



July 28, 2022

Dan Luers
NMFS Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Dear Mr. Luers:

Thank you for the opportunity to comment on the proposed rule (NOAA-NMFS-2022-0028) to implement two Gulf of Mexico Fishery Management Council (Council) framework actions: 1) Modification of Annual Catch Limits for Gulf of Mexico Red Snapper and 2) Gulf of Mexico Red Snapper Data Calibration and Recreational Catch Limits. On behalf of the American Sportfishing Association, we appreciate that the recreational annual catch limit is being increased slightly (147,000 lbs.) but are disappointed in the process and the outcomes related to both framework actions. We believe it would be best to get the state calibrations right before proceeding with the proposed rule.

Regarding the framework to set annual catch limits, the proposed overfishing limit and acceptable biological catch are confusing at best. The proposed rule uses a percentage of the baseline Great Red Snapper Count (GRSC) to determine the overfishing limit (OFL) but sets the allowable biological catch (ABC) using the NMFS bottom longline survey. This results in the ABC being an unprecedented 60.1% below the OFL, whereas currently the ABC is set 2.581% below the OFL. It is unclear why the difference between the OFL and ABC is so large and the proposed increase in annual catch limits so modest when the GRSC improves our knowledge of red snapper in the Gulf of Mexico and indicates that the abundance of red snapper has been underestimated in the past assessments. Because the ABC and OFL were arrived at separately without consideration of the Council's ABC control rule or any risk policy, the proposed catch limits appear to be inconsistent with National Standard 1 Guidelines and the Council's past practices. To further confuse the situation, the Science and Statistics Committee (SSC) has recently revisited their calculations and a new framework is under development by the Council that results in a much lower OFL, seemingly discounting the findings of the peer reviewed and published GRSC, but ironically further increasing the ABC, thus making more fish available than this current proposed rule. This situation is difficult for experts, let alone the angling public, to understand and explain. For these reasons, we are not confident that the catch levels proposed in this rule are based on best available science.

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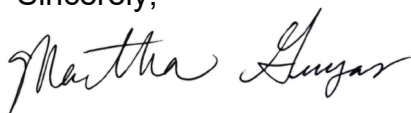
The proposed rule would also calibrate the states' recreational red snapper data to MRIP using methods and data that are not the best available science. Indeed, at their February 2022 meeting, the Gulf Transition Team acknowledged the limitations of this simple calibration ratio approach and recommended that alternative approaches be explored and used in the long term. While the proposed simple ratio calibrations achieve NOAA's goal of converting state data from four of the Gulf states into MRIP "currency" for easy comparison, they fail to account for the data collection improvements made through the various state programs, the documented issues with using MRIP for ACL monitoring of Gulf red snapper, and drivers of the differences between the state programs and MRIP. Moving forward with the proposed calibration ratios would result in Mississippi and Alabama experiencing severe ACL cuts. This would lead to serious economic impacts on the recreational fishing industry and disenfranchise the angling community that has supported and benefitted from the data collection and management improvements realized under state management. Given that the GRSC shows a much more robust population than previously believed, these cuts will be especially difficult for anglers to swallow.

When the Council approved the red snapper recreational data calibrations framework, they recommended postponing implementation of calibration to allow the Gulf states and the NOAA Office of Science and Technology time to resolve the differences in the state data collection programs and MRIP, as recommended by both the Council's SSC and a 2021 National Academy of Sciences report to Congress. Unfortunately, that has not yet happened, even with encouragement and appropriations from Congress. The slow progress being taken to resolve this critical need is perpetuating a climate of mistrust and a lack of confidence, and could result in some anglers being unfairly penalized with short seasons and ACL cuts. Resolving the differences in the state data and MRIP programs quickly should be a priority of NOAA Fisheries and the Gulf Transition Team so that more appropriate calibration methods can be developed as needed. We encourage NOAA Fisheries to work collaboratively with the states on this so that both anglers and states trust the calibration process and outcomes.

Overall, we believe this proposed rule will create unnecessary strain on Gulf red snapper state management, which has successfully resulted in improved data collection, sustainable access, and until now, minimized the friction between the angling community and fishery managers. As such, we do not recommend moving forward with this draft rule as proposed, but urge NOAA Fisheries to continue to work with the states and recreational fishing community on resolving the issues raised in this letter.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Martha Guyas".

Martha Guyas
Southeast Fisheries Policy Director