



June 4, 2023

Dr. Greg Stunz, Chairman
Gulf of Mexico Fishery Management Council
4107 West Spruce Street, Suite 200
Tampa, Florida 33607

Dear Chairman Stunz,

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance), please accept these comments for the June 2023 meeting of the Gulf of Mexico Fishery Management Council (Gulf Council) this week in Mobile, AL.

1. Greater Amberjack Framework Action

The Shareholders' Alliance supports Alternative 3 in Action 2 for the Draft Framework Action to Modify the Greater Amberjack Recreational Fixed Closed Season and Commercial Trip Limit.

The forthcoming Amendment 54 reduces catch of Greater Amberjack by over 80%. While we continue to oppose the sector reallocation baked into this Amendment, we acknowledge that Gulf-wide catch restrictions are needed to restore the health of this stock¹.

Current commercial trip limit regulations – 1,000 pounds gutted weight (gw) per trip with a reduction to 250 pounds gw after catch of 75% of the commercial Annual Catch Target (ACT) is harvested - will reduce season length given the new catch limits under Amendment 54². The 7 fish trip limit in Action 2 should maximize both season length and ease of compliance, while being compliant with the rebuilding requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as tracking fish in numbers on a trip is often easier for fishermen than tracking gutted weight on a trip.

We also note that this Framework Action does not address some of the greatest challenges to the health of the Greater Amberjack stock. Between 2010 and 2017 the recreational sector produced 95.4% of all dead discards in the Great Amberjack fishery³. Despite this clear waste of a fisheries resource, the Gulf Council increased the recreational sector's allocation under Amendment 54¹. Future actions by the Gulf Council should address dead discards in the recreational fishery stop reallocating catch away from the commercial sector and towards the recreational sector – an action that by NOAA's own analysis *increases* discards.⁴

¹ NOAA. March 2023. [Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 54](#)

² Gulf Council. June 2023. [Draft Framework Action to Modify the Greater Amberjack Recreational Fixed Closed Season and Commercial Trip Limit](#)

³ SEDAR 70. 2020. [Gulf of Mexico Greater Amberjack](#)

⁴ NOAA. March 2023. [Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 54](#)

2. Amendment 56 - Gag Grouper

The Shareholders' Alliance supports Alternative 2c in Action 2.

Gag grouper is overfished and experiencing overfishing and must be rebuilt⁵. However, the reallocation of quota from the commercial sector to the recreational sector does not end overfishing, maximizes dead discards, and is not “fair and equitable” policy as required by National Standard 4 in MSA. It should be discussed separately from the additional measures changes outlined in Amendment 56.

- **Reallocation does not accomplish Amendment 56's goal of ending overfishing.**

“The need for this action is to use the best scientific information available to end overfishing of Gulf gag and rebuild the stock to a level commensurate with maximum sustainable yield, consistent with the authority under the Magnuson-Stevens Act.”⁶

As stated by Gulf Council staff, the need for Amendment 56 is to end overfishing. Reallocation does not accomplish this goal. There are no differences in projected stock size or rebuilding time between Alternative 2 and Preferred Alternative 3⁶. The only difference is in the allocation of stock between commercial and recreational fishermen. The Gulf Council should leave reallocation decisions for a separate discussion.

- **Reallocation is controversial and the public deserves to discuss the topic separately from Amendment 56.**

Reallocation is controversial. This is why both NOAA Fisheries and the Gulf Council have developed distinct allocation review policies^{7,8}. By sandwiching reallocation into Amendment 56 the Gulf Council removes the public's opportunity to have a straightforward discussion of reallocation on its own merits and prevents the Gulf Council from engaging in a deliberative allocation assessment.. New data, such as that included in SEDAR 72 regarding recreational landings, should be included in management decisions, but should be de-coupled from reallocation as they are two separate issues. We continue to urge the Gulf Council to consider allocation decisions separately and in a stand-alone amendment.

- **Reallocation wastes fishery resources.**

Dead discards are wasted fish. As stated in Amendment 56, Alternative 2 and Preferred Alternative 3 display no difference in final stock health, yet Preferred Alternative 3 reduces landings limits to account for higher dead discards by the recreational sector.

“Thus, each of the options under Alternative 2 and Preferred Alternative 3 are projected to result in the same stock size at the end of the specified rebuilding timeline. The difference in total landings among Alternative 2 and Preferred Alternative 3 and the associated options results from differences in the magnitude of discards and associated discard mortality rates, and the length composition landed by each

⁵ SEDAR 72. 2021. [Gulf of Mexico Gag Grouper](#).

⁶ Gulf Council. May 2023. [Modifications to Catch Limits, Sector Allocation, and Recreational Fishing Seasons for Gulf of Mexico Gag](#)

⁷ Gulf Council. June 2022. [Allocation Review Guidelines](#)

⁸ NOAA. February 2017. [Fisheries Allocation Review Policy](#)

sector. Because Alternative 3 would allocate a greater percentage of the total ACL to the recreational sector compared to Alternative 2, a modest reduction of total allowable annual harvest is reflected in Preferred Alternative 3.⁶”

According to SEDAR 72, between 2010 and 2019 the recreational sector produced 98.7% of all dead discards in the fishery – which is over 3.3 million wasted fish⁹. By selecting Preferred Alternative 3 the Gulf Council encourages the waste of an increasingly precious resource. Alternative 2, however, minimizes dead discards and maximizes the use of this resource.

- **Reallocation is not “fair and equitable.”**

These reduced landings to accommodate high recreational discards essentially forces the commercial sector to sacrifice their own landings to subsidize the recreational sector’s discards. The allocation under Amendment 56 is thus not “fair and equitable” and is likely in violation of National Standard 4¹⁰.

The Shareholders’ Alliance supports Preferred Alternative 3 in Sub-Action 3.1 and Preferred Alternative 4 in Sub-Action 3.2

Preferred Alternatives 3 and 4 – which establish a 20% buffer between the recreational ACT and Annual Catch Limit (ACL) and a 5% buffer between the commercial ACT and ACL, respectively – account for both the inherent difficulties and high uncertainty levels in accurately accounting for recreational catch and the close management and low uncertainty levels of commercial catch¹¹. The larger buffer for recreational catch mitigates the likelihood of exceeding the ACL and overfishing the stock while the smaller buffer for commercial catch maximizes support for fishing communities, maximizes yield for the stock, and minimizes risk to the health of the population.

Moreover, a larger buffer between the recreational ACT and ACL minimizes the likelihood of overages in 2024,¹¹. Overages of the 2023 recreational ACL could easily result in payback ACL reductions, the magnitude of which could shut down the fishery in 2025.

Red Snapper Calibration Ratios

We are concerned about the direction of discussion around the state-level calibration ratios for red snapper. For multiple years now, commercial and charter fishermen have provided public testimony that catch rates are decreasing and that fish are smaller. The NOAA Fisheries’ Bottom Longline Survey also reflected declining abundance¹². Presentations from the Gulf States at the April 2022 Gulf Council meeting showed average sizes are decreasing¹³.

Despite this troubling trend, states including Mississippi and Alabama continue to fight to increase their catch of red snapper – submitting data and arguments for increases in their calibration ratios. Instead of fighting for increased quotas, states should focus on ways to better manage these quotas and to conserve a critical species for the health of the Gulf and the businesses that rely on it.

⁹ SEDAR 72. 2021. [Gulf of Mexico Gag Grouper](#).

¹⁰ NOAA. [National Standard Guidelines](#)

¹¹ Gulf Council. May 2023. [Modifications to Catch Limits, Sector Allocation, and Recreational Fishing Seasons for Gulf of Mexico Gag](#)

¹² NOAA. January 2022. [Updated Red Snapper Abundance Indices from the SEFSC Shark/Red Snapper and DISL Bottom Longline Surveys](#)

¹³ Alabama DCNR. April 2022. [2021 Alabama Recreational Red Snapper Season Update](#)

Fishery Ecosystem Plan

We applaud the work of the Ecosystem Technical Committee (ETC) and their progress defining the central Fishery Ecosystem Issues (FEI) to be focused on in the Gulf. We particularly support their appreciation of the need for stakeholder engagement in selecting the primary FEIs. We also support annual review and discussion of ecosystem status at the Gulf Council and ETC level¹⁴.

We continue to encourage expeditious progress towards the development of a Gulf-wide Fishery Ecosystem Plan. The incorporation of Ecosystem-Based Fishery Management into Gulf Council management will be critical for the long-term health of the Gulf's fisheries, especially in light of a changing environment that includes stronger and more frequent hurricanes, significant inland rain events that have impacts downstream, red tides and harmful algal blooms, among others. We urge the Gulf Council to continue prioritizing this issue and maintain regular opportunity for public input.

Individual Fishing Quota (IFQ) Program Goals and Objectives

We appreciate the deliberate and methodical approach by NOAA to suggest draft IFQ Program Goals for the Gulf Council to consider. The draft goals are largely consistent with themes identified by the IFQ Focus Group and in past reports, including the Red Snapper and Grouper-Tilefish Individual Fishing Quota Programs Review¹⁵ and the National Academies of Sciences Report "The Use of Limited Access Privilege Programs in Mixed-Use Fisheries".¹⁶ We believe that all of these goals have merit, and want to particularly flag the importance of Draft Goal 1 - maintaining flexible fishing options and economic stability within the IFQ Programs¹⁷ - as this goes to the very core of the program.

We continue to note that the existing IFQ program already allows for bottom-up community-level problem solving and solutions. For example, the Reef Fish Quota Bank already serves a similar function as the 'allocation bank' recommended throughout the presentation¹⁸ and has been working for almost a decade to reduce discards (Draft Goal 4) and to improve opportunities for participants to enter the program (Draft Goal 5).

Regardless of which Goal(s) the Gulf Council wants to proceed with, we urge the Gulf Council to prioritize improvements to data collection and internal NOAA Fisheries data management systems to accommodate any changes that are made to the program. It's critical for any objectives - existing or new - to be measurable in a timely manner.

Mote Marine Lab Exempted Fishing Permit (EFP)

The Shareholders' Alliance supports approval of the Mote Marine Labs' Exempted Fishing Permit (EFP) to test the concept of "optimized retention" for red grouper.

The Shareholders' Alliance has been a partner and supporter of the Center for Electronic Monitoring at

¹⁴ Gulf Council ETC. April 2023. [Meeting Summary](#)

¹⁵ Gulf Council. 2021. [Red Snapper and Grouper Tilefish Individual Fishing Quota Programs Review](#).

¹⁶ National Academies of Sciences, Engineering and Medicine. 2021. [The Use of Limited Access Privilege Programs in Mixed-Use Fisheries](#).

¹⁷ NOAA. June 2023. [Gulf of Mexico IFQ Programs: Goals and Objectives](#)

¹⁸ Gulf of Mexico Reef Fish Shareholders' Alliance. [Gulf of Mexico Reef Fish Quota Bank](#)

Mote Marine (CFEMM) for close to a decade. We believe that data modernization, such as electronic monitoring, can generate valuable data that could benefit industry and management. We also prioritize innovative methods for reducing dead discards wherever possible, thereby increasing the sustainability of the reef fish fishery.

This optimized retention EFP is a valuable opportunity to utilize EM technology that vessels across the Gulf are voluntarily employing, and test an innovative concept that could lead to better utilization of fishery resources, further reduce discards in the bottom longline fleet, and provide more robust data for fishery managers.

The EFP will also be helpful for the advancement of electronic monitoring – which can provide verifiable and more comprehensive data about commercial fishing trips, - including but not limited to – magnitude of discards, condition of discards, and “hotspots” for discards.

We believe this EFP is a simple and controlled process by which CFEMM and NOAA Fisheries can start to analyze the potential impacts of optimized retention on Gulf markets. The small amount of red grouper that would otherwise be discarded (3,000 lbs.) will be tagged and actively tracked through the supply chain, allowing for fine-scale real-time data analysis. Approving this EFP would significantly improve our understanding of the full implications of “optimized retention” in a measured and scientific way, and would advance our progress towards electronic monitoring in the Gulf – something commercial fishermen have been requesting and exploring for over a decade¹⁹.

Guidelines on National Standards 4, 8, & 9

The Shareholders’ Alliance asks the Gulf Council to request an extension to the Public Comment Period on the National Standards Guidelines until after the Gulf Council’s October meeting.

The National Standards Guidelines are critical guiding rules for fisheries policy in the United States. Changes to these guidelines should be considered carefully. We recommend that the Gulf Council review these guidelines during the June meeting and schedule at least one public hearing to collect industry input between the June and August Gulf Council meetings. We recommend that the draft letter – as informed by the public hearing – be presented to the Gulf Council at its August meeting, and if additional changes are made, the final letter should be reviewed by the Gulf Council at its October meeting.

We further note that this request for extension is consistent with the request made by the Council Coordination Committee at its May 2023 meeting.

Electronic Reporting in the Gulf

The Shareholders’ Alliance supports ongoing efforts to modernize data collection and advance electronic reporting in the Gulf’s fisheries. We particularly appreciate and encourage the close collaboration between the Gulf Council, NOAA Fisheries, and the commercial fishing industry to ensure that any advances in data collection and modernization work not only for regulators but also for those who make their living on the water.

Rice’s Whale Petition

The Shareholders’ Alliance is concerned about the potentially severe economic impacts of broad speed

¹⁹ Mote Marine Laboratory. May 2023. [Exempted Fishing Permit Application](#)

restrictions across such a large swathe of the Gulf for a species rarely – if ever – seen by commercial fishermen. We look forward to working with NOAA Fisheries to acquire more information related to this petition including but not limited to its conservation value, economic impacts, enforceability, application to other marine users in the Gulf (e.g., oil and gas, military), and scientific basis. We also look forward to ensuring that commercial fishermen have sufficient opportunity to participate in these discussions.

Wind Energy in the Gulf

The Shareholders' Alliance continues to support the continued dialogue between vested parties as wind energy in the Gulf is explored. Conversations between the Bureau of Ocean Energy Management (BOEM) and stakeholders have been informed, productive, and cordial. While there are still many unknowns about the implementation of offshore wind (OSW) energy in the Gulf of Mexico, BOEM's inclusive and transparent approach in this region has assuaged some concerns from commercial fishermen.

That being said, we still have concerns about how the implementation of OSW will impact fishery stock assessment and other surveys and look forward to hearing from the Southeast Fisheries Science Center about these impacts, including but not limited to the data gaps that will be generated, how those data gaps will be filled, and the economic expense of doing so.

Thank you for the opportunity to comment.
Sincerely,

A handwritten signature in black ink that reads "Eric Brazer". The signature is fluid and cursive, with the first name "Eric" and last name "Brazer" clearly distinguishable.

Eric Brazer
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