



April 8, 2013

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

RE: Charter “Days at Sea” Pilot, Headboat Electronic Reporting, Regional Management and Private Recreational Data Collection

Dear Mr. Boyd:

Please consider these comments on behalf of The Pew Charitable Trusts on a number of issues before the Gulf of Mexico Fishery Management Council (Council) at the April 2013 meeting.

- 1) We support moving forward with the charter “days-at-sea” pilot but have some recommendations to help improve the design and effectiveness of that program.
- 2) Similarly, we recommend approval of the framework action to require weekly electronic reporting from headboat vessels but urge that electronic reporting be accompanied by strong validation methods to ensure data is not just more timely but also accurate.
- 3) As regional management under Amendment 39 is pursued, we urge the Council to keep rebuilding of the red snapper population as the top priority and to ensure that management strategies are designed to keep catch from exceeding the prescribed scientific limits, which includes strong accountability measures.
- 4) For the private recreational fishery, we encourage Council action on the motions made from the *Ad Hoc* Private Recreational Data Collection Advisory Panel.

More detailed recommendations are included below.

Charter “Days at Sea” Pilot Program

Pew supports investigating new ways to manage recreational fisheries that allow for more fishing opportunities while keeping the catch within science-based limits. We support the continued development of the charter pilot program as a means to test a new management strategy that could help prevent overfishing and also allow charter fishermen to operate their businesses in a more flexible and efficient manner. However, this pilot should be designed around clear and specific objectives aimed at more effectively implementing catch limits.

The most important components of this pilot are ensuring that electronic catch data is sufficiently validated and fishing activity is effectively monitored. We have some suggestions to address this:

- An electronic data-collection system and an effective way to validate the data should be in place before charter operators start the pilot. That will require advance coordination with state fisheries agencies on enforcement and dockside sampling, as well as secured funding to operate the project.
- We also recommend coordinating with the Marine Recreational Information Program on their pilot using electronic self-reported for charter boats. The report for their pilot should be available for the April meeting and could be instructive.
- Increased sampling through the MRIP dockside survey or additional monitoring outside of the MRIP will be necessary to properly validate catch and trip information for the Gulf Council's pilot. This might not be covered under existing MRIP sampling protocols, and would likely require additional funds and resources. We recommend coordinating with MRIP to determine the sampling protocols and level of coverage needed to ensure charter boat catch in this pilot is sufficiently monitored.

Additionally, we have some specific comments on the scoping document:

- The Council should add an alternative that considers allotting pounds or numbers of fish to individual vessels as a unit of effort in addition to the days, trips, and angler trips in the document now. That could be the simplest approach, and individual vessels could be held accountable to stay within their allotted pounds (or numbers) of red snapper. This would be the most direct way to ensure that quotas are not exceeded.
- The Council should also accompany the allotment of the recreational ACL used for this pilot with accountability measures specific to the project. For example, if the pilot exceeds its catch limit, then measures such as overage paybacks and fishing reductions should be applied directly to the participants in this pilot. If sufficient monitoring and validation occur in real time, those measures may not necessarily be triggered. But it would provide an appropriate assurance that this pilot program will not negatively affect other recreational anglers.
- Finally, we urge the Council to rename the proposed pilot to include a broader description of its purpose, instead of one aspect of it. For some, "Days at Sea" carries negative connotations because of a failed plan by that name in New England. One suggestion: re-name it "Charter Sector Pilot."

In summary, we support moving the charter pilot to the next step with the inclusion of clear and specific conservation objectives focused on better implementing catch limits in addition to the socio-economic goals that have been identified. The most important components to get right in order for the pilot to be successful are ensuring that electronically reported data is sufficiently validated, and the catch is effectively monitored. That will likely require additional resources and infrastructure, which should be secured and in place before the project starts.

Headboat Electronic Reporting

We applaud and encourage the Gulf and South Atlantic Councils for their effort to move from paper to electronic reporting and logbooks. Electronic data should enable more timely catch monitoring and improve the adherence to catch limits that prevent overfishing. In Action 1 of the Draft Framework Action document (Framework Action), **we support the Council's Preferred Alternative 4, would require headboat vessels to submit electronic fishing records to the Science and Research Director (SRD) at weekly or shorter intervals.**

Unfortunately, the South Atlantic Council selected a reporting interval of 21 days as its preferred alternative. The intent in developing electronic reporting requirements for headboat vessels is to coordinate with both councils since headboat reporting is conducted through one program for both regions. However, requiring data to be reported within three weeks of headboat trips is only a marginal improvement over the status quo of monthly reporting. The purpose and need from the Framework Action document states:

*The purpose of this amendment is to modify the data reporting requirements for federally permitted headboat vessels in the Gulf of Mexico to ensure effort, landings, and discard information of managed fish stocks are recorded accurately **and in a timely manner**. The need for this amendment is **to prevent overfishing and ensure ACLs are not exceeded**¹ [emphasis added].*

Thus, the primary purported benefit of obtaining near real-time data for ACL implementation by requiring electronic reporting is lost if reporting is required in only three week intervals. We urge the Council to support Preferred Alternative 4 which requires weekly reporting or intervals less than a week if required by the SRD and to encourage the South Atlantic Council to adopt this same requirement.

We'd also like to point out that self-reported electronic data systems, including logbooks, do not necessarily mean higher quality data and effective prevention of overfishing unless it is paired with adequate validation. For example, estimates produced by self-reported electronic data can be much different than estimates produced from observer data. This is illustrated by the graph below comparing commercial red snapper discard estimates from both observers and self-reported logbooks (see Figure 1).

¹ Framework Action to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and Coastal Pelagic Resources of the Gulf of Mexico and South Atlantic Headboat Electronic Reporting Requirements. January 27, 2013. Tab E., No. 3, Gulf Council February 2013 briefing book, pg. 7.

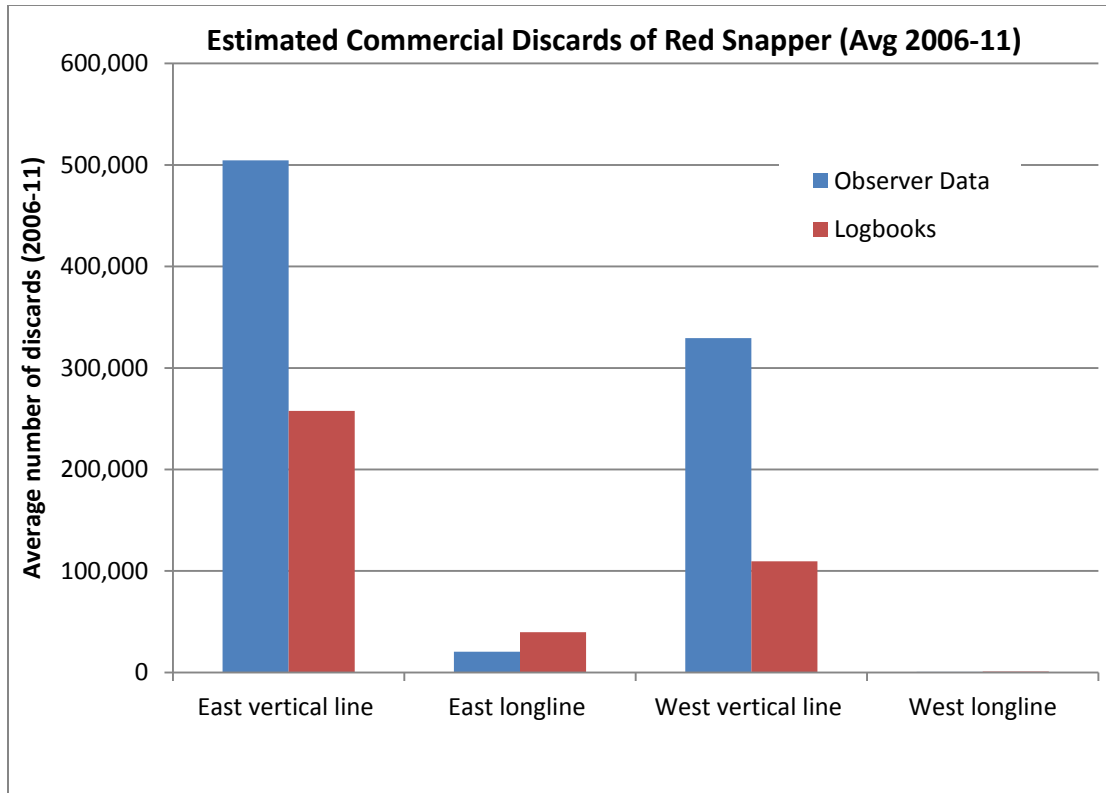


Figure 1. Comparison of commercial discards of red snapper. The blue bars are fishery-wide estimates based on observer data whereas the red bars are fishery-wide estimates based electronic logbook reports as reported (*i.e.*, unfiltered). This is shown as an example of the disparity sometimes seen in self-reported data. Relying solely on self-reported data with inadequate validation may not provide accurate data. Similar data from the headboat fishery is not readily available. [Data from SEDAR31-AW31²]

The Framework Action³ for headboat electronic logbooks does not describe how the data will be improved or how it will be validated. This document should require measures to ensure that the electronic logbooks provide higher quality data, not just more timely data. Specifically, the framework document should include:

- targeted levels of compliance with reporting,
- a description of required validation methods to be utilized, including both observer coverage and dockside sampling, and
- a description of how any disparities in the electronic logbook data will be handled.

Additionally, since 1996, the Magnuson Stevens Fishery Conservation and Management Act (MSA) has required fishery management plans (FMP) to include a standardized bycatch reporting methodology (SBRM) to assess the amount and type of bycatch occurring in the fishery. Specifically, each FMP must:

² McCarthy, K. 2012. Calculated red snapper discards in the Gulf of Mexico commercial vertical line and bottom longline fisheries. SEDAR31-DW31. 13pp.

³ The updated document for the April 2013 Council meeting was not available at the time of this writing.

“ . . . establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority – (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided;”⁴

Unfortunately 17 years after this legal mandate was enacted, an effective catch monitoring and reporting system capable of providing reliable estimates of bycatch and discards in the Gulf of Mexico is still lacking. Establishment of an adequate standardized bycatch and discard reporting methodology is critical to effective ACL management and accountability and must be a top priority of the Council. This Framework Action should specifically describe how requiring electronic logbooks complies with the SBRM requirements and will improve bycatch monitoring.

In summary, actions proposed in this Framework Action have the potential to improve catch monitoring and reporting considerably if the appropriate alternatives are selected. Thus, the Council should move forward expeditiously with this Framework Action to require weekly electronic reporting from headboat vessels. However, electronic reporting must be accompanied by strong validation to ensure the data is both more timely and more accurate in order to facilitate more effective implementation of ACL requirements. Additionally, the Framework Action should describe how requiring electronic data will improve bycatch monitoring and how it complies with standardized bycatch reporting methodology requirements.

Amendment 39 – Red Snapper Recreational Regional Management

As the Council considers regional management strategies for the recreational red snapper fishery, it is critical to conserve and protect this public resource. We urge you to keep the rebuilding plan’s progress as your priority by ensuring that any management actions adopted are designed to keep the recreational fishery within catch limits prescribed by the scientific process and required by the Magnuson-Stevens Act. In particular, accountability measures, including in-season monitoring and payback provisions, are key to preventing overfishing by making sure the annual catch limit is not exceeded.

Since 2007, the recreational sector has exceeded the Gulf red snapper ACL on average by more than a million pounds a year, with the exception of 2010 when the Deepwater Horizon oil spill resulted in large scale fishing closures. A regional management approach that maintains the status quo for data collection and monitoring will likely lead to greater uncertainty in the data used to track catch and could result in even higher overages of the annual catch limit. Since the recreational red snapper fishery is currently monitored on a Gulf-wide basis, catch estimates of red snapper produced from the MRIP have relatively low associated uncertainty (<0.15 PSE, or proportional standard error⁵). If this same monitoring program is used to track red snapper catches across the states without increased sampling, the uncertainty within most states would increase above 0.25 PSE⁶ in many cases, and well above this level in some cases. The higher the

⁴ 16 U.S.C. § 1853(a)(11).

⁵ Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division. <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>

⁶ A PSE level of 0.25 and greater should be viewed “with increasing caution”, Ibid.

uncertainty (*i.e.*, PSE) in the catch data, the more likely estimates are further from actual catch which could lead unwittingly to risky management decisions and higher overages across the Gulf. In other words, states may choose less restrictive regulations based on highly imprecise data and the Gulf-wide ACL could be greatly exceeded when all the state landings are combined.

To counter this effect, states would need to implement increased or supplemental data collection and monitoring programs to better track catch of red snapper by state or regions. This may include tools for improved catch accounting such as fish tags, offshore fishing permits or mandatory catch reporting that can be sufficiently validated. A regional management approach would also require states to become more directly involved in analyzing data from the red snapper recreational fishery to ensure catch in waters off of their coasts stay within the prescribed catch limits. Currently, NOAA Fisheries provides much of the data and analysis for ACL implementation and fisheries regulations.

Additionally, the Council should implement strong accountability measures such as the use of an annual catch target to build in a margin of error associated with the level of uncertainty in the data monitoring programs. These AMs should also be coupled with state-based in-season closure authority to prevent exceeding the ACLs and overage paybacks when the ACLs are exceeded.

Ideally, regional management would be a coordinated effort among the states across the region with improved data collection and fisheries monitoring programs and measures to keep all states within their science-based catch limit. However, new data programs likely require significant new funding resources. This is a serious concern in this era of constrained budgets at both the state and federal level.⁷

Private Recreational Data Collection Advisory Panel Recommendations

The Council's Ad Hoc Private Recreational Data Collection Advisory Panel (AP) recommended at its March 2013 meeting means to better track offshore fishermen and their catch, which in turn would provide valuable data for stock assessments and improve the effectiveness of the ACL / AM approach. Presently, managers do not know how many of the 3 million or so licensed saltwater anglers in the Gulf of Mexico fish offshore for federally managed species. However, less than 10% of the recreational trips occur in federal waters.⁸ MRIP obtains catch information from all saltwater trips regardless of area fished. Since the bulk of recreational fishing trips occur in coastal waters, the bulk of the sampling occurs on those state-based fisheries (*e.g.*, red drum, spotted seatrout). Increasing knowledge of the potential universe of offshore anglers Gulf-wide through some type of permitting system could provide data managers and scientists with a more defined group of anglers from which to generate more reliable catch and effort statistics for federal fisheries.

⁷ Appendix B. Analysis on cost of improving harvest information. Scoping Document for Amendment 39. Dec. 31, 2012, Tab SP, No. 6(a), briefing book for Special Reef Fish Committee meeting, January 2013.

⁸ Ibid, MRIP query page. <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index> April 1, 2013.

Thus, Pew supports these recommendations and encourages the Council to initiate action on their motions at this meeting. Specifically, we support the following data improvements as a way to supplement and enhance the existing recreational data collection programs:

- The implementation of a permit system for private recreational boats fishing in federal waters. Although we recognize that this in itself does not provide necessary data to monitor fishing participants and their catch, it would help to better define the universe of anglers that target federally-managed species. This in turn provides a foundation upon which the Council can build to improve monitoring of federally-managed recreational fisheries.
- A system that keeps track of individual red snapper caught (“fish tags”, “coupons”, or “daily permits”) that can be validated and used to supplement other data collection programs in order to improve catch estimates of red snapper.
- Working with MRIP to develop a pilot program testing the feasibility of electronic data reporting for private anglers using a panel-based approach from a sub-sample of the boat permits or saltwater licenses.

Conclusion

Thank you for the opportunity to provide input on these important issues before the Council. We look forward to working with you to protect and conserve the Gulf’s public fisheries resources.

Sincerely,



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The Pew Charitable Trusts