Anson,

Ocean Conservancy¹ is pleased to offer the following comments and recommendations in anticipation of the June 2015 meeting of the Gulf of Mexico Fishery Management Council ('GMFMC', 'Council') in Key West, Florida:

- 1.) Council should **maintain the status quo allocation for Red Snapper under Amendment 28**
- 2.) Council should act to **exclude the charter-for-hire component under Amendment 39**
- 3.) Council should adopt the recommendations of the Charter-for-Hire and Headboat APs and **continue to develop Amendments 41 and 42**
- 4.) Council should heed the advice of the SSC and **maintain the Red Snapper SPR at its current rate**
- 5.) In light of significant compounding scientific uncertainty, council should **make no increase in catch limits for Gag Grouper**

Each of the above items is discussed in greater detail in the sections below. As always Ocean Conservancy appreciates the Council's open policy in accepting public comments, and we respectfully request that this letter be included in the briefing materials for the Key West meeting.

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

1.) Council should **maintain the status quo allocation for Red Snapper under Amendment 28**

Ocean Conservancy cautions that the appropriate approach to the reallocation question posed in Amendment 28 is to retain the current 51% commercial 49% recreational quota split. It would be premature to adjust the allocation at this juncture as this would shift quota from an accountable and responsible commercial fishery to a historically unaccountable recreational fishery.

Last year's *Guindon v. Pritzker*² decision, which forced the Gulf recreational red snapper fishery into compliance with the Magnuson-Stevens Fishery Conservation and Management Act ('MSA')³, made great strides in ensuring accountability that will hopefully limit the likelihood of future quota overruns. While accountability measures for the recreational sector are a step in the right direction for future seasons, the fact remains that the recreational quota has been exceeded 21 of 23 seasons from 1991 to 2013 (including in the recent 2013 season).

While there are indications that the *Guindon* mandated accountability measures are working to curb the likelihood of quota overruns, there is still a possibility based on the overages from previous seasons that the recreational sector might exceed its share of the catch.

Until it is reliably demonstrated that the accountability measures are working for the recreational sector it would be untimely to transfer a greater share of quota to that fishery. It is also important to point out that shifting allocation to the recreational sector will do little to increase the red snapper season, which is ultimately what the fishermen on the water are seeking. If the recreational fishery is to enjoy longer federal-water seasons, the council should explore new management ideas that will help the anglers. More comprehensive data collection can improve accountability and prevent the sector from exceeding its allowable catch, but other solutions should be addressed, too, beginning with state consistency that would allow greater federal-water access for all anglers and allowing managers the stability to place durable and resilient private angler management tools into place. Improved accountability in the private recreational fishery is the first step to more days on the water for anglers while also ensuring that red snapper rebuilding efforts continue to be successful.

Ocean Conservancy urges the Council to take a precautionary approach by maintaining the current allocation, as this would best support continued rebuilding of the stock by not risking larger and more impactful quota overruns by shifting a portion of the allocation to a historically unaccountable sector.

2.) Council should act to **exclude the charter-for-hire component under Amendment 39**

We urge the Council to select Alternative 2 in Action 2 of Amendment 39, Regional Management. This would remove the charter-for-hire component from the regional management concept and by default would have the amendment apply exclusively to the private recreational fishing component.

Taking this action would preserve the achievements made in Amendment 40, Sector Separation, and would have the long term impact of providing more flexible and narrowly tailored management tools for the private recreational component. As seasons are substantially throttled due to blatant state non-compliance for the private recreational component, better solutions are needed to provide relief to private recreational fishermen to ensure quotas are not exceeded and progress continues in rebuilding the red snapper stock. The best option for recreational fishermen is to allow the individual states to tailor management needs to their fishermen, while enough oversight is retained by federal managers to ensure conservation equivalency and that rebuilding efforts continue.

In addition, Amendments 41 and 42, which are currently under development, will provide discrete management tools for the charter-for-hire and headboat recreational red snapper fisheries respectively. Forcing the charter component to remain under Amendment 39 would limit important progress that has been made

² *Guindon v. Pritzker*, 31 F.Supp. 3d 169 (D.D.C. 2014).

³ 16 U.S.C. §1853(a)(15).

that allows for flexibility in charter-for-hire seasons and will make it more difficult to assess the source of any future quota overages that jeopardize rebuilding and the continued health of Gulf of Mexico red snapper.

- 3.) Council should adopt the recommendations of the Charter-for-Hire and Headboat APs and **continue to develop Amendments 41 and 42**

Ocean Conservancy recommends that the Council instruct staff to continue work on the burgeoning Amendments 41 and 42 that would apply carefully tailored management provisions to the individual charter-for-hire and headboat components of the recreational red snapper fishery. By creating component specific management measures for these subunits of the recreational fishery, the whole recreational fishery will benefit in that quota overruns will become rarer as the charter fisheries become more accountable.

The meetings of both the charter-for-hire and headboat Advisory Panels yielded forward thinking management tools for these fisheries, including novel ideas for data collection and reporting, and council should give strong credence to the panels' recommendations and incorporate them into a scoping document that will give forward momentum to the ultimate passage or approval of Amendments 41 and 42.

- 4.) Council should heed the advice of the SSC and **maintain the Red Snapper SPR at its current rate**

Ocean Conservancy recommends that no change be made to the red snapper Spawning Potential Ratio ('SPR') reference point and that the level remain at 26% per the guidance of the Scientific and Statistical Committee ('SSC')

We caution that lowering the SPR reference point comes with considerable scientific and biological risk. A lower SPR allows for a younger stock that has less reproductive potential per individual and that is more susceptible to fluctuations in recruitment, which is problematic since red snapper recruitment is highly variable and uncertain. Estimates of long term maximum sustainable yield at lower SPR levels assume recruitment will look the same as it does now, even at a lower reproductive capacity. Furthermore, SPR values for long lived fish with low natural mortality are typically set between 30-40%. Lowering the SPR for red snapper below 26% bucks this convention and is not justifiable from a scientific perspective.

In agreement with the recommendations of the SSC, there is insufficient scientific evidence for lowering the red snapper SPR beyond 26% and we underscore that any lowering of the SPR will produce significant biological risks that may jeopardize rebuilding successes that have been realized for red snapper to date. In addition, because SPR for long lived low natural mortality fish such as red snapper is traditionally set somewhere between 30-40%, if the council is to consider making any adjustments to the red snapper SPR we urge that an adjustment upward to between 30-40% is the scientifically appropriate action to take.

- 5.) In light of significant compounding scientific uncertainty, council should **make no increase in catch limits for Gag Grouper**

Although council currently has the opportunity to increase the ACL for gag grouper, Ocean Conservancy strongly urges Council select the no action alternative that would maintain a status quo approach for this stock.

The status quo approach still includes a modest increase (10%) from 2014 in the ACL and ACT for the 2015 and onward seasons based on an ACL and ACT approach for gag established in Amendment 32 in 2011. It is worth noting that because of the moderate increase already in the status quo there is a possibility for expanding the existing gag season. Beginning the season in June based on this quota increase would allow for improved access for fishermen and would likely not carry the same risk and uncertainty as the other alternatives in the framework adjustment.

On the water, fishermen from both the commercial and recreational sectors are worried about the health of the stock as they have simply not been catching gag reliably or as expected. Plus, as recently as the 2014 season,

neither the commercial or recreational sectors have been able to catch the entirety of their quota. Recent analysis conducted by the Southeast Fisheries Science Center, reviewed and confirmed by the SSC, shows that gag recruitment levels are at a record low and that estimates of abundance are declining after the last assessment. In addition the SSC's analysis of updated data confirmed that the projections in SEDAR 33 were overly optimistic and the stock is likely not as healthy as the assessment indicated.

The SSC has recommended by unanimous consent that the council needs to be cautious when setting catch limits for the stock. There is a gag update assessment scheduled for the end of next year, however early indications from the SSC show that there is strong likelihood that the stock is in decline.

It is also important to note that the Reef Fish AP recommended that Council take a conservative approach with respect to gag, as what the fishermen were seeing on the water did not coincide with the curiously optimistic projections in the stock assessment.

Both scientific and on-the-water evidence continues to mount in favor of keeping a status quo approach for gag, and Ocean Conservancy strongly encourages the council to heed the advice of the SSC and the Reef Fish AP.

We truly appreciate the opportunity to give comment on these issues and we encourage you to contact the undersigned directly should you have any questions or concerns.

Sincerely,

s/ Jon Paul (J.P.) Brooker, J.D.
Policy Analyst, Fish Conservation Program
Ocean Conservancy
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cc: GMFMC Council Members
Doug Gregory, Executive Director, GMFMC
Roy Crabtree, Regional Administrator
Mara Levy, SERO General Counsel



June 2, 2015

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
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Tampa, Florida 33607

RE: Red Snapper Regional Management and Rebuilding Goal; Gag Management; Deep Sea Corals

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on red snapper regional management (Amendment 39), red snapper spawning potential ratio (SPR), gag catch limits, and deep-sea corals. Decisions at the June 2015 meeting will be critical to increasing private recreational fishing opportunities for red snapper by advancing a regional management approach, sustaining the gag and red snapper populations, and examining options to protect fragile deep-sea corals. Below is a summary of the main points of our comments.

Amendment 39 (Regional Management)

- We urge adoption of Alternative 2 in Action 2 of Amendment 39, which removes federally permitted for-hire operators from regional management. This alternative allows the Gulf state agencies to tailor management to better meet the needs of their individual anglers and state-licensed guide boats, while allowing the Gulf Council to continue to develop a charter-for-hire management plan.

Red Snapper SPR

- We recommend maintaining the maximum sustainable yield (MSY) proxy (*i.e.*, rebuilding target) for red snapper at 26% SPR, per the unanimous recommendation by the Council's Science and Statistical Committee (SSC) at its May 2015 meeting.

Gag Catch Limits

- We recommend setting catch limits at the status quo levels (Alternative 1 in Action 1 of the Gag Options Paper), rather than increasing them at this time, in light of significant uncertainty in the assessment, record low recruitment in the past four years, fishermen testimony stating concerns about the population's status, and low estimated overall gag abundance in recent years.

Deep-sea Corals

- We recommend that the Council accept the recommendation from its Coral SSC/AP to start an amendment to designate Coral Habitat Areas of Particular Concern for areas identified by the Council's Deep-Sea Corals Working Group.

Below, we discuss each of these comments in more detail.

Amendment 39 – Regional Management

Amendment 39 offers an opportunity to provide more flexible management for the private recreational fishery. We **recommend adoption of Alternative 2 in Action 2** of the Amendment 39 Draft Public Hearing Document as the preferred alternative.

The Council is moving forward with new programs for the charter for hire and headboat industries. The ad-hoc charter for-hire and headboat advisory panels, which met recently, recommended several reasonable options to better manage those two segments of the red snapper fishery, which we encourage the Council to incorporate into Amendments 41 and 42. The next step is to create a plan for private anglers. Amendment 39 allows states to move forward with development and implementation of new management strategies tailored to private anglers' needs, and to incorporate data-collection programs for private anglers that are under development by Gulf state agencies. Implementing strategies that target the separate components of the red snapper recreational fishery has the potential to more effectively maintain the recreational catch within sustainable limits for each sector; increase fishing opportunities; and importantly, keep the red snapper rebuilding plan on track.

Red Snapper Rebuilding Goal

There is no scientific basis for decreasing the red snapper SPR as indicated, and **we recommend maintaining the current rebuilding target of 26% SPR**. At its May 2015 meeting, the SSC unanimously recommended maintaining the current SPR target for rebuilding the population and managing the fishery. The SSC reviewed analysis of SPR targets for the rebuilding timeline, stock status, and catch levels and concluded there was no biological rationale for making a change. However, decreasing the SPR to a less conservative level (*e.g.*, 20% SPR) could diminish the likelihood of rebuilding red snapper to sustainable levels in the eastern Gulf, where the most fishing effort occurs and recruitment is the lowest. The estimated SPR level in the eastern Gulf is currently 11%, while the SPR in the western Gulf is 19% (16% overall).¹ The SPR in the east is projected to drop to 7% SPR by 2032 due to significantly higher fishing pressure coupled with significantly lower recruitment levels. Thus, lowering the SPR is a risky

¹ Tab 4, May 2015 SSC briefing book. Effect of Alternative MSY Proxies on the Projected Overfishing Limits and Biological Catches for the Red Snapper Fishery in the U.S. Gulf of Mexico. Southeast Fisheries Science Center, May 5, 2015.

approach that reduces the red snapper population's spawning potential and capacity over the long term, especially in the eastern Gulf. It is worth noting that the discrepancy in regional population conditions would likely be further exacerbated if the proposed shift in allocation toward the recreational fishery (via Amendment 28) is approved.² However, regardless of the outcome of that amendment, we strongly believe that the science is clear - the best approach is to maintain *status quo* on the red snapper SPR target.

Gag Catch Limits

The most recent gag stock assessment (SEDAR 33)³ indicates the population is no longer overfished nor undergoing overfishing. While that positive outcome is welcome news, we remain concerned that this determination is uncertain and that any increase in the gag ACL risks a return to an overfished condition. **We recommend that the Council maintain the current catch level by selecting Alternative 1 in Action 1 of the Gag Options Paper as the preferred alternative.**

From a biological perspective, our concerns with the gag population include:

- Continued record low levels of recruitment through 2014, according to the most recent analysis.⁴
- A continued downward trend in abundance indices for all sizes of gag (small, medium, and large) through 2014, also as demonstrated in the most recent analysis.⁵
- Too few remaining males in proportion to females (less than 5% relative to “unfished” population of 17%).⁶
- Significant divergence in the results of the two assessment models used, which showed completely different pictures of the population status.

The Council's Reef Fish Advisory Panel also passed a motion recommending a “*precautionary approach to the gag ACL due to the wide differences to what is being seen on the water*” and for the Council to adopt a constant catch strategy.⁷ In testimony before the Council, individual commercial gag fishermen report that they are not able to catch their quotas. Last year, the recreational fishery caught only 48% of its annual catch target, while the commercial fishery caught 70% of its quota.⁸ Likewise, only 50% of the designated gag quota for the Headboat

² Ibid., pg 5.

³ SEDAR 33. 2014. Gulf of Mexico Gag Stock Assessment Report. SEDAR, North Charleston SC. 609 pp. Available online at: http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=33.

⁴ Tab 6, May 2015 SSC meeting briefing book Updated indices of abundance for gag grouper in the Gulf of Mexico. NOAA Fisheries, May 4, 2015.

⁵ Ibid.

⁶ Ibid, SEDAR 33.

⁷ Tab B-14, Gulf Council August 2014 briefing book. Reef Fish AP Summary Report 07-14.

⁸ NMFS Southeast Regional Office ACL Monitoring website, http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/index.html

Collaborative program was caught last year.⁹ Taken together, this information is a red flag, and strongly indicates that the best course is to adopt the most conservative approach proposed in the Gag Options Paper (*status quo*) for the next few years until another assessment can be completed.

Deep-sea Coral Protections

The Gulf of Mexico is home to clusters of deep sea corals that provide significant habitat for commercially valuable fish and other marine life, but currently there are very limited protections around some of these corals. They are easily damaged and are extremely slow-growing, thus recovery takes a very long time. After a productive meeting between the Coral SSC/AP and members of the shrimping community, Pew agrees with the group's recommendation that the best way forward for protecting valuable and important deep-sea corals is to solicit more input through the amendment process. We urge the Council to direct staff to initiate a new plan amendment.

Conclusion

Pew appreciates the opportunity to address the Council. Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders.

Sincerely,



Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

⁹ Tab B-5, March 2015 Gulf Council briefing book. Headboat Collaborative Pilot Program 2014 Annual Report. SERO-LAPP-2015-01, March 18, 2015.

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March 30, 2015

Kevin Anson, Chair
Gulf of Mexico Fishery Management Council
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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

Policy Analyst, Ocean Conservancy

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