

The Gulf Fishermen's Association

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The Coastal Conservation Association (CCA), a recreational organization, recently provided information on the commercial grouper fishery that were misleading. I have clarified their comments with real data and addressed their comments on the grouper IFQ program and commercial grouper regulations.

Reading through CCA's comments and recommendations you will only read half the truth, I will fill in some of the blanks they knowingly left out. CCA left out information to lead you to believe what they wanted you to believe!!!!!!

COASTAL CONSERVATION ASSOCIATION

COMMENTS AND RECOMMENDATIONS ON GULF COUNCIL GAG AND RED GROUPER MANAGEMENT

1. INTRODUCTION

The Gulf of Mexico Fishery Management Council has proposed inequitable reductions in gag grouper take. These proposals brought opposition from hundreds of anglers and divers at the Council's January 30 Public hearing. The Council is proposing a forty five percent reduction in gag take. This results in recreational fishers being limited to only one gag grouper in a three fish aggregate bag limit. Fishing for all groupers will be closed to recreational take from January 15 to April 15. These severe restrictions on recreational fishers are being proposed while commercial fishers retain their 6,000 pound trip limit of any grouper, and have only a one month closure during the spawning aggregation period.

The Truth

The one gag grouper bag limit is to keep the recreational sector from busting their quota on gag grouper if a 45% reduction is required. If the commercial sector were

to catch 6,000lbs of gag grouper per trip they would reach their quota and be shut down for several months thus going out of business and or disrupting the supply of grouper for the public. Commercial fishermen don't catch six thousand pounds of gag per trip, though we do catch other grouper species.

In addition, the federal Council is expediting the implementation of a program, which will transfer the exclusive right of access to more than one half of the Gulf grouper into the hands of a limited number of commercial fishermen. The program is called an Individual Fishable Quota (IFQ).

The Truth

The commercial sector has already been under limited entry for years, and there is a moratorium on reef fish permits. The only way a new entrant can enter the fishery is to buy an existing fisher out, therefore, the commercial numbers cannot increase or put more pressure on the fishery except with the use of dormant permits. An IFQ will help consolidate the commercial sector, meaning fewer fishermen, less discards, no competing against other commercial fishermen for their share of the commercial quota, safer fishing conditions and stopping the possibility of more pressure from dormant permits.

CCA opposes the Council's preferred alternative for bag limits and seasons, opposes the commercial IFQ for grouper, and requests the development of management measures that fairly and equitably distribute the impacts of the quota reduction between the sectors.

Just an Opinion

What does CCA stand for? [Cut Commercial Allocation] I don't see much Coastal Conservation in this statement, or anywhere else in these proposals. I do see a lot of opposition. Maybe they should be called CCO.

2. RECOMMENDATIONS

- CLOSE COMMERCIAL TAKE FROM JANUARY 15 TO APRIL 15, THE PRIMARY GAG SPAWNING AGGREGATION MONTHS

The commercial industry is being allowed to target gag grouper spawning aggregations. Gag grouper have definite spawning aggregation months and are subject to directed and concentrated commercial effort on the spawning aggregations.

Such closures may have a positive impact on the percentage of males in the population, an issue which has been identified as a concern. Males are more aggressive feeders in aggregations and are, thus, more subject to exploitation.

All recreational take will be prohibited from January 15 through April 15 even though it is highly unlikely that recreational fishers will travel 50 to 80 miles offshore for a single fish. The commercial fishers will only have a one month closure. The one month closure did not reduce commercial take when it was adopted several years ago because commercial fishers intensified their efforts on

either side of the closure. In addition, new commercial quotas start again annually on January 1 at the beginning of the spawning season. The commercial boats will be able to hammer the gag spawning aggregations with a new annual quota and 6,000-pound trip limits.

The Truth

This statement has some truth to it, no one would travel that far for one gag grouper. I would think most recreational fishermen know they can catch other groupers up to their aggregate bag limit and while they're out there they could catch American Snapper, Lane Snapper, vermillion snapper (B - liners), Mangrove Snapper, Amberjacks, Cobia, King Fish, Mackerel, Pompano, Bonita, Barracuda, ect.

Even with the commercial fishermen's 6000lb trip limit, the commercial sector has never gone over their gag grouper quota, which is by far smaller than the recreational quota.

Table 2.3.4. Estimates of landed gag yield from commercial and recreational fisheries. 1986- 2004 SEDAR 10 Assessment Advisory Report. 2005-2006 preliminary landings, pers. Comm.

(Strelcheck). Values in pounds gutted weight.

Year	Commercial	Recreational	Total
1986	1,701,441	3,597,491	5,298,932
1987	1,538,166	2,447,832	3,985,998
1988	1,216,494	3,747,483	4,963,977
1989	1,692,830	2,314,324	4,007,154
1990	1,793,090	1,259,887	3,052,977
1991	1,565,320	2,748,231	4,313,551
1992	1,663,880	2,245,860	3,909,740
1993	1,865,116	2,787,852	4,652,968
1994	1,618,740	1,999,707	3,618,447
1995	1,651,664	2,700,221	4,351,885
1996	1,566,658	2,353,437	3,920,095
1997	1,597,645	2,573,108	4,170,753
1998	2,530,686	3,519,315	6,050,001
1999	2,097,739	3,721,784	5,819,523
2000	2,283,311	4,972,529	7,255,840
2001	3,128,510	4,031,469	7,159,979
2002	2,983,506	4,435,518	7,419,024
2003	2,626,122	3,773,139	6,399,261
2004	2,901,692	4,913,422	7,815,114
2005*	2,487,228	3,534,222	6,021,449
2006*	1,326,011	1,946,631	3,272,641

These numbers are astounding

- Preliminary landings

The Truth

Totals 41,835,849 (Comm.), 65,623,463 (Rec.) That's 23,787,614 more lbs than the commercial sector over the last 20 years, more than a million lbs per year on average. The complete opposite on red grouper, which is the dominant species off of Florida. Much more abundant and not over fished.

- **OPPOSE PUBLIC RESOURCE GIVE AWAY – GROUPEL IFQ PROGRAM**
The IFQ Program will allocate and give exclusive right of access to more than half of all the Gulf grouper, to a limited number of commercial interests. The commercial fishers will be able to take, sell, lease, or broker the grouper quota shares. There are only a few hundred commercial fishermen in this fishery. Within that total a much smaller number of participants, such as the longline boats, take a disproportionate amount of the fish. The allocation of the quota greatly advantages this group already. CCA is opposed to locking up access to a public resource in a small number of individuals until there is a reallocation of the resource that fairly and equitably distributes the benefits of the fishery.

Just an Opinion

CCA [Cut Commercial Allocations] no conservation in this statement except the mention of IFQ's for the commercial sector. [More on IFQ's below!]

- **PROHIBIT COMMERCIAL LONGLINES OUT TO 50 FATHOMS AND MODIFY RED GROUPEL ALLOCATION**
The federal waters off of Florida's west coast are the only areas in the Gulf where commercial bottom longlining is allowed inside of 50 fathoms. Off of Texas, Louisiana, Mississippi and Alabama, bottom longlining is prohibited out to 50 fathoms. Off of Florida longlining is prohibited out to only 20 fathoms.

The Truth

Red grouper are dominant in the eastern Gulf off the coast of Florida. With long liners being out past 20 fathoms that leaves approximately 60% of the red grouper bottom untouched with long line gear. Out past 50 fathoms, there is very little fishing bottom for red grouper or any grouper until you get out past 80 or 90 fathoms where you start catching Yellow edge grouper that has a very low quota [1.2 million lbs], and no red grouper. Again when the commercial sector reaches their quota on deepwater grouper, [generally in June], they are prohibited from fishing those species. Wow, that's a six-month closure for commercial fishermen!

Long Line gear has never been proven to be destructive to the environment, and there have been numerous studies. Long lines catch the least amount of gag grouper. Most of the longline catch is red grouper that are NOT over fished. Long lines are prohibited inside of 20 fathoms. Pushing long liners out past 50 fathoms would not accomplish anything except to eliminate most all of the red grouper from the non fishing public.

In 2001, the Florida Fish and Wildlife Conservation Commission (FWC) urged the feds to prohibit bottom long lining out to 50 fathoms. The Gulf Council voted overwhelmingly to support the recommendation. The NMFS withheld action for several months, determined that the red grouper resource was not in as bad a condition as it thought it was, and rejected the 50 fathom recommendation. CCA supports a 50-fathom closure off the State of Florida.

After just reading the rational of why it was rejected, what would the rational be for this action now, just because CCA supports

it? Recommendations on zoning fishermen is a double-edged sword for the recreational sector. Here is why --- Since the recreational sector harvests most of the gag grouper (the stock in trouble), should we ask NMFs and the Council to prohibit recreational boats from fishing inshore of the 20 fathom break!!!!

In 2005, The Florida FWC urged the feds to re-examine the red grouper allocation. No action was taken. So the FWC asked again in 2007 to revisit the allocation. A prime example of inequitable allocation is red grouper in the Gulf of Mexico. The federal process has determined that as much as 81% of the red grouper harvest should be taken by commercial interests. Recreational fishers have been continuously reduced to the point where the recreational bag limit is only one fish, with an added one month closure. CCA filed a lawsuit in 2005 against NMFS when it attempted to enact Interim Rules to close the entire Gulf of Mexico to all recreational take, for all groupers, for three months. CCA won the lawsuit and only red grouper was limited. During the lawsuit, it was shown that commercial longline boats take the majority of the commercial allocation of red grouper. It was also shown that just 25 commercial longline boats took more red grouper than what was allocated to all the recreational fishers in the entire Gulf of Mexico!

Years have passed and the Gulf recreational red grouper bag limit is still only a single fish. Commercial longline boats continue to take thousands of pounds per trip and up to 81% of the total take is still allocated to the commercial industry.

The Truth

The seemingly low bag limits imposed on the recreational sector reflect the growing number of participants in that sector. Bag limits are imposed to give every one a chance to fish while keeping the season open as long as possible. A higher bag limit would result in a shorter season. A reallocation of the resource would only hurt the non-fishing public that depends on those fish coming to market

Table 2.5.2. Allocation adjustments between recreational and commercial fisheries based on landings from various time periods within the historical period 1986 through 2005.

Amendment 1 Allocation (only 1986-1987 landings are available by species)

	Recreational	Commercial	Total	% Rec	% Comm
Average Gag	3,022,622	1,619,803	4,642,465	65%	35%
Red	1,932,545	6,515,438	8,447,983	23%	77%

Recent Average Landings (2001-2005)

	Recreational	Commercial	Total	% Rec	% Comm
Average Gag	4,137,554	2,825,412	6,962,966	59%	41%
Red	1,768,998	5,593,871	7,362,869	24%	76%

Full Time Series Average (1986-2005)

	Recreational	Commercial	Total	% Rec	% Comm
Average Gag	3,183,842	2,025,492	5,209,334	61%	39%
Red	1,731,698	5,428,528	7,160,226	24%	76%

The Magnuson – Stevens Fishery Conservation and Management Act states that allocation of fisheries must be “fair and equitable”. This standard has to be judged against the impact of the allocation on individual sectors in the fishery. Specifically, the law defines “fishery” to mean “one of more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, **recreational**, and economic characteristics.” (*emphasis added*). The Act requires any fishery management plan or plan amendment to “include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery...”and “to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector.”

The proposed allocation and closure for the recreational sector does not properly reflect the significant fishery participants in the recreational sector. The allocation and harvest restrictions are inconsistent with the clear intent of the law to provide a fair and equitable distribution of the fishery resource. It certainly is not fair or economic to restrict the participation of hundreds of thousands of citizens while preserving a small and increasingly uneconomic commercial fishery.

- LIMIT RECREATIONAL CLOSURES TO GAG GROUPER ONLY – THE CLOSURE OF ALL RECREATIONAL TAKE OF ALL GROUPERS IS UNWARRANTED.

The measure to close all recreational grouper fishing for three months to reduce take of one species is a repeat of the same NMFS action that occurred in 2005 on red grouper. NMFS moved to enact Interim Rules to close all recreational fishing for all groupers to protect red grouper from overfishing. The FWC opposed the NMFS rule and requested red grouper be limited to one fish with no closures. NMFS rejected the FWC’s request and was met with a lawsuit from CCA and others. The federal judge ruled that only reds should be closed, not all groupers. The next stock assessment determined that red grouper had not been overfished. The action is unwarranted because there is no indication that the impact on other reef fish that are not being overfished is a problem. NMFS is imposing the maximum economic impact on the recreational fishery to save fish that are not overfished. There is no rationale for that.

The Truth

I believe the rationale is the same as it is in the commercial sector, that there would be an abundance of regulatory dead discards of gag grouper therefore not preserving the stocks or helping to rebuild them.
When the commercial sector reaches its quota on red grouper it is shut down entirely leaving thousands of pounds of gag quota uncaught, the same will

happen if the commercial sector fills its gag quota with red grouper quota left, those fish will continue to swim helping to preserve the stocks.

- PROTECTION LEVELS AND RESOURCE GOALS

The requirement to prevent overfishing and rebuild stocks within two years of identifying the fishery as overfished does not go into place until 2010 at the earliest. NMFS has the discretion to mitigate the impacts of these measures through the use of existing flexibility in the statute. CCA would like the agency to consider how it can mitigate these impacts while achieving the objective of stopping overfishing. For example, forty percent SPR is used as one of the proxies to develop management goals for gag grouper, which is high resource protection goal. What is the impact of using 35% SPR as the proxy? Is it a valid conservation goal? Is it allowable under the Magnuson Act? What is the amount of catch reduction needed for 35% versus 40%? An analysis of the bag limit and season closures that would result from a 35% SPR proxy versus the proposed 40% should be evaluated. What would the impact be of preventing a commercial catch of spawning male gag groupers? There needs to be more analysis here rather than simply closing recreational fisheries.

The Truth

The recreational fishery never closes, its alive and thriving year round. Only certain species close for short periods of time, nobody gets to Deer hunt year round yet we do get to hunt year round, hogs, Turkey, dove, ect.

- OPPOSE CREATION OF ADDITIONAL MARINE PROTECTED AREAS (MPA) OR EXPANTION OF EXISTING MPA'S.

There is no evidence that the current MPA's have had any measurable impact on Gulf gag grouper stocks. The far offshore location of the closed areas creates numerous enforcement problems. Protecting spawning aggregations from large scale commercial take can be better accomplished with spawning month closures which can be enforced throughout the range of the fishery and at dockside.

The Truth

Far offshore closed areas are easily enforced in the commercial sector with the Vessel monitoring system. NMFS knows where they are at all times! You must be referring to the recreational sector not being able to be enforced, why don't you suggest a VMS on those vessels? [That's not something GFA would endorse]

- DEVELOP REASONABLE AND COMPARABLE RECREATIONAL BAG LIMITS AND COMMERCIAL TRIP LIMITS

A fishery that requires a 45 percent reduction in total take can not sustain a large scale commercial and recreational fishery. What is the commercial trip limit comparable to the 3 fish aggregate recreational bag limit? It is certainly not the current 6,000 pound trip limit. The Council must develop bag limits, trip limits, and closed seasons that fairly and equitably distribute the benefits and hardships in this fishery. A three fish bag limit and a 6000 pound trip limit simply doesn't do that.

The Truth

I think this is a numbers game here, about a million recreational fishermen catching fish just for themselves give or take a few thousand versus the 40,000,000 million plus fresh domestic grouper dinners that are served to the NON FISHING PUBLIC at local restaurants that depend on these fish to stay in business

- CLOSING COMMENT ON PUBLICLY OWNED RESOURCES
Robert Hayes, CCA Legal Counsel, states that “On the argument that the U.S. federal government is the steward of the resources for all its citizens and the commercial fishermen is providing consumers access to that resource, the U.S. is the steward of all of its resources – sunfish, ducks, deer, and striped bass – all of them. The concept that a private commercial enterprise is necessary to provide the public with the enjoyment of those resources by selling them to consumers so they can eat them was rejected by the federal government and state wildlife managers before 1900. There is no basis in any federal common law, any wildlife law or the constitution for such proposition. Anybody making this argument should be asked to provide some authority for it.”

The Truth

It looks as though you took something out of text here and left a lot out, the commercial sector is not taking the whole resource and selling it to the public, only that part that is allocated for the non fishing public.

For Additional Information Contact: Ted Forsgren
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The Truth

To help clarify things a little better for some folks that don't know how a lot of the process works, I will explain a little further.

The reason one fish per angler verses a 6000lb trip limit sounds so unfair is the sheer number of recreational anglers out catches commercial landings on gags even with their seemingly low bag limit. I can assure you it is more than fair.

Commercial fishermen are on a real time quota monitoring system, which means no matter how low a quota is, managers can shut them down when that quota is reached, thus keeping commercial fishers well within their quota's. The managers, which is National Marine Fisheries Service [NMFS], also use input controls, trip limits, size limits, closed areas, to keep fishers from reaching quotas prematurely, thus being able to keep a steady supply of fresh fish coming in for the non fishing public.

The commercial sector has worked with NMFS for years to collect the best available data to manage the commercial fishery. Every fish caught is reported, species, date, location, pounds, gear used, and depth.

The commercial sector has participated in onboard observer programs to collect data, they are required to have VMS on their boats that can track their every movement anywhere in the world, this prevents any one of them from fishing in closed areas being used as spawning grounds and nursery's. VMS's are not in every commercial fishery yet but are being implemented around the world, however it is in the reef fish fishery in the Gulf of Mexico

The commercial sector is almost 100% accountable for what they catch and are still working with managers to get even better data.

Most all of the science base data comes from commercial reporting on logbooks. The recreational data comes from a random phone survey and boat ramp surveys, not a very accurate system.

**A reallocation of the resource is not a management tool or a conservation tool. Those fish would still be caught in a reallocation.
A DEAD FISH IS STILL A DEAD FISH no matter who catches it!**

Not every one fishes, the commercial sector supplies that group with fresh seafood. Not everyone can catch a grouper, there just isn't enough; if another 40,000,000 million anglers went grouper fishing they would exceed all the quotas in one day.

But there are other fish in the ocean that commercial fishermen can't catch that are reserved for recreation, Redfish, Trout, Snook, Tarpon, and ECT.

All commercially caught fish quotas are shared with the recreational sector, not all recreational species quotas are shared with the NON FISHING PUBLIC. When was the last time you have seen Snook on a restaurant menu, or a wild caught Redfish.

The only way a fishery can be managed properly is to know as close as possible how many of a species is being harvested compared to what the stocks are and what ratio can be taken out and still maintain a viable stock level.

Remember, not all hunters get a tag to hunt Deer, Elk, Longhorn Sheep, Bear, Alligator, ect. A lot of this is done on a lottery system. Is that not like an individual quota?

As for the grouper IFQ's the federal government has been leasing rights to the American public for years. In the aquaculture business they lease ocean bottom, on lands and ocean bottoms they lease mineral rights, they lease water rights and do allocations on free flowing rivers to residents and farmers and whole city's, and they lease vast amounts of land for timber, all of which can be bought, sold or subleased. All of this comes with a price tag that must be paid to the Federal Government; IFQ's are not free to the fishermen.

They do allocations on what mega farmers can and cannot grow, this all helps keep things in balance to prevent shortages and gluts for the consumer and keep prices stabilized.

The commercial fishermen have always dealt with severe price fluctuations on ex-vessel prices due to gluts and shortages. IFQ's in the grouper industry would keep fish coming to market on a more steady flow which in turn would keep prices stabilized.

As always GFA encourages every one to join an organization and support conservation of the fishery, there are several to choose from. The Commercial Organizations are, Southern Offshore Fisheries Assoc., Fisherman's Advocacy Org., and Gulf Fishermen's Assoc.

True representation of the recreational fishery would be Fishing Rights Alliance with Dennis O'Hern.

This is a viable sustainable fishery; with proper management from NMFS and all user groups we can keep it that way.

**Glen Brooks
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Gulf Fishermen's Assoc.**