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January 22, 2016

Gulf of Mexico Fisheries Management Council
Attn: Kevin Anson, Chairman
2203 N. Lois Avenue
Suite 1100
Tampa, FL 33607

**RE: Modifications to Charter Vessel and Headboat Reporting Requirements
Public Hearing Draft**

Dear Chairman Anson:

Ocean Conservancy¹ is writing to provide comment on the final draft of the Generic Amendment regarding Modifications to Charter Vessel and Headboat Reporting Requirements.² We support the Council's current preferred alternatives for the three actions in this amendment. This amendment is a step forward in both modernizing data collection and improving the timeliness of data delivery to National Marine Fisheries Service (NMFS) from the federally permitted charter vessel and headboat fleets in the Gulf of Mexico. Timely data is a critical need for the Gulf of Mexico Fishery Management Council (Council) to achieve its conservation goals. When approved, the amendment will support the Council in making more informed and timely management decisions for the headboat and for-hire fishery.

While this amendment will improve monitoring of the federally permitted charter vessel and headboat fleet, additional language needs to be added to the final amendment in order to support the robust electronic reporting system the Council envisions. Specifically, we recommend the Council address these three points:

- Specify accountability measures for non-reporting
- Clarify "no-trip" reporting for charter vessels

¹ Ocean Conservancy is a non-profit organization that educates and empowers citizens to take action on behalf of the ocean. From the Arctic to the Gulf of Mexico to the halls of Congress, Ocean Conservancy brings people together to find solutions for our water planet. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations.

² GMFMC. 2015. Modifications to Charter Vessel and Headboat Reporting Requirements. Generic Amendment to the Reef Fish Resources of the Gulf of Mexico and the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic: Public Draft. Gulf of Mexico Fishery Management Council, Tampa, Florida.

While not discussed in this amendment, it is clear the NMFS will need to initiate work to develop and design an electronic reporting tool, such as an electronic logbook in order to increase the precision of catch and effort data from the charter for-hire fleet. In order to increase the likelihood of success for this endeavor, the Council should request that the NMFS create a working group composed of stakeholders, specifically charter for-hire and headboat operators, to provide advice in the design of technology-based data collection program used to report and monitor their catch and effort.

- Request the Southeast Fisheries Science Center (SEFSC) convene a working group of representatives from the charter for-hire industry to advise the SEFSC in the development of an electronic reporting program.

Amendment: Accountability and Reporting

- **Accountability measures for failure to report are essential to the success of this amendment.**

The Council should identify and describe accountability measure for vessels that do not report on the timeline specified in Action 1, preferred alternative 4. Accountability is key to the success of this amendment. As has been noted in multiple Council meetings, this electronic monitoring program for charter vessels and headboats is envisioned to be a self-reporting census. Success of this program will rely heavily on permit holders to report of their own volition. As noted in the Marine Recreational Information Program electronic logbook pilot project,³ the likelihood of non-reporting increases with a lack of immediate consequences. We therefore recommend the Council add language to this amendment similar to language found in the Southeast Regional Headboat Survey electronic logbook reporting requirements,⁴ whereby vessels that do not report their data by the specified date are subject to having their fishing permit suspended until all delinquent reports are received by NMFS.⁵

- **Council must decide if charter vessels must provide “no trip” forms when not fishing**

The Council has not definitively stated if they wish for the federally permitted charter for-hire fleet to report to NMFS when they are not fishing. This reporting element is currently required by the Southeast Regional Headboat Survey via the headboat electronic reporting amendment.⁶ Reporting non-fishing data is an essential element needed to improve management’s understanding of the charter for-hire fleet’s effort patterns. Non-fishing, or “no trip”, data will

³ Donaldson, D., G. Bray, B. Sauls, S. Freed, B. Cermack, P. Campbell, A. Best, K. Doyle, A. Strelcheck, and K. Brennan. 2013. For-hire electronic logbook study in the Gulf of Mexico: final report.

⁴ GMFMC. 2013. Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. Gulf of Mexico Fishery Management Council, Tampa, Florida.

⁵ 50 CFR §§ 622.4(i), 622.5(b), 662.26(b).

⁶ GMFMC. 2013. Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. Gulf of Mexico Fishery Management Council, Tampa, Florida.

increase the precision of fishery estimates by removing uncertainty of vessel effort and, therefore, will yield a concomitant increase in catch estimate precision. Ocean Conservancy recommends that “no trip” reporting be added to the amendment.

Working group of stakeholders

It is clear that NMFS will need to design, develop and test the technology and method used to support the provisions of this amendment. As this monitoring plan takes shape, it is critical for stakeholders to be involved in its evolution. The National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan⁷ reiterates this point in stating that regional goals should include “improving perceptions and stakeholder buy-in regarding the data collection process...” and “...establishing effective partnerships with stakeholders.”⁸ Further, the report states as part of Phase I, “Regional [Councils] will also be encouraged to establish EM/ER advisory panels to advise on EM/ER development and implementation.”⁹

To ensure a stakeholder inclusion in the development process, the Council should request, through a stand-alone motion, that NMFS create a special working group composed of industry representatives to give guidance and provide expertise in the design and development of reporting technology and program processes associated with this amendment.

Conclusion

Ocean Conservancy offers our support for the Council’s proposed Modifications to Charter Vessel and Headboat Reporting Requirements Generic Amendment. This amendment connects to the long-term vision for electronic reporting and monitoring, as noted in the National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan.¹⁰ The amendment is a foundational step toward modernizing data collection to meet today’s management needs and is an important milestone for electronic monitoring and reporting of fishery dependent data. It will allow the Council to make more informed and timely decisions regarding the Gulf’s fishery resources.

We look forward to seeing how the lessons learned from this new requirement can be applied to other fisheries and other regions. In order to maximize the benefits of this amendment, we recommend that non-reporting accountability measures and reporting of no-fishing days be addressed by the Council at their January meeting in Orange Beach, AL.

We appreciate the opportunity to comment on this amendment and look forward to working with the Council in the future.

⁷ NMFS. 2015. National Marine Fisheries Service Southeast Region Electronic Monitoring and Reporting Regional Implementation Plan. February 26, 2015. National Marine Fisheries Service. Southeast Regional Office St. Petersburg, Florida.

⁸ *Id.* at 4

⁹ *Id.* at 6

¹⁰ *Id.*

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Phillips". The signature is fluid and cursive, with a large initial "T" and "P".

Todd Phillips
Fishery Monitoring Specialist
Ocean Conservancy
106 E 6th Street, Suite 400
Austin, TX 78701

cc:
Dr. John Froeschke



January 14, 2016

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

RE: Red Snapper Recreational Management and For-Hire Electronic Reporting

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of recreational fisheries in the Gulf of Mexico. It is important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the January 2016 meeting, the Gulf Council can take significant steps to implement data collection and management systems that have the potential to more effectively meet the needs of stakeholders, while promoting sound conservation of the resource. With that in mind, we urge the Council to:

- **Remove the charter for-hire sector from Amendment 39 (Regional Management) before taking final action (Action 2, Alternative 2).** We support final approval of Amendment 39 only if this plan applies specifically and solely to the private recreational component of the red snapper fishery. This provides a means to design tailored management plans that address data needs and include strong accountability measures for each sector, which fosters conservation and maximizes flexibility.
 - **Alternative 3 in Action 2, which would give individual states the option to manage the for-hire and private angler sectors separately, is not a workable solution** for the for-hire component. It would make monitoring of the Gulf-wide recreational fishery much more difficult, and could negate plans for an electronic reporting system for the charter for-hire sector.
- **Approve the Generic Charter Electronic Logbook Amendment with the current preferred alternatives.** Requiring electronic reporting of all catch and bycatch by the for-hire fleet is an important part of an overall move towards a more accountable management system for this sector.

- **Continue to move forward with Amendments 41 and 42 to establish new management programs for the for-hire fleets** that have the potential to improve accountability, reduce discards¹, and provide more stability to these businesses.

Red Snapper Recreational Management and Accountability

The Council initiated Amendment 39 in 2012, after several years of discussing the regional management concept, to allow each Gulf state to manage aspects of the red snapper recreational fishery. The amendment may provide some benefits for private anglers, many of whom already work closely with their state managers. State-run programs under development could be specifically designed to collect data from private anglers and monitor that type of fishing. Moreover, the current plan maintains requirements for compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

However, if charter for-hire operators are included in this amendment in any way, it will nullify proposals for new management programs under development for the charter and headboat sectors. Many members of the charter for-hire industries have been working with the Council to create management and data collection plans for their sector through the ad hoc advisory panels established by the Council for this purpose. Amendments 41 and 42 propose management approaches for the charter and headboat industries that, together with a properly implemented electronic logbook program, have the potential to provide improved accountability; better catch monitoring and data on landings and discards; and more stability for these businesses. If Amendment 39 passes with the charter fleet included in any way it will render Amendments 41 and 42 null, and make implementation of the proposed charter electronic logbook amendment overly complex and thus unlikely to succeed. Therefore, **we support final approval of Amendment 39 only if Alternative 2 in Action 2 is selected as the preferred alternative.** This action removes the federally permitted for-hire boats from the amendment, and allows the Council to continue working with stakeholders to develop management strategies and data collection and monitoring programs that suit their specific and unique needs.

Alternative 3 in Action 2 of Amendment 39, which would allow each state to decide whether to manage the for-hire sector, is not a workable solution for the for-hire fleet. Having some, but not all, states manage their for-hire boats separately from the private boats for one out of a suite of reef fish would make monitoring and accountability of the catch from the entire fleet much more difficult. This would likely result in even more uncertainty associated with the catch data. It could also increase the level of management uncertainty that is the basis for the buffer between the annual catch limit and the annual catch target (ACT). In other words, there may be fewer fish available to catch if the Council were to choose Alternative 3, Action 2 as the preferred alternative. This runs counter to the goal of decreasing management uncertainty and the associated buffers.

¹ The Gulf Headboat Collaborative: Preliminary Findings from Year 1. Joshua Abbott. Arizona State University School of Sustainability. March 31, 2015. Agenda item B-5, March 2015 Gulf Council briefing book.

Additionally, this action would prevent the entire for-hire fleet from being included in a Gulf-wide electronic reporting and management system. This strikes counter to achieving one of the few goals upon which nearly all stakeholder agree: improving data. Furthermore, maintaining red snapper under federal management for the entire for-hire fleet sustains continuity of management for the entire reef fish complex. This makes more sense since the for-hire reef fish permit requirements apply to other reef fish species besides red snapper.

If the charter for-hire fleet is included in Amendment 39, we cannot support final approval.

If that is the case, we urge the Council to vote it down, and to develop alternative management strategies that can better meet the unique needs of private anglers, in partnership with members of that sector and other stakeholders.

We further encourage the Council to continue developing Amendment 41 for charter vessels and Amendment 42 for headboats with industry input and support. Implementing strategies for the separate components of the recreational fishery has the potential to more effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

Approve Electronic Logbooks for the For-Hire Fishery

We support approval of the generic plan amendment modifying charter and headboat reporting requirements with all of the current preferred alternatives. This action would require all federally permitted for-hire vessels to submit trip and catch information electronically prior to returning to the dock. “Trip level” reporting offers the most accurate and timely application of electronic logbooks, as it reduces “recall bias”² and provides for a strong validation component of the data program. Law enforcement officers and biological samplers can effectively check the electronic logbook data for each trip to ensure accuracy. A well-designed electronic logbook program, coupled with management strategies under development in Amendments 41 and 42, can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by charter vessels and headboats, not just red snapper. Specifically, the data obtained through the electronic reporting program may:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded fish in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans offered in Amendments 41 and 42.

² Recall bias is the amount of error or uncertainty to an event relative to the gap in time in reporting that event.

- Increase user confidence in the data and management.

However, many practical details remain undefined. We urge the council and staff to continue working with NOAA Fisheries staff and other technical experts, as well as representatives from the for-hire industry and other stakeholders, to develop data elements and protocols that will ensure this system works well to monitor and manage the for-hire fishery.

Conclusion

We urge the Council to remove the charter for-hire sector from Amendment 39 before taking final action, and to continue developing Amendments 41 and 42. In addition, we encourage adoption of the generic plan amendment requiring electronic logbook reporting for the for-hire industry with the current preferred alternatives. Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,



Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

Modifications to Charter Vessel and Headboat Reporting Requirements

Telephone Log

Captain Mike Kessler – This is a bad idea. Many can't afford to purchase this equipment. Having to call in catch two hours before arriving at the dock is impractical – what if they need to come in early. No computer access. Don't mind reporting, but these requirements will be a burden and could put him and others out of business.

Don Jones – Grouper regulations have already had a negative impact on the industry. The cost of VMS and electronic logbooks is going to put a lot of Captains out of business. They can't fish in state waters when Federal waters are closed, but there are a lot of State charters fishing in Federal waters illegally (Ft. Meyers). No computer access.

Captain Mike – No computer access or knowledge. Has been operating his boat for 20 years and has no technology abilities. VMS and electronic logbooks would be a burden, both cost-wise and having to operate with no computer knowledge.

Larry Conley – Business was cut by $\frac{3}{4}$ with the grouper closure. VMS would put him out of business. He has no help on his boat so having to operate equipment while tending to customers and ensuring safety would be a burden. Also concerned about a data breach with the VMS – does not want his fishing spot coordinates to be made public. Has no problem calling in his catch, but not while in transit. No VMS.

Harold Miller – Grouper closure has been a big hit to the industry. No to VMS. Willing to submit a catch report, but cannot afford to purchase equipment.

Capt. John Topicz – Many of the boats are too small to add large antennas. He doesn't see what VMS would help. There are days that fishermen don't harvest anything or only want to keep what they can eat – how would days like that effect his catch history? Having to report, especially since he doesn't have a mate, would be difficult for him. He's busy with clients,

driving, and cleaning so, having to report before landing would be difficult. Reporting electronically would be okay as long as he doesn't have to report more frequently than he already does.

Chris Agin – Does not support the use of VMS on charter boats. It's not necessary for the daily excursion type fishermen to have one. They don't take long trips that last more than a day so the information is not useful. He already sends in a paper logbook of what he catches in weekly intervals. He is open to submitting that weekly report online but daily seems to be too much, especially since he doesn't fish every day. He already has other responsibilities on fishing trip days like hosting customers, driving the boat, etc. so there is no need to add the extra responsibility reporting while he is operating the charter.

WE HAVE ENOUGH
REGULATION. I
DON'T WANT TO REPORT
TO YOU OR ANYBODY WHAT
I CATCH.



Gulf of Mexico Fishery Management Council

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LEAVE REGS. ALONE
Shelby Bell



December 15 2015

Dear Chairman Anson and Gulf Council Members:

Thank you for the opportunity to address the council on the modification of reporting requirements for charter vessel and headboats. This is a huge opportunity for these vessels to provide timely, accurate data while increasing accountability.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations and concerns for the Gulf Council's consideration:

Any modifications to reporting requirements for charter vessels and headboats should be paired with and tailored to management measures for these vessels as outlined in Amendment 41 and 42. Management and development of reporting requirements are inherently linked and must be tailored to management measures for of these vessels. Ignoring this in the development will yield a duplicative and fruitless initial effort as management evolves.

The Council should direct NOAA to consider whether the electronic reporting system can be designed so that charter vessels and headboats should have the flexibility and choice to use a variety of electronic reporting devices rather than being specifically limited to a Vessel Monitoring System. There are several available ideas like a smartphone application, or location enabled logbook or transponder that would be sufficient for charter vessels and headboats.

Data should be submitted electronically in any future reporting system prior to reaching the dock to best inform land based validation and enforcement personnel.

We appreciate the opportunity to provide input and look forward to continuing to develop these modifications this January in Orange Beach. Additionally, please feel free to contact me with any questions or to provide any feedback to our organization.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Cantrell', is written over a light blue horizontal line.

Shane Cantrell, Executive Director
Charter Fisherman's Association
512-639-9188
shane.Cantrell@iCloud.com



October 7 2015

Dear Chairman Anson and Gulf Council members:

We, the Charter Fisherman's Association, thanks the Gulf Council for joining our fishermen in Galveston and hope everyone has enjoyed their time in the great state of Texas. We appreciate many of you joining us at the Fishermen's Social with the Lighthouse Charity Team as well.

Our organization represents federally permitted charter captains and their customers across the Gulf of Mexico as well as across the country. We are the largest organization of federally permitted vessels in the region and have the following recommendations for the Council's consideration:

Amendment 39

The federally permitted charter fleet has made it abundantly clear that **we want to be excluded from Amendment 39 and see it proceed as a vehicle specifically for private anglers**. So Action 2, Alternative 2 is the only path we support moving forward.

Considering the issues between jurisdiction of state and federal waters, there's a law enforcement hurdle. By adding in season closures for federal or state waters it only further complicates the amendment when federally permitted charterboats are included. By removing the CFH fleet, the amendment, Amendment 39 becomes a much simpler and more feasible Amendment. The charter industry has reached out across state lines to develop a Gulf-wide vision for management that would give us more business stability, flexibility for our customers, and accountability for the resource – to lump us into a state based management scheme would make this progress impossible.

Amendments 41 and Amendment 42

We look forward to working with the council in January with the feedback from scoping meetings over the next few weeks to continue developing those Amendments respectfully with the council.

Gag Grouper

We would like to see Gag Grouper season go to a June 1 opening and 24 inch size limit

Gray Triggerfish

Based on on the water professional experience, triggerfish are very abundant and that really conflicts with the current model. We request a new benchmark assessment for gray triggerfish be

a priority. This would allow for an overhaul of the current model to take into account sargassum coverage, year to year recruitment trends and allow for more accurate forecasting when setting the parameters fishermen will be fishing under.

Electronic Logbooks

This tool is a critically important part of providing data for managers and developing more accountable management measures. If properly implemented, and paired with proper management it should lead to reduced management uncertainty and to harvest of fish that are currently held back in the buffer. We are ready to move forward with ELB development and ask the council and NOAA to accelerate this improvement for the federally permitted charter fleet.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane Cantrell".

Shane Cantrell, Executive Director
Charter Fisherman's Association
512-639-9188
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October 2, 2015

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
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Tampa, Florida 33607

RE: Red Snapper Regional Management, For-Hire Electronic Reporting, Gag Management and Gray Triggerfish Rebuilding

Dear Chairman Anson,

On behalf of The Pew Charitable Trusts (Pew), please accept these comments on management and accountability of key fisheries in the Gulf of Mexico. It's important to maintain the conservation and legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) while providing sufficient access to fishing and the ability to operate stable businesses. At the October 2015 meeting, the Council has the opportunity to create management systems suitable to the needs of the red snapper recreational fishery while promoting conservation of the resource. Additionally, important decisions are needed to complete the for-hire electronic reporting requirements and monitoring program. Lastly, it is imperative that the Council set the stage for recovery of gag and gray triggerfish – two of the most important and popular species in the Gulf of Mexico. The main points on these specific issues are summarized below, followed by additional details.

Recreational Management and Accountability

- In Amendment 39, we urge adoption of Alternative 2 in Action 2 to apply the regional management plan to the private recreational component only. Removing the federally permitted for-hire vessels from the plan fosters conservation and maximizes flexibility for each component by providing a means to design tailored management plans that build in data needs and strong accountability measures.
- We encourage moving forward on the electronic reporting amendment for the for-hire fleet, in conjunction with Amendments 41 and 42. However, some key issues remain to be addressed on the electronic logbook amendment, which we detail below.

Sustainability and Recovery of Popular and Important Species

- For final action on gag management, we support **increasing the recreational size limit to 24 inches** (Alternative 2 in Action 1) and **extending the recreational fishing season through December** (Preferred Alternative 2 in Action 3). Additionally, we support **initiating a framework action to evaluate the effect of increasing the commercial minimum size limit for gag**.

- The new gray triggerfish benchmark assessment indicates the population is still severely overfished, and won't meet the 2017 rebuilding target. The Council should **initiate a new rebuilding plan with conservative catch levels** as soon as possible.

Red Snapper Recreational Management and Accountability

Management of the red snapper recreational fishery is once again at a crossroads. The Council is developing programs specific to the for-hire fishery while simultaneously finalizing a regional management plan that also includes the for-hire vessels. The best means to design management to benefit both components of the recreational fishery and the resource is to adopt regional management (Amendment 39) for the private recreational fishery and to continue developing Amendments 41 and 42 for the for-hire component. Implementing strategies for the separate components of the recreational fishery has the potential to effectively maintain catch within sustainable limits for each component; better align fishing opportunities to the needs of each sector; reduce the 20% accountability buffer for each facet; and ultimately, keep the red snapper rebuilding plan on track.

The Council's proposed electronic logbook (ELB) program for the Gulf's for-hire fleet will complement Amendments 41 and 42, which are aimed at providing maximum flexibility and also accountability for the for-hire fleet. Similarly, data collection programs under development at the state level should support regional management of the private recreational fishery. Amendment 39 offers more flexible management for the private recreational fishery, while maintaining accountability by ensuring the conservation requirements of the MSA remain in place and taking advantage of these state-based data collection programs. Therefore, to best promote conservation, accountability, and flexibility for both recreational components of the red snapper fishery, we **strongly urge the Council to remove the federal for-hire vessels from the regional management plan by adopting Alternative 2 in Action 2 of Amendment 39 as the preferred alternative**. Also, working with the industry participants, we **encourage the Council to continue developing Amendments 41 and 42 in conjunction with the ELB amendment**.

Implementing Electronic Logbooks for the For-Hire Fishery

We are pleased with the progress made to date on developing an electronic reporting and monitoring program for federally permitted for-hire vessels in the Gulf of Mexico. Based on our observations and communications, industry leaders and participants strongly support ELB. We support the Council's preferred actions in the electronic reporting amendment on trip level reporting and using "NMFS-approved electronic devices" to track fishing effort and location. To achieve implementation in 2017, the Council must address several key issues.

At the August 2015 meeting, the Council approved a motion that addressed many of these issues and asked the technical subcommittee for details of the program. Hopefully, this process is well under way. However, to facilitate moving this amendment forward, the Council should discuss and resolve the issues listed below at the October meeting:

- 1. Specify how data at the trip level for charter and headboats is to be used to determine whether catch estimates for federally managed species should be produced daily, weekly, or within some other time frame.**
- 2. Specify what “NMFS approved hardware and software” will be allowed and used in the ELB program.**
- 3. Specify what “NMFS approved electronic devices” are to be allowed and used in the ELB program.**
- 4. Determine what agency or entity will be the lead on designing and implementing the program and the intended use of the data.**
- 5. After resolving the above issues, develop detailed cost estimates and resource needs for implementing the ELB program in the Gulf.**
- 6. Determine potential available funding sources according to program needs.**

Addressing these issues should be instructive for development of the ELB program and beneficial to the technical subcommittee as they develop the data protocols and standards reference document. These are also questions that are likely to be asked by the fishermen who would be subject to any new requirements.

While developing the ELB amendment, it's important to recall the importance and benefits of an electronic monitoring and reporting program. A well-designed ELB program coupled with management strategies such as those under development in Amendments 41 and 42 can provide maximum flexibility and accountability. It can also improve data used for catch monitoring and stock assessments for all federally managed species caught by the federal for-hire fleet, not just red snapper. Specifically, the data obtained through the ELB program offers many benefits that will:

- Improve catch monitoring, which should also reduce the uncertainty regarding retained and discarded catch in stock assessments.
- Allow for responsive in-season management.
- Lead to stability in the for-hire fleet in conjunction with properly designed management plans.
- Increase user confidence in the data and management.

A successfully designed program requires balancing the tradeoffs of data needs with associated costs and constraints. Additionally, industry support and compliance is crucial for a successful

program. Therefore, it is imperative that the details of the program be addressed and documented as soon as possible and that the Council sends a strong message to the for-hire industry by showing full support for development and expedient adoption of the ELB amendment.

Designing Gag Management for Full Recovery

The 2014 gag stock assessment (SEDAR 33)¹ indicated the population is no longer overfished nor undergoing overfishing. However, more recent data analyzed by the Southeast Fisheries Science Center and reviewed by the Council in June indicates that the population and fishery indicators are trending downward.² These trends are consistent with fishermen testimony that the assessment was overly optimistic. In fact, both the commercial and recreational fisheries have not been catching their quotas in recent years, an indication that the population may be in trouble. For these reasons, the Council opted to maintain catch limits at current levels rather than increasing them, an action we support.

With an assessment update scheduled to be available in early 2017, it is likely that the outcome will not be as favorable, given the current indicator trajectories. This in turn could lead to future restrictions. Management measures should be focused on maintaining fishery stability and population sustainability. Substantially increasing the length of the recreational fishing season now may jeopardize the health of the population at a time when there is high uncertainty about the condition of the population. Current catch monitoring programs do not allow rapid management action should the quotas be met or exceeded during the season, which could be exacerbated by substantially extending the recreational fishing season. Thus, we do not believe that alternatives 3 or 4, which would remove the January through June gag seasonal closure, are prudent options at this time.

However, increasing the size limit improves the spawning potential by allowing a higher percentage of larger females to reproduce before they enter the fishery without a significant increase in discard mortality. Therefore, **we support finalizing the gag Framework Action with the Council's current preferred alternatives, which would increase the recreational minimum size limit to 24 inches, and include a modest extension of the end date for the recreational season from December 3 to December 31, when catch rates are low.** Together, these two actions should provide a biological boost for the population while providing some additional fishing opportunity. This is particularly true for anglers in South Florida where gag are more accessible during this time of year. In addition, **we also support initiating a framework action to evaluate increasing the commercial minimum size limit to 24 inches as recommended by the Reef Fish Advisory Panel.**

¹ SEDAR 33. 2014. Gulf of Mexico Gag Stock Assessment Report. SEDAR, North Charleston SC. 609 pp. Available online at: http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=33.

² Tab 6, May 2015 SSC meeting briefing book Updated indices of abundance for gag grouper in the Gulf of Mexico. NOAA Fisheries, May 4, 2015.

Gray Triggerfish Rebuilding

The newly completed standard assessment for gray triggerfish (SEDAR 43)³ indicates that the population is still severely overfished with no sign of recovery. Hence, the rebuilding target of 2017 will not be met. As suggested by the Scientific and Statistical Committee (SSC)⁴, the Council should initiate a new rebuilding plan as soon as possible designed to provide biological improvement for the population. Unfortunately, catch level projections produced by the assessment are unreliably high and were rejected by the SSC. In fact, current catch levels haven't allowed full recovery of the population. Thus, new catch levels should be more conservative than current levels, and should be coupled with management measures such as properly timed closed seasons that take the biological needs of the species into account.

Thank you for considering these comments. We look forward to continuing to work with the Council and stakeholders on these and other important issues.

Sincerely,



Chad W. Hanson
Officer, U.S. Oceans, Southeast
The Pew Charitable Trusts

³ Tab 6, SSC September 2015 Briefing Book. SEDAR 43, Standard Stock Assessment Report for Gulf of Mexico Gray Triggerfish. August 2015. SEDAR, North Charleston, SC.

⁴ Tab B - 4, October 2015 Gulf Council Briefing Book. Standing and Special Reef Fish SSC Meeting Summary. Tampa, Florida. September 1-2, 2015.



October 4, 2015

Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2203 North Lois Ave, Suite 1100
Tampa, FL 33607

Dear Chairman Anson,

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance), please accept the following comments on the following issues to be discussed at the Gulf of Mexico Fishery Management Council (Gulf Council) meeting in Galveston, Texas this week.

Amendment 39 (Regional Management)

- **We continue to strongly support Action 2 Alternative 2 - regional management for private anglers.** This alternative is endorsed by a vast majority of the charter/for-hire sector, and is also supported by the Reef Fish Advisory Panel (AP). The charter/for-hire fleet wants to remain under federal management and the protections it affords their businesses.

Gray Triggerfish

- **We support the Reef Fish AP's overwhelming recommendation to untable Amendment 33 and consider gray triggerfish in the document.** Commercial management of gray triggerfish isn't working – biomass and spawning potential are at or near all-time-lows while commercial discarding continues to rise and commercial quota overages have occurred in two of the last three years. Untabling Amendment 33 will give the industry and the Gulf Council the chance to discuss whether an individual fishing quota (IFQ) could effectively solve some of these problems and help rebuild this fishery.

Joint Amendment to Require Electronic Reporting for Charter Vessels and Headboats

- **We support the AP's overwhelming recommendation to proceed with the charter/headboat electronic reporting document separately from the South Atlantic.** Splitting this document will allow the Gulf Council to move forward more quickly and effectively to implement this positive program and acknowledges the preference the Gulf fleet has for trip-level reporting (as opposed to the South Atlantic's preference for weekly reporting).

Gag

- **We support the AP's recommendation to increase the recreational gag size limit to 24 inches** in order to help promote conservation of this species.
- **We also support the AP's unanimous recommendation to adjust of the recreational season to include a winter season (January 1-31)** in order to maximize economic opportunities for the charter boats reliant on gag grouper, while continuing to manage this species under federal ACL/ACT requirements.
- **Furthermore, we support the AP's unanimous recommendation to increase the commercial gag size limit to 24 inches if the recreational gag size limit is increased to 24 inches.** This will create parity between the sectors and will help promote conservation of this species.

Hogfish

- **We support the AP's recommendations that define the hogfish management unit, identify maximum sustainable yield proxy and (a conservative) minimum stock size threshold and initiate a plan amendment for hogfish management.** We also support the AP's recommendations to create a recreational/commercial split of the hogfish allocation and to increase the minimum size limit from 12 inches to 14 inches. These measures are necessary to improve hogfish management and conservation.

Coral Habitat Areas of Particular Concern (HAPC)

- **We support the AP's unanimous recommendations to develop a working group where scientists and fishermen collaborate to identify new and existing coral areas in need of protection.** A working partnership like this will help ensure that HAPCs maximize the most critical habitat protections while engaging fishermen to operate their gear in an accountable manner that causes the least amount of habitat damage. We believe that responsible, low-impact commercial fishing can continue to coexist with habitat protection – the two ideas are not mutually exclusive.

Reef Fish Amendment 41 and 42

- **We support moving forward with Amendment 41 and 42 to develop charter/for-hire and headboat red snapper and reef fish management plans.** Doing so will afford these groups the opportunity to develop accountable management plans that work for their businesses and promote sustainable harvesting.

Ad Hoc Private Angler Advisory Panel AP

- **We support the immediate development and implementation of this AP, including a charge, membership, roles and responsibilities, and a timeline for meetings.** The chance for private anglers to come together to discuss fishery solutions is long overdue. Please stop stalling.

Recalibration

- **We support the AP's overwhelming recommendations to improve the use of recalibration in fishery management.**
- First, we support the AP's request to have the Science Center run additional red snapper recalibration projections using a range of assumptions that we believe are reasonable, including

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1) that recreational selectivity will change over time (rather than remain constant) and 2) that recreational discard mortality is higher than 10%. We believe these assumptions are just as plausible as the ones used by the Science Center and should be evaluated.

- Second, we support the AP's request that all future Gulf Council decisions that involve recalibration use a more comprehensive analysis than the one recently used in red snapper, which was determined to be a "*preliminary, interim approach*" that "*may not be defensible from a scientific point of view.*" Further, the recalibration approach chosen was the simplest of three approaches that were evaluated by the working group, which concluded "*We recommend that investigation continue on the remaining two methods. It is possible that one of them will be determined to be better at some future date.*" All we are asking is that in the future, the full suite of approaches be evaluated and reviewed by the Science and Statistical Committee before being used for management purposes.

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 a large initial "E" and a stylized "B".

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