

To: Regulations.gov

Re: Rule making docket: NOAA-NMFS-2021-0098, Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 53

From: Southern Offshore Fishing Association (SOFA)

These comments are provided on behalf of the members of SOFA who are the Gulf of Mexico Commercial Red Grouper Longline and Directed Red Grouper Fishers, Processors, and Restaurants. The GOM red grouper are landed, processed, and provided to consumers predominantly by our members. These fishers and processors are small family owned and operated businesses, the majority multi-generational, who live in and support local fishing communities along the Florida West Coast. Commercial fishing is a historical lifestyle that has been passed on to family members for generations. Any reduction in allocation, especially based on an arbitrary assumption of reinvented historical recreational harvest by computer models and not the normal process of allocation protocol, of the red grouper resource will adversely affect every red grouper fisher, their families, their local fishing communities, small family-owned processors, and consumers.

The NMFS use of a new recreational data system, Marine Recreational Information Program-Fishing Effort Survey (MRIP-FES), is an incomplete data system that has not been proven to be the best scientific information available. While the Gulf Council SSC recognized the recent stock assessment using MRIP-FES as best available science, the SSC has not recognized the MRIP-FES itself as best available science. At the November 18, 2021, SSC meeting during public testimony the MRIP-FES data program was discussed, and it was pointed out by Dr. Sean Powers, SSC member, and Council Deputy Director, John Froeschke, that the MRIP-FES was considered “appropriate for use”. At the August 2021 GMFMC meeting in San Antonio, TX in the Reef Fish Committee discussion in “full” council, the following motion was made and approved 11-4.

Motion: In response to the direction of the United States Congress in the 2021 CJS Appropriations legislation that passed by broad bipartisan support, I move that before making any related regulatory changes derived from recreational landings calibration, NMFS, as directed by Congress, is to address the question of which data collection system (i.e., MRIP or the catch data programs administered by the Gulf States) are providing the best estimates of recreational red snapper catch in the Gulf of Mexico and for NMFS to contract with a non-governmental entity with expertise in statistics and fisheries-dependent data collection to provide the following: (1) an independent assessment of the accuracy and precision of both the Federal and State recreational catch data programs in the Gulf of Mexico; (2) recommended improvements to be made to the Federal and State recreational catch data programs in the Gulf of Mexico to improve accuracy and precision; (3) an independent assessment, based on the results of the two prior items, to how best to calibrate the Federal and State recreational catch data programs in the Gulf of Mexico to a common currency; and (4) a determination of a simple state-by-state exploitation rate (F) using total combined fishery-dependent sources of state harvest from commercial anglers and federally-permitted anglers interchanged with Federal and state recreational data program estimates and abundance estimates off respective states from the Great Red Snapper Count.

The MRIP-FES data system has not been established as the best recreational data system and, as such, should not be used to reallocate mixed use fisheries. The GMFMC has an established and approved allocation protocol to use when any mixed-use fishery allocations should be reviewed. This allocation protocol uses the council process to consider and review all aspects of the users of a fish species that includes, but not limited to, social and economic impacts, fisher impacts, local fishing community impacts, consumer impact, and more providing a comprehensive review of the potential benefits and

detriments to altering any allocation. The use of the MRIP-FES data system that uses assumptions and computer models to reestablish historical recreational fishing effort and harvest does not provide for consideration of all aspects of a fishery when changing allocations.

The proposed change of the red grouper allocation from the current 76% commercial/24% recreational to 60% commercial/40% recreational violates the MSA **National Standard 2** (*Conservation and management measures shall be based upon the best scientific information available*), as the MRIP-FES has not been established as “Best Scientific Information Available”, **National Standard 4** (*Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege*), as the proposed rule discriminates against residents of different states since the red grouper fishery is predominantly prosecuted off the West Florida Coast adversely affecting commercial fishers and processors while commercial fishers and processors in the other 4 states are not as affected. Should A53 be approved it will be a direct violation to promoting conservation as according to the “Best Scientific Information Available” recreational discards and resulting discard mortality is currently multiple times higher than the commercial discards and mortality. Indeed, reallocation to the recreational sector will increase dead discards and overall mortality of red grouper which will severely jeopardize and reduce the stock biomass, toward an overfished and undergoing overfishing status. By reallocating red grouper to the recreational sector this proposed rule will also provide the recreational sector an extreme excessive share of the fishery resulting in excessive mortality of the resource. Nor is reallocation “fair and equitable” because it takes quota from the commercial sector to cover massive dead discards from the recreational sector. The commercial sector has taken action to minimize its discards, and they are now less than 1/10th of recreational discards. The recreational sector has done little to minimize its discards, and now the commercial sector is being forced yet again to shoulder the burdens caused by the open access and unaccountable recreational fishery. Fairness and equity requires the recreational sector to address and account for its own discards. **National Standard 8-Communities** (*Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirement of paragraph (2) [i.e., National Standard 2], in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts on such communities.*), By reallocating more red grouper to the recreational sector this will dramatically increase the potential to have the stock overfished and undergo overfishing since the resulting discards and discard mortality will increase by substantial levels, This proposed change of allocation has not considered the economic and social data to meet the requirement of paragraph (2) (i.e., National Standard 2), as the proposed rule will not provide for the sustained participation of the local fishing communities as the loss of 32% of the fishery to the commercial fishers will result in the loss of many of these small family businesses, thus reducing the catch provided to the processors causing many to go out of business, and the loss of red grouper provided to local restaurants causing consumers to lose the ability to be served fresh Florida and U.S. harvested seafood increasing the importation of foreign caught seafood, the proposed rule will maximize adverse economic impacts on these local fishing communities and the small family businesses who support these communities. **National Standard 9** (*Conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch*), as stated several times already by increasing the recreational allocation, the recreational discards and resulting discard mortality will also increase and will clearly violate this Standard.

A recently released Economic Impact Study by Thomas J. Murray & Associates (attached) reveals that 85% of commercially harvested red grouper ends up on a restaurant plate. A53 negatively impacts restaurants and related industries (commercial harvesters, primary and secondary wholesalers, processing and distributing services, food service, and more, none of which impacts have been considered by the NMFS). These negative impacts will come at a time when the commercial fishers, processors, restaurants, and others are trying to recover from the negative impacts of COVID 19 due to reallocating almost one-third of the commercial allocation to the recreational sector. The economic impacts derived from the commercial harvest in the U.S. value chain has a 2021 output of over \$273 million and output impacts of 2,191 jobs compared to the 2014-2018 output value of recreationally caught red grouper of \$85 million using national level multipliers with output impacts of 571 jobs. This new Economic Impact Study calls into question some of the economic analyses in Amendment 53.

In addition, the private recreational anglers are completely unaccountable when it comes to fishing and data collection such as total recreational effort, areas fished, harvested fish, discarded fish with resulting discard mortality, and unlimited access to all areas. All the current recreational harvest and effort data is collected by unreliable surveys, randomly selected access site selections, limited numbers of interviews, and the MRIP-FES sampling of less than 5% of the recreational anglers. As stated above in the council motion passed last August even Congress has shown considerable concern and funding to try to discover a reliable data program for the recreational sector. In contrast to the recreational unaccountability, the commercial fishing sector is and has been accountable with their data using multiple checks and balances. Even the For Hire Charter Sector is now accountable and has been for several years as is evidenced by the Gulf red snapper fishery where the For Hire Charter Sector has remained below their allocation each year. The commercial fishing sector uses electronic and paper logbooks, is tracked by a VMS system, files landing data thru State trip tickets, operate with IFQs, have limited access due to federal permitting requirements, carry observers, are trained to identify and release protected species, trained to identify and release sharks, comply with and trained for USCG commercial fishing requirements, have identifying numbers, decals, and other means for each vessel, and more. The commercial fleet is fully accountable for all fisheries they prosecute and are responsible for the care, conservation, and legal harvest of their fisheries.

A53 must be rejected and sent back to the council. Until the recreational data systems are fully vetted, and a reliable system is acknowledged no system should be used to reinvent historical recreational effort and harvest data. Any change of allocation should not be based solely on data assumptions and computer modeling to create havoc in fisheries, among fishers, or communities. There is an allocation protocol available and approved for use. This protocol was created and approved for all the reasons stated above and if an allocation change should be considered it should be used. I have been involved with and witnessed many changes in the recreational data programs over the past 35 years. In that time no change in any recreational data program was ever used to recalibrate historical effort and harvest data for recreational fisheries. The proposed change of allocation in A53 should not be based on assumptions and computer modeling attempting to rewrite history.

A53 must be rejected and sent back to the council for reconsideration!