

Draft Comment Letter on Standardized Bycatch Reporting Methodology Proposed Rule

Background information on the Proposed Rule for a Standardized Bycatch Reporting Methodology

This proposed rule would implement the requirement under the MSA that all fishery management plans establish a standardized reporting methodology to assess the amount and type of bycatch occurring in a fishery. This rule provides guidance to regional fishery management Councils regarding the development, documentation, and review of such methodologies referred to throughout the remaining letter as Standardized Bycatch Reporting Methodologies (SBRMs). This rule solely addresses reporting methodology requirements pertaining to bycatch. MSA defines “bycatch” as fish which are harvested in a fishery, but which are not sold or kept for personal use and as including economic discards and regulatory discards. This definition does not include fish released alive under recreational catch and release fishery management program. Although National Standard 9 requires conservation and management, it does not address SBRM. The purpose of a SBRM is to inform the assessment of the amount and type of bycatch occurring in the fishery for use in developing conservation and management measures. Below is a draft letter that staff has developed for the Council to review and comment upon before submitting.

Karen Abrams,
National Marine Fisheries Service
1315 East West Highway
SSMC3-OSF-SF3
Silver Spring, MD 20910

Dear Ms. Abrams,

During its April 4-7, 2016, meeting in Austin, Texas, the Gulf of Mexico Fishery Management Council (Council) received a NMFS-SERO presentation on the draft proposed rule for Standardized Bycatch Reporting Methodology (SBRM). The Council appreciates the opportunity to provide comments on the following items:

SBRM Review Timeline

Overall, the Council supports the timeline in the proposed rule that allows 5 years for the adoption of SBRM that are consistent with the rule and appreciates the flexibility for reviewing and documenting SBRM in the various fishery management plans (FMPs). However, after the initial reviews are completed the proposed rule states that SBRMs should be reviewed at least every 5 years thereafter. The Council and its staff will attempt to continue these reviews on 5-year cycles, but this will likely require additional Council and staff time on top of an already growing list of regulatory program reviews such as Essential Fish Habitat and limited access

programs. In the Gulf, these additional reviews include the charter for-hire permit moratorium and commercial individual fishing quota (IFQ) programs. The Council proposes to extend the required review timeline to 10 years after the initial review of SBRMs or on an as needed basis.

Required factors for establishing or reviewing a SRBM:

The Council supports the proposed data quality and characteristics of bycatch including the additional factors outlined in the rule: amount of bycatch occurring in the fishery if known, importance of bycatch for estimating total mortality of fish stocks, the importance of bycatch to related ecosystems, economic impacts to the fishery, and data collection methods for collecting and reporting bycatch in the various FMPs. The Council understands and supports the concept of this proposed rule that requires that each SBRM be designed to be implemented with available funding and will consider feasibility when reviewing the SBRM.

The Gulf States have each implemented their own data collection programs aimed at improving private recreational anglers' landings and effort information. As these programs become more developed and are certified, some of these programs may or may not include bycatch reporting methodologies; therefore, the Council seeks clarification whether state bycatch reporting methodologies (if they exist) can be incorporated into the Gulf Council's SBRM. If a state is using its reporting system to replace, rather than supplement the federal system (i.e., Marine Recreational Information Program), does this proposed rule require that states adopt compatible SBRMs? Or, would the proposed rule require the states to work with the Council to document these SBRMs in a review or appropriate FMP?

Adaptable Implementation of SBRM:

The Council supports the items outlined in the adaptable implementation of SBRM; such as, changes in frequency of data collection and reporting through FMPs. The Council is always looking at ways to increase and improve methodologies for data collection practices including information about bycatch. It should be noted the Council is currently working on an amendment that aims to require electronic reporting for all for-hire vessels in the Gulf of Mexico. This could greatly improve the quality of bycatch estimates, even if self-reported.

Review of SBRM:

The first step is for the Council to conduct a review of its existing SBRM. The proposed rule states, "FMPs may describe procedures or activities that comprise an SBRM but do not explain them in a manner consistent with this rule. In such cases, an FMP amendment may be warranted." Although the Council does not have a discrete SBRM, bycatch reporting methodologies have been established and described in various plan amendments or in SEDAR documents. The proposed rule allows the flexibility of incorporating by reference, but in some FMPs may require development of a generic amendment to explain why the methodology is appropriate for the fishery thus requiring additional staff time and resources. Recognizing the additional workload this exercise may entail, the Council feels this is a reasonable approach and timeline to fulfill these requirements.

We appreciate this opportunity to comment on the SBRMs proposed rule and look forward to your modifications to the final rule based the regional management Councils input.

Sincerely,

Kevin Anson
Chair