



FISHING COMMUNITIES COALITION

Mr. Peter Hood
Branch Chief, NMFS Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

February 18, 2022

Dear Mr. Hood:

Please accept the following comments on behalf of the Fishing Communities Coalition (FCC) in regard to the Proposed Rule for Reef Fish Amendment 53, 87 Fed. Reg. 2737 (January 19, 2022).

The Fishing Communities Coalition (FCC) is an association of seven community-based, small-boat commercial fishing groups, representing more than 1,000 independent fishermen and business owners from Maine to Alaska, who share a commitment to the sustainable management of America's fishery resources. The FCC was formed to strengthen and unify the individual voices of our member organizations. Together, we work to support thriving commercial fisheries in each of our local communities, while acting as strong stewards of the marine environments off our shores to ensure healthy oceans and productive fisheries for future generations of commercial fishermen.

It's with this in mind that the FCC cannot support Amendment 53 and recommends that NOAA Fisheries disapprove Amendment 53 and remand it back to Gulf of Mexico Fishery Management Council (Gulf Council) for necessary further review. We have outlined our concerns below.

Amendment 53 Does Not Promote Conservation

FCC member groups have worked hard for decades in their regions to reduce fishery bycatch through the promotion of electronic monitoring programs, development of markets for underutilized species, and advocacy for hard, science-based bycatch caps. We cannot support Amendment 53 as it is clear it will *increase* fishery discards and discard mortality in the Gulf of Mexico.

Amendment 53 will take away nearly 1.2 million pounds of red grouper quota from commercial fishermen (and seafood consumers), yet it will only increase the recreational sector's quota by 550,000 pounds. This means that nearly 640,000 pounds of red grouper are going to be thrown overboard by the recreational sector. Furthermore, according to the red grouper stock assessment, the recreational sector discards more than 10 times more red grouper than the commercial sector. Amendment 53 appears to do nothing to rein in this threat to conservation. Commercial fishermen and seafood consumers throughout the country shouldn't be penalized by having commercial quota reduced so that the recreational sector can discard most of them dead over the side of the boat.

Amendment 53 acknowledges that "total landings have to be constrained" (i.e., quotas must be reduced) to account for the greater number of dead discards from recreational red grouper fishing, and that "increases in the recreational allocation are accompanied by a decrease in overall ACL to mitigate the effects of the increased

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bycatch.” If NOAA Fisheries wants to rebuild red grouper from some of the lowest levels on record—as evidenced in the stock assessment and especially given the sensitivity of red grouper to red tide and other ecosystem-level threats in the Gulf of Mexico—reallocating from the commercial sector to the recreational sector is not the right move. We are very concerned that this reallocation is going to have unintended and harmful ecological consequences and will actually *weaken* conservation rather than promote it.

While Amendment 53 acknowledges that “managers must balance the competing objectives of maximizing yield, ending overfishing, and reducing bycatch to the extent practicable”, it’s clear to us that this balance has not been achieved in the document as written. Amendment 53 reduces red grouper yields, increases management uncertainty—and therefore the risk of overfishing—and increases bycatch. As it does not promote conservation, NMFS cannot approve Amendment 53 as written in good faith.

Amendment 53 Sets a Dangerous Precedent

We’re very concerned about the speed and lack of sufficient analysis with which NOAA Fisheries has advanced the “recalibration” to convert recreational coastal household telephone survey (CHTS) estimates into fishing effort survey (FES) estimates in the Gulf of Mexico. Doing so sets the stage for similar procedures to be put into place in the other regions where our members fish. This includes regions where our commercial fishermen participate in mixed-use fisheries where the commercial sector is largely accountable and complies with a multitude of effective accountability measures, resulting in strong track records of staying within science-based quotas. In these same regions, the recreational sector is largely unaccountable, with relatively few, and frequently ineffective, accountability measures, resulting in regular examples of recreational sector overfishing and overharvesting. Given how controversial the FES rollout was in the Gulf of Mexico—it’s our understanding that there was *unanimous* and *universal* opposition to recalibration by the commercial and seafood sector—we expect similar challenges and harms to be generated in other regions.

Amendment 53 Hurts Commercial Fishing and Seafood Supply Chain Businesses, and American Seafood Consumers

With this action, commercial fishermen lose 20% of their red grouper quota. This presents direct economic harm to the community-based fishing businesses that exist throughout the Gulf of Mexico. These losses are amplified throughout the supply chain, right down to the fish market or restaurant where most of the public access this public resource. Ultimately, this reallocation will take money out of fishermen’s businesses and red grouper off the plates of seafood consumers nationwide, merely to give them to the recreational sector to discard as bycatch.

Amendment 53 Unfairly Penalizes Commercial Fishermen and Fishing Communities

It does not seem fair, nor sustainable, to promote an action that gives more fish to a sector to discard than to land, especially when it takes those fish from a limited access, accountable commercial sector.

The commercial fishing organizations that comprise the FCC work tirelessly to promote accountability in their fisheries, both in their backyard and nationwide. This includes but isn’t limited to limiting and effectively managing access, promoting science-based fishery management, and ensuring adequate monitoring tools (like electronic monitoring, electronic logbooks, vessel monitoring systems, etc.) are in place so that fisheries rebuild. Commercial red grouper fishermen in the Gulf of Mexico operate in a limited access and accountable individual fishing quota (IFQ) program that’s meeting its objectives: they weigh their landings, support vessel monitoring systems, test EM systems, encourage strong law enforcement measures, and stop fishing when their quota is met. The recreational sector, on the other hand, is effectively unlimited, open access, operates using uncertain survey methodologies, and regularly exceeds its quota. Rewarding the recreational sector by penalizing the commercial sector seems unjust and unfair. This is a universal concern of ours, and one that is not specific to just the Gulf of Mexico region.

Additionally, Amendment 53 unfairly harms commercial fishermen and fishing communities *twice* – once by directly taking quota away from commercial fishermen and then again because the fishery-wide quota must be reduced because of the increased recreational discard problem. Commercial fishermen are now getting a smaller slice of a smaller pie because of the reallocation imposed on them in Amendment 53.

The Gulf Council Did Not Follow Its Own Allocation Policy with Amendment 53

The Modernizing Recreational Fisheries Management Act of 2017 directed NMFS to ensure the Gulf Council developed a comprehensive allocation review policy. That policy was not followed during the development of Amendment 53. Specifically, the Gulf Council neglected to direct its Science and Statistical Committees and relevant Advisory Panels to analyze the efficacy of existing red grouper allocation against fishery management plan (FMP) objectives and, if such analysis determined that FMP objectives were not being met, to then analyze a reasonable range of allocation alternatives that would meet these objectives. Reallocation decisions are contentious in every region in which our members operate, and it's therefore critical that all reallocation decisions follow the specific guidance laid out by the relevant regional fishery management councils and NMFS.

In conclusion, the FCC cannot support Amendment 53 as currently written because it is contrary to the core tenants of our coalition. It will weaken conservation, unfairly punish an accountable commercial sector, promotes fishery bycatch and discards, and harms commercial fishing businesses and communities. Its development is inconsistent with the Gulf Council's own Allocation policy, and it also appears to violate several national standards and core sections of the Magnuson-Stevens Fishery Conservation and Management Act. It was universally opposed by commercial fishermen in the region and sets a dangerous and harmful precedent for fisheries in all regions in which our members operate from Alaska to Maine to the Gulf of Mexico. We urge NOAA Fisheries to disapprove Amendment 53 and remand it back to the Gulf Council.

Thank you for the opportunity to comment.

Sincerely,



Linda Behnken
Executive Director
Alaska Longline Fishermen's
Association



Marissa Wilson
Executive Director
Alaska Marine Conservation
Council



John Pappalardo
Chief Executive Officer
Cape Cod Commercial
Fishermen's Alliance



Eric Brazer
Deputy Director
Gulf of Mexico Reef Fish
Shareholders' Alliance



Lisa Damrosch
Executive Director
Half Moon Bay Groundfish
Marketing Association



Ben Martens
Executive Director
Maine Coast Fishermen's
Association



Dwayne Oberhoff
Executive Director
Morro Bay Community
Quota Fund