

Tab E, No. 9

DRAFT Letter on Advanced Notice of Proposed Rule Making on National Standards 4, 8, and 9

The Gulf of Mexico Fishery Management Council (Council) appreciates the opportunity to provide comments on the Advance Notice of Proposed Rulemaking (ANPR) for potential changes to the NMFS guidelines for National Standards (NS) 4, 8, and 9. The Council supports the review and consideration of updating these existing guidelines to address changes in environmental conditions and address equity and environmental justice considerations while still providing the Councils sufficient flexibility in the management process. The Council also supports increased resources that are necessary to support these activities at a regional level.

Below are some comments on the specific issues raised in the ANPR.

National Standard 4: The ANPR accurately notes that existing allocations have relied heavily on landings information during specific time periods. In the Southeast, the historical time series of landings, particularly for the recreational data collection programs, have been evolving and improving. This has resulted in moving baselines for several stocks with sectors allocations. Typically, once these recreational data streams are incorporated into a stock assessment, subsequent program improvements have typically shifted the commercial sector's allocations to the recreational sector. In most cases, the Council has attempted to maintain historical access by both sectors to the fisheries; however, the impacts to new commercial fishermen attempting to enter the fishery, including underserved or marginalized community members, are difficult to quantify and largely unknown. The Council urges the agency, through these initiatives, to consider minimal changes to the current data collection system that may be able to address these considerations in the future. The Council has recently embarked on modifying the commercial individual fishing quota program goals and objectives and will discuss how to operationalize these objectives in future meetings. It is expected that these changes could ease some of the barriers for new entrants or replacement commercial fishermen in these programs.

National Standard 8: The Council would like to see more explicit reasoning, information, and analysis regarding the proposal to revise the NS8 definition of "fishing community". What was the impetus that drove this change and the information behind this consideration for modification? Specifically, it would be useful if the term "engagement" was better explained, and more documentation of equal consideration for "dependence" and "engagement" was communicated. The ANPR suggests that, "One option could be for a community to increase their resilience by decreasing their dependence on one or more particular stocks or fisheries (i.e., diversifying the fisheries that can be accessed)." However, this may not be as easily accomplished, as the ANPR suggests, for particular fisheries that require being at sea for months at a time (e.g., the penaeid shrimp fishery in the Gulf), specific gear, or lengthy travel to access alternative fishery resources. Many vessels may not have the necessary permits to prosecute other fisheries, and the restrictive nature of some commercial permits serves as another barrier to the diversification of fishing practices. Lastly, while alternative fisheries may be accessible (and not forgetting the aforementioned points made), commercial markets for those fisheries may be

locally or regionally underdeveloped, making such diversification economically burdensome for those fishermen.

National Standard 9: The Council suggests during the review and consideration process of NS9 that the inclusion of “unobserved fishing mortality” as bycatch, and “assessing the efficacy of many of the management measures,” both be revisited. It is unclear whether sufficient data exist in many regions to adequately assess the effects on the amount and type of bycatch and bycatch mortality in a particular fishery. The Council continues to support best practices for releasing fish and expends substantial resources and effort working to minimize bycatch and reducing discard mortality to the extent practicable for multiple fisheries. There are several ongoing research studies that continue to inform management decisions as new research emerges.

The Council is interested in learning more regarding the section of the ANPR on “Reducing Waste: Some Fishing Management Plans (FMP) include management measures that prohibit retention of certain fish species or sizes to ensure fishermen are disincentivized from incidentally catching these fish.” The Council is cautiously supportive of this through the FMP process and looks forward to learning more about these efforts, but warns from experience that overall fishing mortality is often displaced (e.g., spatially, temporally, and/or across other species) rather than reduced. In closing, we appreciate NOAA Fisheries considering updates to these NS guidelines and we look forward to the next steps in this process.

Thank you for considering our comments.