

October 14, 2016

VIA E-MAIL

Ms. Leann Bosarge, Chair
Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607

Re: Draft Reef Fish Amendment 42

Dear Ms. Bosarge:

We commend the Gulf Council for continuing to make progress on Amendments 41 and 42 and urge the Council to move forward towards final approval of these amendments as quickly as possible. Our comments this week are specific to Amendment 42. For many years the headboat industry in the Gulf has struggled with shortened fishing seasons and Amendment 42 will provide us with needed flexibility while increasing fishing opportunities for our recreational angler customers. As the pilot program carried out by the Gulf Headboat Collaborative demonstrated, management measures like those being considered in Amendment 42 can improve business stability for headboats, increase access for anglers, and reduce discards. We offer these comments on the current draft of Amendment 42.

Eligibility to Participate in Amendment 42

Since its inception it has been clear that Amendment 42 would apply to the vessels that have reported landings to the Southeast Region Headboat Survey (SRHS). These vessels are unique because they have catch history showing what each individual vessel landed over the past several years. This catch history documents the current and historical harvests of these vessels, and serves as a proxy for their investments in and dependence upon the fishery, all of which are factors that the Magnuson-Stevens Act requires to be considered when implementing a program like Amendment 42. Also, our documented catch history ensures that any allocations reflect the same proportion of fish we would land anyway.

At the last Council meeting there was some discussion about how to address vessels that began participating in the SRHS for the first time in 2016, and other vessels that once were but no longer are reporting to SRHS. We urge the Council to extend initial participation in Amendment 42 to those vessels that reported landings to SRHS at any point in time from 2011 through the published control date of December 31, 2015. Our understanding is that there are approximately 71 vessels that meet that description. Vessels that started reporting to SRHS in 2016 do not have landings history prior to the control date that could be considered in the various allocation alternatives, and so would presumably have no quotas at the outset of the program. At the same time, allowing vessels that did report landings to SRHS at some point in the recent past should be afforded the opportunity to participate in the Amendment 42 program if they choose to do so.

Allocation of Quotas to the Amendment 42 Program

The percentage of the for-hire recreational sector quotas that will be allocated to the Amendment 42 program should be determined solely by the landings history of those vessels that ultimately decide to participate in Amendment 42, and not by all reported landings to SRHS over the years. In other words, the same allocation years used in Action 5 (Allocation of ACL to the Landings History Vessel Program) should also be used in Action 7 (Initial Apportionment of Shares). To the extent that the Council adopts an opt-out provision that would allow any vessel eligible for Amendment 42 to opt out prior to the effective date, any landings history associated with vessels that opt-out should be excluded from the total quotas apportioned to the Amendment 42 program.

IFQ vs. PFQ Program

We continue to believe that the Council should select and IFQ program (Action 1, Alternative 2) and move the PFQ alternative (Action 1, Alternative 3) to the “considered but rejected” portion of Amendment 42. The PFQ alternative dispenses with the ability to transfer shares and annual allocations in various quantities, which would erect a barrier to maximizing efficient use of fishing privileges for no perceptible management benefit. In developing Amendment 42, we are looking for maximum flexibility. An IFQ program achieves that, and this IFQ program can and should be set up to keep quotas within the headboat fishery.

Referendum for Amendment 42

The referendum for Amendment 42 should be limited to those approximately 71 vessels (specifically, the owners of the for-hire permits on those vessels) that are eligible to participate in the program. Expanding the referendum to anyone else who would not be regulated by Amendment 42 makes no sense, and would be inconsistent with MSA requirements as NOAA General Counsel has already determined. However, it must be made abundantly clear that voting “yes” in the referendum does not lock-in a vessel to participating in Amendment 42 if there is an opt-out provision. Any vessel could still choose to opt out of the program after the referendum.

New Entrants

We strongly support a pathway for new entrants to participate in the Amendment 42 program in the future after initial implementation. At least for the first few years after implementation of Amendment 42, any person with a for-hire permit who commits to operating a headboat as a headboat (e.g., charging primarily by the head), reporting to SRHS and complying with other monitoring requirements for Amendment 42 vessels should be eligible to acquire an endorsement or headboat permit in the future. Acquiring such an endorsement or headboat permit would then authorize the holder to acquire shares or annual allocation from existing participants in the program. Even more flexibility as to new entry or quota usage and transferability could be adopted in the future.

Moving Forward with Amendment 42

The Council has made tremendous progress in developing Amendment 42 over the past year and a half. We strongly urge the Council to keep moving forward with Amendment 42. Some have suggested delaying Amendment 42 to coincide with Amendment 41 or combining the two amendments together. Taking such action would be a grave mistake in our view. There is no reason to hold back Amendment 42 and delaying needed relief for headboats just because there might be some additional issues to work out in Amendment 41. In addition, since the vessels eligible for participating in Amendment 42 have documented catch history while charter boats do not, there are very good reasons for regulating these differently situated vessels under different amendments that by necessity use different allocation criteria. The two amendments should remain separate and move forward on separate tracks.

Thank you for considering our views.

Sincerely,

Randy and Susan Boggs

January 25, 2016

Mr. Kevin Anson, Chair
Gulf of Mexico Fishery Management Council
2203 North Lois Ave.
Tampa, FL 33607

Re: Draft Amendment 42 (Recreational Management for Headboat Survey Vessels)

Dear Mr. Anson:

We are encouraged with the Council's development of Amendment 42 to the Reef Fish FMP, which would implement a new approach for managing headboat fishing in the Gulf of Mexico. As participants in the Gulf Headboat Collaborative pilot program, we saw first hand that there is a better way to manage headboats that improves economic stability, reduces discards, and increases access for recreational anglers. We want to realize these benefits going forward and urge the Council to move forward on Amendment 42 as expeditiously as possible.

After reviewing the January 2016 draft of Amendment 42, we have a number of suggestions based on our experience managing and fishing in the Gulf Headboat Collaborative and our long history as headboat operators reporting to the Southeast Region Headboat Survey ("SRHS").

Program Structure and Transferability of Quota Shares

We support individualized allocations instead of a cooperative structure for Amendment 42. While a cooperative structure worked for the Gulf Headboat Collaborative pilot program, managing it took extensive time and resources and extending that structure to the rest of the headboat fleet may not be feasible. Individualized allocations would achieve the same benefits but with more efficiency and without the need for cooperative management. Looking ahead, nothing would prevent individual headboat operators from pooling individual allocations and forming cooperatives of their own, if that is how they want to operate.

To maximize flexibility and efficiency, quota shares and annual allocation should be fully divisible (disconnected from the vessel permit and able to be transferred in any quantity) and transferable within the universe of vessels currently participating in the SRHS.

Currently there are 68 vessels with federal for-hire permits that participate in the SRHS. Going forward, at least for some initial period of time after implementation of Amendment 42, holding one of those 68 permits should be required to participate in the Amendment 42 headboat fishery, to hold headboat quota shares, and to utilize headboat annual allocation. The 68 SRHS vessel permits would continue to be freely transferable, however, so that any new entrant could acquire one of those permits to engage in the headboat fishery and, once acquired, could accumulate quota shares or annual allocation from one of the other permit holders. Continuing to report to the SRHS should be a requirement for holding one of the 68 SRHS permits.

The Council could decide in the future whether to continue this structure or to broaden transferability options. At least for the first few years of the program, however, an incremental approach that limits the program to the current universe of permits tied to vessels that report to SRHS is preferable. This will minimize disruption while operators gain experience with the new system.

Quota transferability provides a number of benefits. By being able to acquire a desired quantity of quota shares, headboat operators can better plan their future operations and increase business stability. A permit holder wishing to buy or sell shares will have more operational flexibility if the shares are divisible without having to buy or sell all of them in a single lot along with a permit. This is why we strongly reject the permit fishing quota alternative.

As for annual allocations, if a vessel breaks down or an operator will not be able to utilize its allocation for some other reason, transferability helps ensure that allocation is not wasted but can be used to take anglers fishing. Our experience with the Gulf Headboat Collaborative pilot program showed us how transferability can keep headboats fishing year-round. Transferability also helps prevent overages and reduce discards. A major purpose of this type of program is to increase stability for headboat operators. In turn, this benefits their recreational angler customers and means fewer fish are wasted. These goals are best achieved without tying operators' hands through cumbersome restrictions on transferability of shares and allocation. The Council could enact measures to ensure that operators do not acquire an excessive share.

The program structure and transferability rules described above could be added into the document for consideration with minor revisions to Action B2 (Transferability of Shares) and corresponding additions to other sections. Specifically, we recommend adding a new alternative to Action B2 that would require a SRHS vessel permit (i.e., one of the reef fish charter/headboat permits tied to a vessel that currently reports to SRHS) to receive shares through transfer.

Initial Allocations

Because SRHS vessels have such good historical landings data, we support basing an initial allocation on catch history over some period of time. However, the range of allocation alternatives currently in the draft document would only consider catch history going back to 2011. Section 303a(c)(5) of the MSA requires that allocations consider both current and historical harvests. Thus, to ensure that the Council is considering an appropriate range of alternatives, we suggest adding alternatives that would also consider allocations based (in some part) on earlier years. For example, in Amendment 40 the Council considered landings going back to 1986, and ultimately selected an alternative that factored in those historical landings but that also placed greater weight on more recent landings. Amendment 42 should contain a similar range of allocation alternatives.

Species to Include

Amendment 42 should cover reef fish species for which there are recreational sector allocations (red snapper, gag, red grouper, grey triggerfish, and amberjack). The quality of SRHS vessel

landings data would permit individual allocations for all these species and we see no reason to exclude any of them.

Thank you for considering our comments. We look forward to working with the Council in developing this important amendment.

Sincerely,

Randy and Susan Boggs
Reel Surprise Charters
Managers, Gulf Headboat Collaborative



Kevin Anson, Chairman

January 24, 2016

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 Orange Beach, Alabama this week.

Amendment 36 (Red Snapper IFQ Modifications)

- **We believe that many of the potential actions in this Amendment 36 scoping document will impose undue economic and social harm on commercial reef fish fishermen and therefore we must oppose most of these items.** Restrictions on program eligibility, caps on allocation and share holdings, restrictions on share and allocation transfer, forced divestment and mandated redistribution of future allocation gains run counter to the goals of the individual fishing quota (IFQ) program and the results of the Five Year Review. These complicated and controversial proposals often result in actions that do more harm than good, frequently hurting more individuals than expected, especially a full decade into a successful and relatively stable management program. We urge the Gulf Council to consider whether these “solutions” really solve the intended “problem” at hand (and whether such a problem actually exists), and to articulate the unintended/intended consequences of these disruptive proposals.
- **If Amendment 36 moves forward, we could support inclusion of actions to improve enforcement of IFQ species (Action 7) and to close and redistribute accounts that have never been activated (Action 5), and strongly suggest additional Reef Fish Advisory Panel (AP) input on these actions.** We would recommend that in order to truly address regulatory discards, any redistributed allocation be put to use by industry-funded Quota Banks that promote conservation and accountability and are built around a specific goal of reducing red snapper regulatory discards in the Gulf of Mexico. These two proposed measures align with the goals of the IFQ program and the Five Year Review, as well as improve enforceability of management actions, promote conservation and accountability, should be simple to implement, and foster collaborative problem-solving within the industry.

Amendment 33 (Reef Fish LAPP).

- **We support the Gulf Council directing staff to proceed with the Amendment 33 document.** At this point, it's unclear whether or not an IFQ program would solve some of the problems seen with various reef fish species or that it would improve the performance of certain components of the fishery. But we do believe that the Reef Fish AP deserves the chance to review an updated document to decide whether or not to recommend moving forward and to start discussing IFQ issues like an updated list of appropriate species, allocation baselines, reporting requirements, access, leasing, monitoring, and enforcement.

Stewardship Through Leadership

www.shareholdersalliance.org

Amendment 39 (Regional Management).

- **We continue to 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 AP. The charter/for-hire fleet wants to remain under federal management and the protections it affords their businesses; they should not have this program imposed on them against their will.
- **We also support any move to eliminate the Sector Separation sunset provision, either through Amendment 39 or a separate stand-alone measure.** We believe this successful, lawful program should continue to demonstrate gains to the fishery.

Red Snapper ACT Buffer.

- **We support the continuation of the 20% buffer accountability measure (AM) as required by law.** The recreational sector has substantial sources of uncertainty, including but not limited to the thirteen factors addressed in the Gulf Council document Tab B No. 4(b). That, coupled with the fact that there has only been one year of data on the buffer effectiveness and that the second year of data predicts a recreational ACT overage, demonstrates the need to maintain this necessary provision.

Reef Fish Amendments 41 and 42.

- **We support the Gulf Council continuing to move 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.

Shrimp Permit Moratorium (Amendment 17A).

- **We support the continuation of the Gulf's shrimp permit moratorium for 10 years (Preferred Alternative 2b).** Expansion of the shrimp fleet at this time could have negative consequences in the reef fish fishery, especially with bycatch, that could jeopardize rebuilding and protection of reef fish species.

Ad Hoc Private Angler Advisory Panel AP.

- **We support the immediate development, implementation, and population of this AP.** The chance for private anglers to come together in an organized, public and transparent setting to discuss solutions for their fishery is long overdue. We've been told that there have been a series of meetings outside the Gulf Council process to discuss private angler options; however, not knowing when these meetings were happening, where they were happening, who organized them, how they came together, who was in the room, why those individuals were chosen, who chose them, what the charge was, what the goals and objectives of this group are, and what the results of these meetings are, it's not really possible to tell whether progress is being made or not. We look forward to the AP vetting these and any other legitimate ideas through a public, transparent, and accountable Gulf Council AP process.

Thank you for the opportunity to comment.

Sincerely,



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

Stewardship Through Leadership

www.shareholdersalliance.org



January 25, 2016

Mr. Kevin Anson, Chair
Gulf of Mexico Fishery Management Council
2203 North Lois Ave.
Tampa, FL 33607

Dear Mr. Anson:

Thank you for the opportunity to comment on Gulf of Mexico fisheries. Here are our comments and recommendations on recreational reef fish issues before the Council this week:

1. Simplify red snapper regional management by devoting it to the private angling component – select Alternative 2 in Action 2 as preferred.

Regional management for red snapper has been endorsed primarily by private anglers and the Gulf states. Many recreational for-hire operators across the Gulf of Mexico have voiced a preference for a Gulf-wide federal management plan, and we agree that the for-hire component should be removed from any consideration of a regional management plan. Amendment 39 provides an opportunity for states to design management measures that work best for the private anglers in each region, and we suggest that the Council consider the potential benefits of management tools like tags and angler management organizations for private anglers. These approaches could provide year-round fishing opportunities, better data on fishery performance that could reduce uncertainty buffers, and reduced risk of overages that undermine the rebuilding of red snapper.

2. Continue progress on allocation-based management plans in Amendment 41 and 42.

Amendment 42:

The Gulf Headboat Collaborative pilot program demonstrated that an allocation-based management plan for headboats can be a significant improvement over status quo. Allocated the same proportion of red snapper and gag their customers would normally catch in derby seasons, headboats participating in the pilot program:^{1,2}

¹ Abbott, J.K. (2015). The Gulf Headboat Collaborative: Preliminary Findings from Year 1. Presentation to the Gulf of Mexico Fishery Management Council. Biloxi, MS. March 31, 2015.

² NMFS Southeast Regional Office (2015). "Headboat Collaborative Pilot Program 2014 Annual Report." March 2015.

- Spread out their allocations of red snapper and gag over the year to allow year-round fishing and improved economic stability for headboat operators;
- Provided more than twice as many anglers (+100%) with opportunities to fish for red snapper and gag;
- Significantly reduced discards of red snapper and gag (by 43% and 59%, respectively);
- Successfully stayed under catch limits and facilitated superior monitoring and enforcement by using daily electronic logbooks, vessel monitoring systems, and quota transferability within the pilot program.

The headboat pilot program was a success for headboat businesses, their angler customers, and conservation. While the two year pilot expired on December 31, 2015, the Council now has an opportunity to build on this success and extend a similar management approach to all 68 Gulf of Mexico headboats participating in the Southeast Region Headboat Survey (i.e., Beaufort Survey).

We recommend that the Council **move forward Amendment 42** as quickly as possible with these features:

- Species to include: Amendment 42 should develop a multispecies allocation-based management approach, consistent with recommendations from the Council's Reef Fish Headboat Advisory Panel. At a minimum this should include the five major reef fish species for which there are recreational allocations (red snapper, red grouper, gag, greater amberjack, and gray triggerfish). These species are important to headboat businesses and their angler customers, and many are facing the same management challenges as recreational red snapper.
- Initial allocations: Headboats have reported their landings through trip-level logbooks for many years, so it will be straightforward to establish initial allocations based on their own landings histories.
- Structure: Quota shares and allocation should be distributed to individual headboat operators with for-hire reef fish permits. A cooperative structure made sense for 19 headboats in a pilot program, but going forward on larger scale individual allocations and accountability will make management and enforcement more simple, effective, and efficient.
- Transferability: Shares and allocation should be freely transferable and divisible among permitted headboats. Quota transfers allowed pilot program headboats the flexibility to reduce discards and extend fishing seasons over the year. Amendment 42 should extend these benefits to all Gulf of Mexico headboats.

Amendment 41:

The benefits demonstrated by the headboat pilot program should also be extended to the charter component of the recreational reef fish fishery. Amendment 41 lays out four goals: increased flexibility, reduced management uncertainty, improved economic conditions, and increased fishing opportunities for charter customers. These goals are critical to reversing the failure of status quo management and are the right guideposts for developing a successful management plan for the charter for-hire component.

We recommend that the Council **move forward Amendment 41** with these considerations:

- Management approach: The two fishing quota programs listed in Action 1, Alternative 2 (Individual Fishing Quota and Permit Fishing Quota) are likely to provide the most benefits to participants and the most efficient management for regulators and law enforcement. A cooperative structure is impractical given the large number of charter operators across the Gulf, and stand-alone tag management would forfeit the predictability and efficiency of individual allocations.
- Initial allocations: Given the lack of vessel-level landings history, Amendment 41 lays out several equitable means of distribution. We do not recommend one alternative over any other, but the Council should consider all of the implications of weighting allocations by estimated regional landings from prior years. Weighting allocations by estimated regional landings may result in uneven initial allocations across the Gulf, but not doing so may mean that initial allocations are less representative of recent fishing trends.
- Transferability: For any initial allocation scenario selected, quota transferability will be advantageous to rebalance fishing opportunities, extend fishing seasons, and reduce discards. The Gulf Headboat Collaborative pilot program demonstrated clear benefits of quota transferability. We recommend that Amendment 41 provide these benefits to the charter component.

We recommend that the Council reconvene the reef fish headboat and red snapper charter for-hire advisory panels before the April 2016 Council meeting to provide more detailed guidance on these management options.

3. Move forward on populating and convening the Private Angler Advisory Panel.

A federal court upheld the creation of the private angling and for-hire subsectors in the red snapper fishery. The Council should focus on improving management to benefit anglers in both. As was done in the commercial sector and is now on-going in recreational for-hire efforts, the gathering of stakeholder input and development of options should be done in an inclusive and transparent process. Closed door meetings by self-selected stakeholders cannot replace the advisory panel process. We strongly encourage the Council to move forward with a robust process to engage a wide cross-section of anglers across the Gulf in an open, inclusive and constructive advisory panel.

Thank you for considering our comments and recommendations.

Sincerely,



Robert E. Jones

Director, Gulf of Mexico Oceans Program



January 14, 2016

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: Red Snapper Recreational Management and For-Hire Electronic Reporting

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of recreational fisheries in the Gulf of Mexico. It is important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the January 2016 meeting, the Gulf Council can take significant steps to implement data collection and management systems that have the potential to more effectively meet the needs of stakeholders, while promoting sound conservation of the resource. With that in mind, we urge the Council to:

- **Remove the charter for-hire sector from Amendment 39 (Regional Management) before taking final action (Action 2, Alternative 2).** We support final approval of Amendment 39 only if this plan applies specifically and solely to the private recreational component of the red snapper fishery. This provides a means to design tailored management plans that address data needs and include strong accountability measures for each sector, which fosters conservation and maximizes flexibility.
 - **Alternative 3 in Action 2, which would give individual states the option to manage the for-hire and private angler sectors separately, is not a workable solution** for the for-hire component. It would make monitoring of the Gulf-wide recreational fishery much more difficult, and could negate plans for an electronic reporting system for the charter for-hire sector.
- **Approve the Generic Charter Electronic Logbook Amendment with the current preferred alternatives.** Requiring electronic reporting of all catch and bycatch by the for-hire fleet is an important part of an overall move towards a more accountable management system for this sector.

- **Continue to move forward with Amendments 41 and 42 to establish new management programs for the for-hire fleets** that have the potential to improve accountability, reduce discards¹, and provide more stability to these businesses.

Red Snapper Recreational Management and Accountability

The Council initiated Amendment 39 in 2012, after several years of discussing the regional management concept, to allow each Gulf state to manage aspects of the red snapper recreational fishery. The amendment may provide some benefits for private anglers, many of whom already work closely with their state managers. State-run programs under development could be specifically designed to collect data from private anglers and monitor that type of fishing. Moreover, the current plan maintains requirements for compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

However, if charter for-hire operators are included in this amendment in any way, it will nullify proposals for new management programs under development for the charter and headboat sectors. Many members of the charter for-hire industries have been working with the Council to create management and data collection plans for their sector through the ad hoc advisory panels established by the Council for this purpose. Amendments 41 and 42 propose management approaches for the charter and headboat industries that, together with a properly implemented electronic logbook program, have the potential to provide improved accountability; better catch monitoring and data on landings and discards; and more stability for these businesses. If Amendment 39 passes with the charter fleet included in any way it will render Amendments 41 and 42 null, and make implementation of the proposed charter electronic logbook amendment overly complex and thus unlikely to succeed. Therefore, **we support final approval of Amendment 39 only if Alternative 2 in Action 2 is selected as the preferred alternative.** This action removes the federally permitted for-hire boats from the amendment, and allows the Council to continue working with stakeholders to develop management strategies and data collection and monitoring programs that suit their specific and unique needs.

Alternative 3 in Action 2 of Amendment 39, which would allow each state to decide whether to manage the for-hire sector, is not a workable solution for the for-hire fleet. Having some, but not all, states manage their for-hire boats separately from the private boats for one out of a suite of reef fish would make monitoring and accountability of the catch from the entire fleet much more difficult. This would likely result in even more uncertainty associated with the catch data. It could also increase the level of management uncertainty that is the basis for the buffer between the annual catch limit and the annual catch target (ACT). In other words, there may be fewer fish available to catch if the Council were to choose Alternative 3, Action 2 as the preferred alternative. This runs counter to the goal of decreasing management uncertainty and the associated buffers.

¹ The Gulf Headboat Collaborative: Preliminary Findings from Year 1. Joshua Abbott. Arizona State University School of Sustainability. March 31, 2015. Agenda item B-5, March 2015 Gulf Council briefing book.

Additionally, this action would prevent the entire for-hire fleet from being included in a Gulf-wide electronic reporting and management system. This strikes counter to achieving one of the few goals upon which nearly all stakeholder agree: improving data. Furthermore, maintaining red snapper under federal management for the entire for-hire fleet sustains continuity of management for the entire reef fish complex. This makes more sense since the for-hire reef fish permit requirements apply to other reef fish species besides red snapper.

If the charter for-hire fleet is included in Amendment 39, we cannot support final approval.

If that is the case, we urge the Council to vote it down, and to develop alternative management strategies that can better meet the unique needs of private anglers, in partnership with members of that sector and other stakeholders.

We further encourage the Council to continue developing Amendment 41 for charter vessels and Amendment 42 for headboats with industry input and support. Implementing strategies for the separate components of the recreational fishery has the potential to more effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

Approve Electronic Logbooks for the For-Hire Fishery

We support approval of the generic plan amendment modifying charter and headboat reporting requirements with all of the current preferred alternatives. This action would require all federally permitted for-hire vessels to submit trip and catch information electronically prior to returning to the dock. “Trip level” reporting offers the most accurate and timely application of electronic logbooks, as it reduces “recall bias”² and provides for a strong validation component of the data program. Law enforcement officers and biological samplers can effectively check the electronic logbook data for each trip to ensure accuracy. A well-designed electronic logbook program, coupled with management strategies under development in Amendments 41 and 42, can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by charter vessels and headboats, not just red snapper. Specifically, the data obtained through the electronic reporting program may:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded fish in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans offered in Amendments 41 and 42.

² Recall bias is the amount of error or uncertainty to an event relative to the gap in time in reporting that event.

- Increase user confidence in the data and management.

However, many practical details remain undefined. We urge the council and staff to continue working with NOAA Fisheries staff and other technical experts, as well as representatives from the for-hire industry and other stakeholders, to develop data elements and protocols that will ensure this system works well to monitor and manage the for-hire fishery.

Conclusion

We urge the Council to remove the charter for-hire sector from Amendment 39 before taking final action, and to continue developing Amendments 41 and 42. In addition, we encourage adoption of the generic plan amendment requiring electronic logbook reporting for the for-hire industry with the current preferred alternatives. Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,



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



October 7 2015

Dear Chairman Anson and Gulf Council members:

We, the Charter Fisherman's Association, thanks the Gulf Council for joining our fishermen in Galveston and hope everyone has enjoyed their time in the great state of Texas. We appreciate many of you joining us at the Fishermen's Social with the Lighthouse Charity Team as well.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations for the Council's consideration:

Amendment 39

The federally permitted charter fleet has made it abundantly clear that **we want to be excluded from Amendment 39 and see it proceed as a vehicle specifically for private anglers**. So Action 2, Alternative 2 is the only path we support moving forward.

Considering the issues between jurisdiction of state and federal waters, there's a law enforcement hurdle. By adding in season closures for federal or state waters it only further complicates the amendment when federally permitted charterboats are included. By removing the CFH fleet, the amendment, Amendment 39 becomes a much simpler and more feasible Amendment. The charter industry has reached out across state lines to develop a Gulf-wide vision for management that would give us more business stability, flexibility for our customers, and accountability for the resource – to lump us into a state based management scheme would make this progress impossible.

Amendments 41 and Amendment 42

We look forward to working with the council in January with the feedback from scoping meetings over the next few weeks to continue developing those Amendments respectfully with the council.

Gag Grouper

We would like to see Gag Grouper season go to a June 1 opening and 24 inch size limit

Gray Triggerfish

Based on on the water professional experience, triggerfish are very abundant and that really conflicts with the current model. We request a new benchmark assessment for gray triggerfish be

a priority. This would allow for an overhaul of the current model to take into account sargassum coverage, year to year recruitment trends and allow for more accurate forecasting when setting the parameters fishermen will be fishing under.

Electronic Logbooks

This tool is a critically important part of providing data for managers and developing more accountable management measures. If properly implemented, and paired with proper management it should lead to reduced management uncertainty and to harvest of fish that are currently held back in the buffer. We are ready to move forward with ELB development and ask the council and NOAA to accelerate this improvement for the federally permitted charter fleet.

Sincerely,



Shane Cantrell, Executive Director
Charter Fisherman's Association
512-639-9188
shane.Cantrell@iCloud.com



October 2, 2015

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: Red Snapper Regional Management, For-Hire Electronic Reporting, Gag Management and Gray Triggerfish Rebuilding

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of key fisheries in the Gulf of Mexico. It's important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the October 2015 meeting, the Council has the opportunity to create management systems suitable to the needs of the red snapper recreational fishery while promoting conservation of the resource. Additionally, important decisions are needed to complete the for-hire electronic reporting requirements and monitoring program. Lastly, it is imperative that the Council set the stage for recovery of gag and gray triggerfish – two of the most important and popular species in the Gulf of Mexico. The main points on these specific issues are summarized below, followed by additional details.

Recreational Management and Accountability

- In Amendment 39, we urge adoption of Alternative 2 in Action 2 to apply the regional management plan to the private recreational component only. Removing the federally permitted for-hire vessels from the plan fosters conservation and maximizes flexibility for each component by providing a means to design tailored management plans that build in data needs and strong accountability measures.
- We encourage moving forward on the electronic reporting amendment for the for-hire fleet, in conjunction with Amendments 41 and 42. However, some key issues remain to be addressed on the electronic logbook amendment, which we detail below.

Sustainability and Recovery of Popular and Important Species

- For final action on gag management, we support **increasing the recreational size limit to 24 inches** (Alternative 2 in Action 1) and **extending the recreational fishing season through December** (Preferred Alternative 2 in Action 3). Additionally, we support **initiating a framework action to evaluate the effect of increasing the commercial minimum size limit for gag**.

- The new gray triggerfish benchmark assessment indicates the population is still severely overfished, and won't meet the 2017 rebuilding target. The Council should **initiate a new rebuilding plan with conservative catch levels** as soon as possible.

Red Snapper Recreational Management and Accountability

Management of the red snapper recreational fishery is once again at a crossroads. The Council is developing programs specific to the for-hire fishery while simultaneously finalizing a regional management plan that also includes the for-hire vessels. The best means to design management to benefit both components of the recreational fishery and the resource is to adopt regional management (Amendment 39) for the private recreational fishery and to continue developing Amendments 41 and 42 for the for-hire component. Implementing strategies for the separate components of the recreational fishery has the potential to effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

The Council's proposed electronic logbook (ELB) program for the Gulf's for-hire fleet will complement Amendments 41 and 42, which are aimed at providing maximum flexibility and also accountability for the for-hire fleet. Similarly, data collection programs under development at the state level should support regional management of the private recreational fishery. Amendment 39 offers more flexible management for the private recreational fishery, while maintaining accountability by ensuring the conservation requirements of the MSA remain in place and taking advantage of these state-based data collection programs. Therefore, to best promote conservation, accountability, and flexibility for both recreational components of the red snapper fishery, we **strongly urge the Council to remove the federal for-hire vessels from the regional management plan by adopting Alternative 2 in Action 2 of Amendment 39 as the preferred alternative**. Also, working with the industry participants, we **encourage the Council to continue developing Amendments 41 and 42 in conjunction with the ELB amendment**.

Implementing Electronic Logbooks for the For-Hire Fishery

We are pleased with the progress made to date on developing an electronic reporting and monitoring program for federally permitted for-hire vessels in the Gulf of Mexico. Based on our observations and communications, industry leaders and participants strongly support ELB. We support the Council's preferred actions in the electronic reporting amendment on trip level reporting and using "NMFS-approved electronic devices" to track fishing effort and location. To achieve implementation in 2017, the Council must address several key issues.

At the August 2015 meeting, the Council approved a motion that addressed many of these issues and asked the technical subcommittee for details of the program. Hopefully, this process is well under way. However, to facilitate moving this amendment forward, the Council should discuss and resolve the issues listed below at the October meeting:

- 1. Specify how data at the trip level for charter and headboats is to be used to determine whether catch estimates for federally managed species should be produced daily, weekly, or within some other time frame.**
- 2. Specify what “NMFS approved hardware and software” will be allowed and used in the ELB program.**
- 3. Specify what “NMFS approved electronic devices” are to be allowed and used in the ELB program.**
- 4. Determine what agency or entity will be the lead on designing and implementing the program and the intended use of the data.**
- 5. After resolving the above issues, develop detailed cost estimates and resource needs for implementing the ELB program in the Gulf.**
- 6. Determine potential available funding sources according to program needs.**

Addressing these issues should be instructive for development of the ELB program and beneficial to the technical subcommittee as they develop the data protocols and standards reference document. These are also questions that are likely to be asked by the fishermen who would be subject to any new requirements.

While developing the ELB amendment, it's important to recall the importance and benefits of an electronic monitoring and reporting program. A well-designed ELB program coupled with management strategies such as those under development in Amendments 41 and 42 can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by the federal for-hire fleet, not just red snapper. Specifically, the data obtained through the ELB program offers many benefits that will:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded catch in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans.
- Increase user confidence in the data and management.

A successfully designed program requires balancing the tradeoffs of data needs with associated costs and constraints. Additionally, industry support and compliance is crucial for a successful

program. Therefore, it is imperative that the details of the program be addressed and documented as soon as possible and that the Council sends a strong message to the for-hire industry by showing full support for development and expedient adoption of the ELB amendment.

Designing Gag Management for Full Recovery

The 2014 gag stock assessment (SEDAR 33)¹ indicated the population is no longer overfished nor undergoing overfishing. However, more recent data analyzed by the Southeast Fisheries Science Center and reviewed by the Council in June indicates that the population and fishery indicators are trending downward.² These trends are consistent with fishermen testimony that the assessment was overly optimistic. In fact, both the commercial and recreational fisheries have not been catching their quotas in recent years, an indication that the population may be in trouble. For these reasons, the Council opted to maintain catch limits at current levels rather than increasing them, an action we support.

With an assessment update scheduled to be available in early 2017, it is likely that the outcome will not be as favorable, given the current indicator trajectories. This in turn could lead to future restrictions. Management measures should be focused on maintaining fishery stability and population sustainability. Substantially increasing the length of the recreational fishing season now may jeopardize the health of the population at a time when there is high uncertainty about the condition of the population. Current catch monitoring programs do not allow rapid management action should the quotas be met or exceeded during the season, which could be exacerbated by substantially extending the recreational fishing season. Thus, we do not believe that alternatives 3 or 4, which would remove the January through June gag seasonal closure, are prudent options at this time.

However, increasing the size limit improves the spawning potential by allowing a higher percentage of larger females to reproduce before they enter the fishery without a significant increase in discard mortality. Therefore, **we support finalizing the gag Framework Action with the Council's current preferred alternatives, which would increase the recreational minimum size limit to 24 inches, and include a modest extension of the end date for the recreational season from December 3 to December 31, when catch rates are low.** Together, these two actions should provide a biological boost for the population while providing some additional fishing opportunity. This is particularly true for anglers in South Florida where gag are more accessible during this time of year. In addition, **we also support initiating a framework action to evaluate increasing the commercial minimum size limit to 24 inches as recommended by the Reef Fish Advisory Panel.**

¹ 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.

² 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.

Gray Triggerfish Rebuilding

The newly completed standard assessment for gray triggerfish (SEDAR 43)³ indicates that the population is still severely overfished with no sign of recovery. Hence, the rebuilding target of 2017 will not be met. As suggested by the Scientific and Statistical Committee (SSC)⁴, the Council should initiate a new rebuilding plan as soon as possible designed to provide biological improvement for the population. Unfortunately, catch level projections produced by the assessment are unreliably high and were rejected by the SSC. In fact, current catch levels haven't allowed full recovery of the population. Thus, new catch levels should be more conservative than current levels, and should be coupled with management measures such as properly timed closed seasons that take the biological needs of the species into account.

Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,



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

³ Tab 6, SSC September 2015 Briefing Book. SEDAR 43, Standard Stock Assessment Report for Gulf of Mexico Gray Triggerfish. August 2015. SEDAR, North Charleston, SC.

⁴ Tab B - 4, October 2015 Gulf Council Briefing Book. Standing and Special Reef Fish SSC Meeting Summary. Tampa, Florida. September 1-2, 2015.



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).

Stewardship Through Leadership

www.shareholdersalliance.org

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

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, flowing style.

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