



Ocean Conservancy



January 29, 2017

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

RE: Joint Written Comments from Ocean Conservancy and Natural Resources Defense Council on Agenda Items at the January, 2017 Gulf of Mexico Fishery Management Council Meeting in New Orleans, Louisiana

Dear Ms. Bosarge:

Ocean Conservancy¹ and the Natural Resources Defense Council² (NRDC) are writing to provide comments on two issues that will arise during committee and Council discussion at next week's Gulf of Mexico Fishery Management Council (GMFMC, Council) meeting in New Orleans, Louisiana. Our specific comments can be summarized as follows:

- **Generic Amendment to Require Electronic Logbooks (ELBs) for the Charter-For-Hire Fishery:** The Council should [approve the amendment with the current preferred alternatives and send it to the Secretary of Commerce for implementation](#). We applaud the Council's hard work on this amendment over the past years and months, and we look forward to

¹ Ocean Conservancy is a non-profit organization that 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 NRDC works to safeguard the earth—its people, its plants and animals, and the natural systems on which all life depends. We combine the power of more than two million members and online activists with the expertise of some 500 scientists, lawyers, and policy advocates across the globe to ensure the rights of all people to the air, the water, and the wild.

seeing the conservation benefits on the water as the charter-for-hire fishery gains much needed accountability through accurate and timely catch reporting.

- **Reef Fish Amendment 44: Update Minimum Stock Size Thresholds (MSSTs) for Red Snapper and Stocks with Low Natural Mortality:** The Council needs to take an approach that is scientifically appropriate for Gulf of Mexico stocks with respect to setting MSSTs. We urge the Council to select Alternative 2 as preferred OR including and selecting as preferred a new alternative in the document that would set the MSST default at $.85 B_{MSY}$. The existing $(1-M) \cdot B_{MSY}$ formula works well for Gulf stocks as it accommodates their diverse biology by directly accounting for natural mortality, and should be applied to all reef stocks uniformly. As an alternative, a $0.85 \cdot B_{MSY}$ option is a closer proxy to incorporating the biological needs of Gulf reef fish stocks than the other proposed alternatives. Setting MSST to $0.85 \cdot B_{MSY}$ will achieve the desired objective of establishing a default calculation while also staying on the side of caution in ensuring that rebuilding stays on track in the face of scientific and on-the-water uncertainty.

These points are discussed in greater detail in the sections below. As always, we appreciate the opportunity to provide comment to the Council on these and other important fisheries issues.

- **Generic Amendment to Require Electronic Logbooks for the Charter-For-Hire Fishery – Council should approve the amendment with the current preferred alternatives and send it to the Secretary of Commerce for implementation.**

Electronic Logbook reporting for the charter for-hire fishery was a recommendation of the first National Academy of Sciences review of marine recreational fishery surveys conducted in 2006.³ A similar recommendation — specifically, that MRIP should use electronic logbooks for the for-hire sector — was again made in the 2016 review of MRIP by the NAS.⁴ For years, the need for ELBs has been acknowledged, and this amendment will finally close the gap.

As written, this amendment creates the necessary framework for NMFS to create a program without being too prescriptive so as to limit its development by codifying specific scientific needs. This allows NMFS and partner agencies to develop an ELB program largely unfettered and unencumbered by regulatory language that could inadvertently reduce the efficacy of an electronic reporting method.

Dwindling seasons and mounting frustrations with access to the recreational fishery have pushed fishermen to increasingly turn to twenty-first century technologies to solve data problems. Using lessons learned and technologies successfully applied in the Gulf's commercial fishery, numerous pilot programs have attempted to apply electronic technologies to collect catch and effort data in the federally permitted charter for-hire fishery since 2010.

Although numerous reports⁵ have extolled electronic reporting as a tool for addressing monitoring gaps in the recreational fishery, these techniques have yet to take root as a means to monitor recreational fishery data in any meaningful way. These reports make clear that simple technology exists that can record, store and transmit catch and effort data in a more efficient and timely manner when compared to existing recreational fishery monitoring programs.

³ National Research Council. 2006. Review of recreational fisheries survey methods. Committee on the Review of Recreational Fisheries Survey Methods, National Research Council. The National Academies Press. 187p.

⁴ The National Academies of Sciences, Engineering, and Medicine. 2016. Review of the Marine Recreational Information Program (MRIP). Washington, DC: The National Academies Press. doi: 10.17226/24640.

⁵ NOAA. 2013. Electronic Monitoring White Papers. NOAA Fisheries Office of Policy & Electronic Monitoring Working Group. Available at: www.nmfs.noaa.gov/sfa/reg_svcs/Councils/ccc_2013/K_NMFS_EM_WhitePapers.pdf.

The Council has the opportunity to improve existing data collection programs in a way that supports both the long-term sustainability of the fishery resource and the economic viability of charter for-hire sector

Given the clear need for timely data to support proactive management practices and strong stakeholder support to improve data collection through electronic reporting, we urge the Council to approve this amendment and send it to the Secretary of Commerce for implementation.

- **Reef Fish Amendment 44: Update Minimum Stock Size Thresholds for Red Snapper and Stocks with Low Natural Mortality – Council should either select the status quo alternative as preferred or include and select as preferred a new alternative in the document that would set the MSST default at $0.85 \cdot B_{MSY}$**

We strongly urge the Council to select Alternative 2 for MSSTs which would keep the $(1-M) \cdot B_{MSY}$ formulation in place and apply it uniformly to all reef fish stocks. This methodology explicitly accounts for the natural mortality of the stock, allowing MSSTs to be developed that reflect the biological diversity of the fish populations in the Gulf. Analysis by the Southeast Fisheries Science Center (SEFSC) has shown that the current formulation does not unnecessarily trigger rebuilding plans, as natural variability in biomass is unlikely to push stocks below the $(1-M) \cdot B_{MSY}$ threshold. Further, best practice would suggest that default values for stocks with unknown MSSTs should reflect the biology of individual stocks in the Gulf.

That said, if the Council refuses to maintain the status quo we strongly urge including a $0.85 \cdot B_{MSY}$ alternative, as this better reflects the average of natural mortality of stocks in the Gulf than the other alternatives under consideration, and would therefore be a more appropriate option. An alternative that uses $0.85 \cdot B_{MSY}$ as the default will provide many stocks with an increased buffer to avoid declaring a stock overfished due to natural fluctuations (even though the probability is already low) while applying a default value that reflects the natural mortality of stocks in the Gulf.

The use of natural mortality is a good proxy to account for a stock's natural fluctuations in abundance. For example, long lived reef fish stocks, such as yellowedge grouper, naturally fluctuate far less than shorter lived species that are prey for a number of species and sensitive to environmental change, such as menhaden. Analysis by both the SEFSC and the Council's Scientific and Statistical Committee (SSC) suggests lowering the MSST proxy for reef fish species is not needed as the stocks analyzed are not expected to naturally fluctuate to an overfished state.

Despite this, most of the alternatives included in the amendment would result in considerable increases in the default level to which a stock can be fished down before being declared overfished. Should MSSTs be set at these levels, rebuilding plans to recover these stocks would necessarily be more draconian and cause additional and avoidable pain to fishermen. Therefore, default rules such as those proposed in Alternatives 3, 4, and 5 are not needed and are fundamentally too risky.

In order to maintain consistent catch levels and to prevent severe reductions due to extended rebuilding plans, we suggest including a $0.85 \cdot B_{MSY}$ alternative that captures the natural mortality of stocks in the Gulf of Mexico, rather than some arbitrarily lower MSST default.

A default value of as $0.85 \cdot B_{MSY}$ (with exceptions for stocks with high natural mortality (M), such as greater amberjack, gray triggerfish, and vermilion snapper) will allow the Council to fulfill its rebuilding obligations under the Magnuson-Stevens Act and will provide an increased buffer between the MSST and B_{MSY} for many stocks, without resulting in unnecessary impacts to other reef fish species. See Table 1, attached.

We would also like to note that the SEFSC recently performed an analysis of the time it would take stocks to recover to B_{MSY} in compliance with the MSA, and found that all stocks in the Gulf could *theoretically* rebuild in 10 years or less. However, *practically*, there is a strong likelihood that recovery times will be much longer, as there is considerable scientific and technical uncertainty in the estimates

of minimum rebuilding time (T_{MIN}). Further, due to the mixed nature of the Gulf reef fish fishery, fishing mortality can never be zero for any species due to bycatch.

Additionally, we encourage the Council to consider applying best practice management techniques to prevent stocks from reaching overfished states and triggering the requirements for rebuilding plans. Specifically, catch specification rules that lower fishing levels gradually as population size decreases have been successful at halting the decline of stocks before the problem requires more dramatic management measures. These rules, typically called 40-10 rules, are currently and actively used by the Pacific Fishery Management Council. Implementing this best practice would provide improved stability to catch advice.

40-10 rules apply extra precaution as the stock approaches MSST thresholds, and more closely reflects the allowable biological catch (ABC) when the stock is healthy (See Figure 1 below for an illustration of the 40-10 rule.)

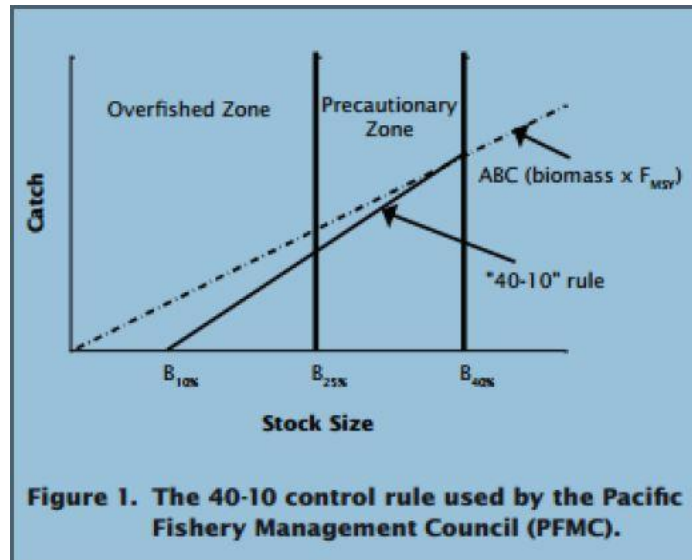


Figure 1. The 40-10 control rule used by the Pacific Fishery Management Council (PFMC).

Because of the built-in extra precaution near the overfished reference point, less draconian catch reductions are needed to rebuild the stock to B_{MSY} or proxy. In the case of the Pacific Fishery Management Council, the gradual reduction of catch occurs at 40% B_{MSY} ⁶ (the “40”), and there is a cut-off for fishing effort should the stock reach 10% B_{MSY} (the “10”). A similar type of rule can be implemented using Spawning Potential Ratio (SPR) reference points and, if implemented correctly, should ensure the stock never requires a rebuilding plan, as MSST becomes increasingly difficult to reach.

Finally, we remind the Council that while the MSA requires science based sustainable catch levels and to achieve optimum yield on an ongoing basis, MSST is meant to act as an insurance policy around implementing drastic remedial catch reductions for the sake of rebuilding the stock in a timely manner.

⁶ Better understood as B_{zero} (B_0), which is the level of unfished biomass for the stock. 40% of B_0 is the proxy used for B_{MSY} by the Pacific Council for most groundfish stocks, and 25% of B_0 is the typical MSST.

Feel free to contact the undersigned with any comments or questions.

Best Regards,



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Attachment: *Table 1: Percentage Change in the size of buffer from B_{MSY}*

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Table 1: Percent change in the size of the buffer between Bmsy (or proxy) and the MSST							
		Alt 2	Alt. 3	Alt. 4	Alt. 5	Proposed	Proposed
	Natural Mortality (M)	Current formulation $(1-M * Bmsy) * 100$ for all	75% Bmsy OR $(1-M) * Bmsy$ - whichever is larger	75% Bmsy for all	50% Bmsy for all	85% Bmsy	85% Bmsy OR $(1-M) * Bmsy$ - whichever is larger
Mutton snapper	0.11	89	127%	127%	355%	36%	36%
Red snapper	0.09	91	165%	165%	430%	59%	59%
Vermilion snapper	0.25	75	0%	0%	100%	-40%	0%
Yellowedge grouper	0.07	93	242%	242%	585%	105%	105%
Goliath grouper	0.12	88	108%	108%	317%	25%	25%
Red grouper	0.14	86	79%	79%	257%	7%	7%
Black grouper	0.14	86	84%	84%	268%	10%	10%
Gag grouper	0.13	87	87%	87%	273%	12%	12%
Tilefish	0.13	87	92%	92%	285%	15%	15%
Greater Amberjack	0.28	72	0%	-11%	79%	-46%	0%
Gray Triggerfish	0.27	73	0%	-7%	85%	-44%	0%