

February 7, 2021

Peter Hood
NMFS Southeast Regional Office
263 13th Ave. South
St. Petersburg, FL 33701

RE: NOAA-NMFS-2021-0098, Gulf of Mexico Reef Fish Amendment 53, Red Grouper

Dear Mr. Hood:

Ocean Conservancy¹ offers the following comments on the Proposed Rule for Gulf of Mexico Reef Fish Amendment 53, which concerns the conservation and management of red grouper.² We urge managers to contemplate whether and how the management measures in the proposed rule will improve the stock's status.

Red grouper's stock biomass is at an all-time low. With threats of recruitment failures, uncertainty from red tide impacts and years of catch with targets set at unattainable levels, the red grouper stock is in a critically vulnerable state. Furthermore, red grouper landings are economic drivers in the Gulf — low biomass threatens market stability and puts fishing communities at a greater risk. Livelihoods are already at risk due to poor management of gag and amberjack. While the stock was declared rebuilt in 2007, more than a decade later it remains in a very precarious state and biomass is at the lowest recorded level in history.³ A lack of precaution now could result in the need for a new rebuilding plan in the future.

Ocean Conservancy does not wish to dispute allocation between sectors; however, we caution that any reallocation:

- 1) Must be based on the best scientific information available;⁴
- 2) Should rely on guidance offered through an NMFS's Allocation Review Policy (01-119) and two procedural directives (01-119-01 and 01-119-02, respectively as Appendix D and Appendix E);⁵
- 3) Should not reward a sector for past catch overages and a lack of accountability; and
- 4) Should not negatively impact the sustainability of the stock.

¹ Ocean Conservancy is working to protect the ocean from today's greatest global challenges. Together with our partners, we create science-based solutions for a healthy ocean and the wildlife and communities that depend on it.

² NOAA NMFS, Amendment 53 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), NOAA-NMFS-2021-0098, 86 Fed. Reg. 70078 (Dec. 09, 2021).

³ Sagarese, S. R. (2019). Interim Analysis for Gulf of Mexico Red Grouper.

⁴ National Standard 2, 16 U.S.C. § 1851(a)(2).

⁵ The Allocation Review Policy and two procedural directives may be accessed at <https://www.fisheries.noaa.gov/national/laws-and-policies/fisheries-management-policy-directives>.

The Southeast Data Assessment and Review (SEDAR) 61 (2019) assessment, which used updated recreational data from the Marine Recreational Information Program (MRIP) Access Point Angler Intercept Survey (APAIS) and Fishing Effort Survey (FES), represents the best scientific information available.⁶ The assessment concluded that red grouper in the Gulf is not overfished and overfishing is not occurring; however, the stock remained perilously below the spawning stock biomass (SSB) at 30% of the spawning potential ratio (SPR) in 2017.⁷ Under the previous definition of MSST, red grouper would be classified as overfished; we continue to urge extreme caution with any management actions which could result in dramatic changes to how the fishery is prosecuted, given the critically exposed state of red grouper.

Shifting allocation from one sector that maintains landings below its annual catch limit (ACL) to another which regularly exceeds its ACL will reduce overall stock health. Further, shifting allocation from one sector to another can induce a change in the overall size of landed fish and discard rates which can also cause changes in the projected quotas. Discard rates for both open and closed seasons are also likely to impact the overall OFL and thus OY. Discards are considered in stock assessments; however, discards should also be considered in management and the setting of sustainable catch limits. We encourage the Council to consider the effects of any reallocation on dead discards, how this will increase management uncertainty and thus increase the risk of overfishing. The cumulative impacts of shifting allocation, selectivity, and discard rates should be explored in a risk assessment that considers how these factors may increase uncertainty into management of a stock which has a thin margin of error preventing a rebuilding plan.

The proposed rule should not further imperil the critically low biomass of red grouper. Given the vulnerable state of red grouper, we urge the Council and NMFS to fully evaluate whether the proposed reallocation will result in greater uncertainty that could drive red grouper into an overfished state and result in a rebuilding plan.

Sincerely,

Michael Drexler, Ph.D.
Fisheries Scientist

Ivy Fredrickson
Staff Attorney

⁶ Amendment 53 at xviii, available at: https://gulfcouncil.org/wp-content/uploads/RF-AM-53-Red-Grouper_9_24_2021_Final.pdf

⁷ Amendment 53 at 5.