Dec. 22, 2014

Peter Hood
NOAA Fisheries
Southeast Regional Office
Sustainable Fisheries Division
263 13th Avenue South
St. Petersburg, Florida 33701-5505

Re: NOAA-NMFS-2014-0120

Dear Mr. Hood,

The Coastal Conservation Association (CCA) appreciates the opportunity to comment on the Proposed Rule to Add Red Snapper Recreational Accountability Measures. We realize there is specific language in the Magnuson-Stevens Act which requires that there be an allocation between the recreational and commercial sectors and that such allocation must not be exceeded for Gulf red snapper. However, we believe that accountability measures and payback provisions are nonsensical requirements in this fishery for two primary reasons:

1. Your current method of counting fish is inherently flawed in its application. The previously mentioned portions of the Magnuson-Stevens Act essentially require that that the recreational harvest of red snapper be counted. NOAA uses the Marine Recreational Information Program (MRIP) to do so. The problem is that MRIP was never designed to count, in real-time, the number of red snapper being harvested in the Gulf by anglers. It was designed as a tool to estimate catch. It was not designed for real time, in-season quota monitoring.

Despite these undeniable facts, NOAA applies MRIP to the red snapper fishery as if MRIP provides real-time data, and uses it for in-season quota monitoring. There is evidence these estimates are not accurate. In 2014, NOAA’s MRIP estimated that Alabama anglers harvested approximately 1 million pounds of red snapper, but a new data collection program implemented by that state, with the intent to actually count fish harvested, estimated that Alabama anglers harvested about half of MRIP’s estimate.

The only possible way that Accountability Measures make sense is if NOAA conducted an actual census, i.e., counted instead of estimating, the harvest of red snapper. NOAA has chosen not to implement such a program, all while interpreting the law to mean that counting every fish is required. It simply makes no sense. NOAA cannot logically interpret the law to require that it count every fish and adopt Accountability Measures in doing so, but then use a program which only estimates harvest.

Behind the fact that the federal government has not attempted to adopt a means to count every fish caught recreationally is the reality that counting every fish is completely unnecessary for the proper management of marine recreational fisheries. The vast majority of species under state or federal management in the Gulf of Mexico – king
mackerel, Spanish mackerel, red drum, spotted sea trout and most species of reef fish – are managed sustainably using MRIP. Decades of successful management of wildlife and inland fish species using mortality rate based management that relies on estimated harvest have shown the efficacy of such programs.

In short, NOAA cannot insist that the law requires that it count every red snapper harvested, and then fail to count every fish harvested by using a data collection system which was never intended for that purpose. The only logical result, and indeed one that is allowed under Magnuson, is that NOAA use mortality-rate-based management for the red snapper fishery.

2. The allocation for red snapper was never set properly and this fact cannot be overlooked or dismissed in the insistence to manage this fishery to a virtually impossible standard. Due to the improperly set allocation the accountability measures are therefore bound by flawed data that significantly misrepresents the actual use of the red snapper resource by recreational anglers.

The current allocation uses data across the time period from 1979-1982 as the base years to determine the allocation. That time frame coincides with the first years of the old Marine Recreational Fishing Statistics Survey (MRFSS), and the harvest estimates for those early years are suspect, at best. In fact, most stock assessments do not use the first few years of the MRFSS survey in recognition of the inaccuracy of that data. Additionally, the Council was informed at a recent meeting that the data upon which the allocation is based cannot even be found because it was lost by a contractor. Yet these are the very years the allocation hinges on.

Any discussion on accountability measures for this species must acknowledge first that angler effort responds to abundance. As abundance increases recreational effort rises; as abundance decreases recreational effort correspondingly declines. The current allocation was set at a time period with the lowest population level of red snapper in the Gulf, and a time when recreational effort was at a similar historic low:
Thus, the allocation provided virtually no room for effort expansion as the population rebounded, and the allocation has been static for more than two decades. Anglers respond to populations as they exist today, not to how stock projections indicate it should be. That is why rate-based systems are preferable for recreational fisheries.

The system currently in place for the management of recreational red snapper in the Gulf of Mexico is based on a fundamentally flawed allocation and uses tools that are wholly unsuited for a diverse and geographically expansive population of anglers. The accountability measures and payback provisions under consideration by the Gulf Council will compound an already unworkable situation by codifying punitive measures to enforce compliance with a flawed system. Multiple wrongs will not make a right in the management of Gulf red snapper.

As evidenced by the recent hearing on H.R. 3099 in the U.S. House of Representatives’ Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, federal management of this important fishery is on the wrong track. Rather than further solidify that track with retaliatory accountability and payback provisions, we urge NOAA Fisheries to ask Congress to rescind these unrealistic requirements and manage red snapper like most other successfully managed species.

Sincerely,

Ted Venker
CCA Conservation Director