

Timestamp	Enter your full name	email address	Comments	City, State, Zip Code
8/2/2012 8:25:58	Captain Thomas Brent Casey	bcasey170@gmail.com	I am a Charter for Hire Captain and I am urging the Council to move forward in making a separate management for us so we can insure the public the right to enjoy fishing. We live in the Land of the Free and not everyone can afford a boat to enjoy the Gulf. We as Charter for Hire offer a way and means for the public. If you believe in FREEDOM then make it possible for everyone's rights. Captain Brent Casey DeepBlue Scuba-Charters	Rockport, Texas, 78382
8/10/2012 13:35:26	William Massie	billmass@cableone.net	I am totally against sector separation! The Pittamn-Roberts Act pays for much of the conservation of fishing and recreational sportsmen pay most of the bills through taxes everytime a purchase is made. These Charter guys are in business and their clients deserve no more rights than the folks really paying the bills. We spend a small fortune to fish these days and if there is a sector speparation in the need of conservation, then let the occasional paying client take the reductiion. Otherwise limits should stay equal. Spending \$50,000+ to get setup to fish and \$3-500 a weekend fishing out of pocket will create a differnet prepective.	Gulfport, MS 39503

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March 28, 2012

Chairman Bob Gill
Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue, Suite 1100
Tampa, FL 33607

RE: Generic Amendment - Modifications to Federally-Permitted Seafood Dealer Reporting Requirements

Dear Chairman Gill,

Ocean Conservancy¹ appreciates this opportunity to provide comments to the scoping document for the **Generic Amendment - Modifications to Federally-Permitted Seafood Dealer Reporting Requirements**. We are encouraged to see the Gulf of Mexico Fishery Management Council (GMFMC) and the National Marine Fisheries Service (NMFS) pursuing technological innovation for timelier commercial fishery data reporting. Timely data is essential for commercial fisheries management, especially for those species with individual fishing quotas (IFQ) and low annual catch limits (ACL). It is essential that fisheries do not exceed their respective ACLs in order to facilitate sustainable fisheries and promote rebuilding for those species designated as overfished and/or undergoing overfishing.

The scoping process is a critical step in development of the Generic Amendment to Federally-Permitted Seafood Dealer Reporting Requirements. We appreciate the effort to elicit public comment and ensure that all appropriate issues relating to dealer reporting are identified early in the process, are properly studied and addressed. While we understand the specified options and alternatives described in the scoping document² presented at the February 1, 2012 GMFMC meeting may change during this process, the preferred options and alternatives we support are discussed in the following document. We urge you to consider a full range of alternatives in the draft generic amendment to allow for development of a thorough and balanced generic amendment that achieves full implementation.

SUMMARY OF RECOMMENDATIONS:

In summary, we recommend the amendment:

- establish permitting requirements to streamline the reporting process, reduce redundant tasks and increase dealer accountability

¹ Ocean Conservancy is a non-profit organization with over 150,000 members committed to protecting ocean environments and conserving the global abundance and diversity of marine life. Through science-based advocacy, research and public education, Ocean Conservancy informs, inspires and empowers people to speak and act for wild, healthy oceans.

² GMFMC. January 24, 2012 Briefing Book. Tab E, No. 3(a). Generic Amendment to Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions: Scoping Document. Modifications to Federally-Permitted Seafood Dealer Reporting Requirements.

- specify a reporting frequency consistent with management requirements
- select a reporting methodology which promotes the most timely data delivery
- establish strong non-compliance penalties that underscore the need for these data
- include a spectrum of enforcement measures for violations to encourage compliance

Action 1. Dealer Permits

We support Option 2b in this action. The generic amendment should establish requirements that streamline the reporting process, reduce redundancy for industry and NMFS staff and increase dealer accountability. Currently, seafood dealers must possess federal dealer permits to purchase species or species groups managed by the Gulf of Mexico and South Atlantic Fishery Management Councils.³ Consolidating these permits, as well as the federal shrimp permit, into a single universal federal dealer permit would reduce the paperwork and form redundancy burden on small business as well as the NMFS Southeast Regional Office's Constituency Services Branch. A universal permit would greatly simplify the permitting process and reduce potential dealer confusion over which permit they should possess.

Action 2. Frequency and Method of Reporting

We support Alternative 3, option 3c. Dealer report details and frequency thereof are described in 50 CFR § 622.5.⁴ Reporting methods are not specified, with the exception of Gulf of Mexico Reef Fish and South Atlantic Snapper-Grouper, though fax and US mail are acceptable means of submission.⁵ Deadlines vary depending on permit. Three permits, South Atlantic Rock Shrimp,⁶ South Atlantic Golden Crab,⁷ and Atlantic Dolphin-Wahoo⁸ require monthly reporting; whereas Gulf of Mexico Reef Fish⁹ and South Atlantic Snapper-Grouper (excluding wreckfish)¹⁰ require semi-monthly reporting. Only Gulf of Mexico Reef Fish and South Atlantic Snapper-Grouper (excluding wreckfish) dealer reports are required to be submitted electronically.¹¹ This wide range of reporting periods promotes confusion.

Reporting deadlines should be correlated with management needs. Increased reporting frequency will reduce the potential for a fishery to exceed its ACL. Standardized deadlines will increase NMFS's ability to track and account for species catch in a consistent and timely manner. Additionally, a standard deadline will reduce confusion regarding when to report, reduce paperwork burden on dealer and NMFS staff and decrease uncertainty of landings.

Method of reporting should be electronic. Electronic reporting will reduce delivery uncertainty resulting from reporting by USPS mail. Delay of dealer data can increase the chance of a fishery exceeding its ACL and risk triggering accountability measures. Electronically submitted data is reliable and easily integrated into pre-existing databases. Fax and mail are unreliable and expensive when compared to electronic methods. Electronic submission will reduce burden of data transcription, correction and data entry on NMFS staff. Further, electronic methods allow for very timely review of fishery data. Timely assessment of commercial fishery landings is a key asset to sustainable management of our fisheries.

³ 50 CFR § 622.4(a)(i).

⁴ 50 CFR § 622.5(c)(1-8).

⁵ *Id.*

⁶ 50 CFR § 622.5(c)(7)(i).

⁷ 50 CFR § 622.5(c)(6).

⁸ 50 CFR § 622.5(c)(8)(i).

⁹ 50 CFR § 622.5(c)(3)(ii).

¹⁰ 50 CFR § 622.5(c)(5)(i).

¹¹ NOAA Fisheries, Fisheries Monitoring Branch. Current Electronic Reporting Instructions: *available at* www.sefsc.noaa.gov/docs/Reporting_Instructions_Jul2011.pdf

Internet accessibility by Gulf of Mexico dealers is unknown. To ensure compliance, a grace period of no more than six months should be allowed for dealers to obtain access to electronic methods of submission. A six month grace period should allow dealers, without current internet access, the time necessary to acquire electronic capability.

Action 3. Penalties for Failure to Report

The Ocean Conservancy does not support any of the alternatives as described in the Generic Amendment to Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions: Scoping Document.¹² The penalties, as described, offer too few options and are either too harsh or too lax.

We do, however, feel strongly that the GMFMC should initiate penalties for non-compliance. There are no penalties for non-compliance and late reporting by seafood dealers in the Gulf of Mexico currently; therefore, there is little incentive for the dealer to report on time or accurately. Penalties will increase the likelihood dealers will submit timely and accurate data to NMFS. The penalty system should operate through a range of enforcement components, with increasing robustness, e.g. from a warning to a fee to suspension to permit revocation.

Dealers are required to report;¹³ however, there are no late or non-reporting penalties for any of the aforementioned permits.¹⁴ Non-reporting is detrimental to the sustainability of the fishery and ACL accountability. Increasing compliance will decrease uncertainty of commercial catch and keep fisheries within their ACL. Currently, only Gulf of Mexico Reef Fish and South Atlantic Snapper-Grouper (excluding wreckfish) are required to submit reports of non-purchase during the reporting period.¹⁵ All other permits do not have this requirement. To encourage consistency, all dealers should be required to submit records of non-purchase to NMFS for all permitted species. In Action 1 comments, we note a single permit should be issued for all federally managed species. Coinciding with that recommendation, reporting requirements and penalties should also maintain consistency.

A consistent set of reporting methods and frequency will decrease the uncertainty of fishery landings. Dealers and NMFS staff will see a reduction of paperwork with fewer forms. Further, a single reporting methodology will decrease the burden on both parties to report and input data into computer systems.

As always, we thank the Council for the opportunity to provide comments and look forward to working with the Council and NMFS in the future to ensure health and sustainable fisheries in the Gulf of Mexico.

Sincerely,



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¹² GMFMC. January 24, 2012 Briefing Book. Tab E, No. 3(a). Generic Amendment to Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions: Scoping Document. Modifications to Federally-Permitted Seafood Dealer Reporting Requirements.

¹³ 50 CFR § 622.5(c)(1-8).

¹⁴ GMFMC. January 2012 Briefing Book. Tab E, No. 3(c). Appendix C. Current Reporting Requirements. Table 1.

¹⁵ *Id.*