

**Subject:** Public comment  
**Date:** Thursday, February 7, 2013 9:48 AM  
**From:** Cliff Cox <captcliff55@gmail.com>  
**To:** Charlene Ponce <charlene.ponce@gulfcouncil.org>  
**Conversation:** Public comment

My name is Capt. Cliff Cox, owner and operator of a 49 passenger Headboat in Destin, Florida. I am the Vice President of the Destin Fisherman's Co-operative, a member of the Destin Charter Boat Association, and sit on an advisory board of the Charter Fisherman's Association. I am in favor of optional use of venting tools, and the exploration of other types of barotrauma devices, such as hydrostatic release devices as alternatives. Sometimes there is no need to handle and vent the fish, and in my experience that works best for the safe release of the fish. I would like to see the council continue to work on the days at sea and other pilot programs. If we can land a spaceship on Mars, then I feel that we should be able to collaboratively put together a better fishery management plan that addresses the needs of the cfh, headboats, and private recreational anglers. There is growing frustration and resentment among the fishing communities, which I feel is putting pressure on the Gulf States to go non-compliant, which is going to be devastating to the federally permitted vessels. A new fishery management plan that addresses the current needs of the recreational fishing world would go a long way toward calming the masses and easing the pressure on the state non-compliance issues. It is imperative that we get these pilot programs up and running by Jan.1 2014, and continue to work on perfecting plans that will allow recreational fisherman better access to the red snapper fishery. If I had to choose an option for Amendment 28, under Action 1 the allocation of red snapper, alternative 4 seems to be the most fair, and I think will appease the opposing sides in this hotly debated issue.

Capt Cliff Cox  
Destin, Florida

Sent from my iPad

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October 29, 2012

Mr. Doug Boyd, Chair  
Gulf of Mexico Fishery Management Council  
2203 North Lois Avenue, Suite 1100  
Tampa, FL 33607

**RE: Framework action to set the annual catch limit & optionally the annual catch target for the vermilion snapper fishery**

Dear Mr. Boyd:

On behalf of Ocean Conservancy,<sup>1</sup> please accept the following comments with respect to the Gulf of Mexico Fishery Management Council's (Council) draft regulatory amendment to set the annual catch limit (ACL) and optionally the annual catch target (ACT) for the vermilion snapper fishery in response to the new acceptable biological catch (ABC) provided by the Council's scientific and statistical committee (SSC).

**Summary:**

- Using an ACT reduces the risk of exceeding the ACL and thereby the need for the re-evaluation of the system of ACLs and AMs that the NS1 Guidelines call for when an ACL is exceeded more than once in four years.
- Using the Council's ACL/ACT control rule to calculate the ACT should be one of the options in the regulatory amendment. This would be consistent with recent management decisions for other species.
- We recommend that the Council rewrite Action 1 and put the ACT as a management option back into the Alternatives. Options 3 to 5 could be rewritten setting the ACL equal to ABC and setting the ACT at the level proposed as the ACL in the current document.

**Background:**

An updated stock assessment completed in 2011 (SEDAR 9 Update) indicated that the Gulf of Mexico vermilion snapper population is healthy and that the ACL can be increased. The SSC applied tier 1 of its ABC control rule to the overfishing limit (OFL) estimate provided by the

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<sup>1</sup> Ocean Conservancy, a non-profit organization with over 120,000 members, educates and empowers citizens to take action on behalf of the ocean. From the Arctic to the Gulf of Mexico to the halls of Congress, Ocean Conservancy brings people together to find solutions for our water planet. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations.

assessment. The ABCs provided by the SSC are higher than any observed landings in the fishery to date. Fishermen are already reporting declining catch per unit effort (CPUEs) in the commercial vermilion snapper fishery, which is to be expected if the population is being “fished down” to management target levels. Management must now ensure that the target levels are not being overshot and that the population remains at or above the biomass target level.

Vermilion snapper are being managed based on  $F_{MAX}$  reference points as a proxy for maximum sustainable yield (MSY) because MSY cannot reliably be estimated for this population.  $F_{MAX}$  is the fishing mortality rate that maximizes the yield-per-recruit (YPR). Like SPR-based reference points, the uncertainty captured in the probability density function generated for  $F_{MAX}$  is less than it would be for MSY reference points, meaning that the same probability of overfishing will result in a smaller buffer for SPR and YPR-based reference points than MSY-based reference points. This is the case for vermilion snapper. The probability of overfishing for vermilion snapper provided by the ABC control rule is 40 percent, and when applied to the probability density function estimated by the assessment, the ABC is only 4 to 6 percent (0.18-0.28mp) reduced from the OFL in the yield stream provided by the SSC. This is a shortcoming of the ABC control rule that the Council and SSC have recognized and are currently working on correcting. In the case of vermilion snapper, it means that the ABC is probably higher than it should be and might not give the Council the level of assurance of avoiding overfishing that it desires.

### **Specific amendment actions:**

In Action 1 of the vermilion snapper draft regulatory amendment, the Council is proposing several alternatives for modifying the current ACL in response to the new ABC. Ocean Conservancy opposes Alternative 2 because it does not provide adequate assurance that overfishing would not occur in this fishery. Alternative 2 proposes to set the ACL at the ABC level without the use of an ACT, meaning there would only be a 4% buffer between the level to which the Council is managing and the overfishing level. Even with in-season closure authority, the probability of exceeding the OFL due to management uncertainty would be very high under this alternative, given the small buffer between OFL and ABC. Sources of management uncertainty in this fishery exist, are significant, and should be accounted for. There is no sector-specific ACL for this stock, and recreational landings in 2011 were more than double the landings in 2010. The magnitude of recreational landings alone in this fishery is a large uncertainty factor, and recreational landings for vermilion snapper appear to be increasing. Furthermore, there is a lag in the availability of commercial catch data because vermilion snapper is not under an IFQ system.

### **Conclusion:**

In its generic ACL and AM amendment implemented earlier this year, the Council developed an ACL/ACT control rule and set an ACT for vermilion snapper that was 14 percent below the ACL. There is no evidence now that the catch target is no longer necessary for this fishery; quite the contrary. We recommend that the Council rewrite Action 1 and put the ACT as a management option back into the Alternatives. Options 3 to 5 could be rewritten setting the ACL equal to ABC and setting the ACT at the level proposed as the ACL in the current document. In

practice, this would make little difference in setting management measures as they would still be set to achieve that catch level (now the ACL, what we propose should be the ACT). The only difference is that overshooting that level would not trigger AMs and further evaluation as long as the ACL is not exceeded. Using the Council's ACL/ACT control rule to calculate the ACT should be one of the options in the regulatory amendment. This would be consistent with recent management decisions for other species. Using an ACT reduces the risk of exceeding the ACL and thereby the need for the reevaluation of the system of ACLs and AMs that the NS1 Guidelines call for when an ACL is exceeded more than once in four years<sup>2</sup>.

As always, we thank you for considering our comments and we look forward to working with the Council to ensure that the vermilion snapper fishery stays healthy, productive, and profitable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Fetherston', with a long horizontal stroke extending to the right.

Elizabeth Fetherston  
Deputy Director, Fish Conservation Program  
Ocean Conservancy  
449 Central Avenue, Suite 200  
St. Petersburg, FL 33701

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<sup>2</sup> 50 C.F.R. 600.310(g)(4).