



October 31, 2024

Mr. Jonathan "JD" Dugas, Chairman
Gulf of Mexico Fishery Management Council
4107 West Spruce Street, Suite 200
Tampa, Florida 33607

Dear Chairman Dugas,

As the Gulf of Mexico Fishery Management Council ("Gulf Council") is well aware, the recreational fishing sector discards **dead** massive numbers of reef fish each year. These dead discards increase pressure on reef fish stocks, increase the risk of overfishing, and jeopardize rebuilding. This is a waste of resources that could be used to feed people, and the Gulf Council is failing to address this problem.

Recently I learned that the South Atlantic Fishery Management Council ("South Atlantic Council") tracks recreational sector dead discards in a way that is superior to the Gulf Council's methods. When describing the difference between the Overfishing Limit ("OFL") and the Annual Catch Limit ("ACL") in its FMP amendments and other management documents, the South Atlantic Council references **"total removals"** from the fishery, which are broken down into removals from landings (fish kept) and removals from discarding (fish thrown away dead). This allows members of the public to understand how much fish are actually being wasted by the recreational sector each year, and how much of the delta between the OFL and the ACL is attributable to waste from dead discards.

The South Atlantic Council acknowledges that: "*Large numbers of [recreational sector] releases limit managers' ability to prevent overfishing and reduce the number of fish that can be landed by the fishery. Overfishing occurs when the number of **total removals** exceeds the overfishing limit. If more of these removals occur from fish dying after release, fewer fish may be landed.*"¹

One commenter aptly summarized the problem as follows: "[S]easons and ACLs only dictate when fishermen may **keep** red snapper; they have little impact on when red snapper can be incidentally **caught** and unintentionally **killed**. It is those incidentally killed red snapper, most of which are killed by the recreational fishery, that are making it particularly difficult for the Council and NMFS to rebuild the South Atlantic red snapper stock."²

Recreational anglers are causing the very same problems in the Gulf of Mexico that they are in the South Atlantic. The Gulf Council's management documents, however, typically do not reference "total removals." Instead, the Gulf Council's practice is to specify an artificial "OFL" that includes only landings. But of course, as the South Atlantic Council and the comment quoted above both recognize, the act of fishing results in removals from both landings and dead discards. Thus, the *overfishing* limit must reflect mortality from all removals attributable to fishing. The Gulf Council's practice arbitrarily conflicts

¹ South Atlantic Fishery Management Council Regulatory Amendment 35 – Snapper Grouper Release Mortality Reduction and Red Snapper Catch Levels; Decision Document; June 2022 (emphasis added).

² Charles A. Witek, III, Esq., *Recreational Bycatch: It's Real*, Marine Fish Conservation Network, September 26, 2024 (copy attached).



with the South Atlantic Council's practice, and the effect is to hide the problem of Gulf of Mexico recreational sector dead discards from the public. This must end.

Reef fish that my seafood business has long depended upon, such as red grouper, gag grouper, and greater amberjack, are at or near historic lows. Red snapper stocks are also showing signs of decline. Gag grouper require a rebuilding plan, red snapper and gray triggerfish are already in their second rebuilding plans, and greater amberjack is in its third. Management is not working, and a primary culprit seems to be the magnitude of recreational sector dead discards. Recreational anglers catch, kill, and waste *millions* of reef fish every year. This is unacceptable.

I am therefore calling upon the Gulf Council to publish and track "total removals" for Gulf reef fish just like the South Atlantic Council does for reef fish in that region. The OFL for each reef fish species or complex must include total removals from fishing, and not be an artificial "landings-only" OFL. Projected removals from both landings and dead discards must be specified, and then the National Marine Fisheries Service ("NMFS") must make a timely and reasonable effort to ascertain after the fishing year is over whether its projections were accurate and, if not, to true them up.

I urge the Gulf Council and NMFS to adopt the following measures in particular:

- Real-time publication of total removals (landings, discards, and dead discards) on accessible NMFS and Gulf Council websites, including recreational data methodologies used in estimating these figures.
- Inclusion of total removals (landings, discards and dead discards) in NMFS analyses provided to the Gulf Council, its advisors, and the public for informed decision-making.
- Annual retrospective analyses conducted by NMFS, with input from the Gulf Council, advisors, and the public, to evaluate the accuracy and precision of discard estimations (both live and dead).
- Publicly available procedures for adjusting future catch limits to correct past inaccuracies in discard estimates.
- Sector or subsector-based identification and management of discards.
- Consideration of methods to reduce the encounters of reef fish by recreational anglers when fishing seasons for those reef fish species are closed.

Attached to this letter are several documents that discuss the management problems created by recreational sector dead discards in the South Atlantic region. The Gulf Council should consider these documents as it takes action to manage Gulf reef fish. The attached documents include:

- Blog by Charles A. Witek, III, Esq., *Recreational Bycatch: It's Real* (Marine Fish Conservation Network, September 26, 2024)
- South Atlantic Fishery Management Council's Snapper Grouper Advisory Panel Overview (October 2021)
- NOAA Fisheries Bulletin on Red Snapper interim measures and 2024 fishing seasons in the South Atlantic (June 11, 2024)
- South Atlantic Council Regulatory Amendment 35 on release mortality and red snapper catch limits (June 2022)
- Federal Register notice on Snapper-Grouper fishery measures to reduce red snapper overfishing (June 14, 2024)



- Stipulated Settlement Agreement, *Tillman Gray v. Raimondo* (August 22, 2024)
- NOAA Fisheries Bulletin regarding a Secretarial Amendment to address red snapper overfishing (September 20, 2024)

I respectfully ask that this letter and its attachments be considered, and included in the administrative record, for each of the following management actions:

- **Reef Fish Amendment 58:** Modifications to Deep-water Grouper Management Measures
- **Reef Fish Amendment 58A:** Modifications to Shallow-water Grouper Management Measures
- **Reef Fish Amendment 59:** Requirements for Participation in Individual Fishing Quota Programs
- **Reef Fish Amendment 60:** Distribution of IFQ Shares Held by NMFS, Reclaimed from Inactive Accounts and Non-compliant Accounts, and Annual Allocations from Future Quota Increases
- **Reef Fish Draft Framework Action:** Modifications to the Recreational For-hire Red Snapper Fishing Season
- **Consideration of changes to accountability measures for private recreational red snapper fishing**
- **Revisions to the ABC Control Rule**
- **Reef Fish Amendment TBD:** Allocation of Red Snapper Private Angling Quotas among Gulf States

Thank you for your attention to this important issue.

Sincerely,

Captain Keith "Buddy" Guindon
Galveston, Texas