

To: SAFMC, Council Members
Fm: Rob Harris, Snapper/Grouper AP

Regulatory Amendment 12 Input

This is my document input to the request for input sent via E-Mail. I've condensed my individual E-Mail inputs into one working document.

I see that there are several things in play at this time that needs to be addressed.

1. Reporting. There is a serious time lag that is currently causing a problem for the Commercial Sector.
2. Trip Limits. There is a planned quota limit, that when reached, alter the trip limits. Problem is, entire quota is being reached prior to trip limit being reduced.
3. Gear Type. Long Lines are closing out the season before the majority of fishermen begin fishing the fishery.
4. Allocations and Recreational Sector Reporting. With a 97/3% split, the Recreational Sector is shown as being over its allocation by more than 500% in 2011. The reporting (MRFSS) states that there were no Recreational Trips taken in Florida 2005-2010 during the months of May, June, July, August even though these are the prime months for Targeting GTs in Florida.
5. Market Flooding. The entire annual quota for the Commercial Sector was caught in less than 60 days of the fishing year.
6. Upcoming Management. In front of us we have Amendment 18B which will specifically look at; Limiting Participation, Changing the Fishing Year and Modifying Trip Limits.
7. Catch Shares. As Greg (Debrango) noted, there are forces that would like to move more toward Catch Share programs to solidify their position in the fishery. I for one know who they are as I am sure Greg does. A small group of them live/fish out of Key Largo.

I will address each of these in the following pages. For ease of reading, I've given each topic a page of its own so as not to mix subject matter.

Including this page, my input is 8 pages. I stand ready to support any and all comments made.

1.Reporting. There is a serious time lag that is currently causing a problem for the Commercial Sector.

Something must be done about getting more timely reporting procedures in place from the fish houses. In today's day and age, there is no reason that we shouldn't have a more "real time" electronic reporting method in place.

Amendment 13C (2006) set a Commercial Quota of 295K lbs. It also set a trip limit of 4,000lbs until 75% of the quota was filled. After 75% of the quota is filled, the trip limit is supposed to be reduced to 300lbs.

The current reporting system does not identify when 75% of the quota is reached. By the time NOAA/NMFS gathers the data...the quota is exceeded.

SAFMC needs to have a real-time reporting system in place for fish houses to track weekly (at a minimum) offloads. This would allow SAFMC to identify when 75% of the quota is being reached.

SAFMC could also create a website (web page) for Commercial Fishermen and Fish Houses to check the status of the fishery and to see when the trip limit is expected to be changed.

- This would eliminate or augment the mailings while providing instant access.
- The argument, "I don't use a computer." should not be allowed. It's a requirement, not a request.

Benefits:

- Near real-time reporting.
- Better management of quota.
- Identifies when Trip Limit should be changed, preventing early closure of fishery.

Additional Burden on Fishermen/Fish Houses

- The time it takes to add the totals for the day.
- Less than 5 minutes to access a computer and send those figures to NOAA/NMFS.

Additional Burden on Administration

- 1 hour per week to collect reports
- .5 hrs to do the math
- 1 hour (at most) to update website

2. Trip Limits. There is a planned quota limit, that when reached, alter the trip limits. Problem is, entire quota is being reached prior to trip limit being reduced.

Trip limits will be addressed in Amendment 18B at a later date, but there are some factors that need to be looked at. We have a method for reducing the trip in place already when 75% of the quota is reached. The reporting issue is becoming a problem that isn't allowing for these measures to go into effect.

Considering that we're hearing complaints of "Market Flooding" driving down the price and coupling that with the delay in reporting:

- A potential "fix" would be to lower the trip limit.
- If 4,000lbs per trip is maxing out the fishery in less than 60 days, it would only make sense to reduce the trip limit.
- Reporting isn't allowing for the 75% quota attainment trip limit (300lbs) to go into effect.
- Going from a trip limit of 4,000lbs to 300lbs is a big reduction.
- Consider changing the trip limit to 1,500lbs until 75% of the total quota is reached, then drop to the 300lb.
 - o Would extend the season
 - o Would offer a more stable price at the dock
 - o Would keep fishermen fishing until other fisheries become available

Currently there are less than 20 boats that actually get to fish the GT fishery because of the early closures. I've ask Myra to narrow that scope down, and I'm sure we'll find that number is closer to 8-12 boats.

Considering that there are measures that will be addressed in Amendment 18B, I am of the belief that there are boats counting on SAFMC adopting some sort of Catch Share Program in the GT fishery. Historically, Catch Shares benefits the fishermen with the largest catch history.

It appears to me that the L/L boats that are managing to catch the entire quota in the fishery before the majority of SAFMC vessels even begin fishing are moving to "pad" their catch history. They don't appear to be self-regulating or using any self-discipline...they are only complaining about the low price at the dock.

I understand the complaints of the other fishery participants. At our last meeting, I asked Ben Hartig to speak to us about the conflict between the L/L fleet and the H/L commercial fishermen. Those of you in attendance should recall that. The L/L fleet fishing out the entire quota for this fishery is not new.

As far as I can tell, we are trying to make the fishery fit the needs of the few while shutting out the many. This is wrong on so many levels that I don't know where to begin.

3. Gear Type. Long Lines are closing out the season before the majority of fishermen begin fishing the fishery.

Complaints are being made that the L/L Fleet is catching the entire quota.

Perhaps it's time to address the gear type and assign a quota and AMs for overages.

Assign a percentage, for arguments sake we'll say 50%, of the Commercial Quota to the L/L fleet.

- If they have a lower Trip Limit, their season will be lengthened.
- The season being lengthened will provide for more days fishing.
- The reduced trip limit will create a more stable market price since "flooding" will have been eliminated.
- With a better reporting system, we'd have accurate data to use to react as the quota limit is reached.
- Once the L/L fleet has caught its quota, there will be enough quota remaining for the H/L fishermen to utilize the fishery.
 - o A more stable market.
 - Does not help anyone to only have the fishery open for 2 months.
 - o Provide opportunity for the remaining fishermen to fish GTs

Create AMs for the L/L Fleet

- If they over-fish their quota, reduce the quota the following year by the amount over-fished.
- With a better reporting system in place, this should not be an issue.

We should not have 1 gear type shaping the entire fishery.

This will become an argument for implementing a Catch Share program in the fishery. The argument will be artificially created to serve to benefit the few. The argument will be made that, if a Catch Share program was in place that they would be able to "trade/share" the quota amongst those not having the quota to fish the fishery. Currently we have a small handful of boats fishing out the fishery based on the method they fish.

The best way to manage that, in my opinion, would be to manage the gear as used in the fishery. This will allow for all participants to utilize the fishery, which hasn't happened in the past couple of years due to one gear type.

4. Allocations and Recreational Sector Reporting. With a 97/3% split, the Recreational Sector is shown as being over its allocation by more than 500% in 2011. The reporting (MRFSS) states that there were no Recreational Trips taken in Florida 2005-2010 during the months of May, June, July, August even though these are the prime months for Targeting GTs in Florida.

It would be a travesty for either the AP or the Council to overlook, or ignore, the disparity in the Allocation between Commercial and Recreational Sectors.

In Amendment 13C (2006), the recreational sector had its bag limit of GTs reduced from 5 to 1.

- It was noted that a reduction of 5 to 1 “while not achieving a great reduction, might serve as an incentive to avoid golden tilefish.”
- To the participants in the fishery, this was the cause of much discontent. When coupled with the fact that statistics in the reporting used for the Recreational Sector are grossly mis-represented it stands to reason where the Recreational Sector sees itself as the bastard step-child in SAFMCs eyes.
- Pair that reduction in bag limit to the more than 500% reported overage in the Recreational Sector you can’t help but admit that there is something wrong with this allocation. If you don’t see that there is something wrong there, you can’t be seen as anything but biased.

Allocation shifting must be included in any changes, especially when moving toward an increase in ACL.

- Currently the Recreational Sector is slated to have a larger percentage of the Wreckfish allocation than it does in the GT fishery.
 - o The Wreckfish has traditionally been 100% exclusive use of the Commercial Sector.
 - o The Recreational Sector has no history in the Wreckfish fishery, and still was given an initial allocation of 5%. I still believe that to be too small.
- Currently the Recreational Sector has a 3% allocation in the GT fishery.
 - o The Recreational Sector has history in the fishery.
 - o The Recreational Sector is under-reported in the GT fishery due to flawed data.

When considering change to the GT ACL, I would recommend an increase in Allocation to the Recreational Sector.

- This could be done with minimal impact to the Commercial ACL.
 - o When raising the ACL, raise the Recreational Sector allocation to 20%. This would give a 80/20 split in allocation.
 - o Being that the allocation shift would be happening during an ACL increase would leave both Sectors gaining, there-by reducing impact on the commercial sector considering that even with the shift in allocation they would see the overall gain in ACL.
- Trying to do an allocation split by itself would cause resentment between sectors and would equate to loss of ACL.
 - o By tying the Allocation change to the ACL increase you still have an increase in ACL for both sectors. Would bring the Recreational Sector more in line with what is happening in the fishery vs the poor reporting data that has been/is being used.

5. Market Flooding. The entire annual quota for the Commercial Sector was caught in less than 60 days of the fishing year.

There is no answer to the Market Flooding that is occurring that can't be solved with the tools already in place.

When I hear of the issues that surround market flooding (decreased value at the dock, derby style fishing, early closures, etc...), I can't help but believe that many of these issues happen because of a lack of self-discipline and failure of management procedures already in place.

If a fisherman is getting, for arguments sake, \$1.00 a pound for his catch, there must be some value to him if he's willing to fish out the entire quota in 50 days.

If the same group of fishermen self-governed and could get \$2.50 a pound for a smaller catch, spaced out he would be better rewarded and the fishery would remain open longer being a benefit to all.

Just using round numbers, if we have 10 boats fishing 50 days, we are looking at an average of 600lbs per day. It's safe to say, we don't have 10 boats fishing 50 continuous days.

- If we did, we are looking at 6,000lbs of GT hit the dock every day, for 50 continuous days.
- After 10 days, the fish house has 60,000 lbs of just GT sitting on the dock waiting to ship. That's a lot of GT.
- What happens when 10 boats bring in 40,000 (based on trip limit of 4,000lbs) on the same day?

It makes more sense to me to bring in the smaller amount spread out over a great amount of time.

- This can be accomplished with a simple change to the trip limit.
- The argument will be made that Catch Shares will accomplish this. And while yes, it may, but it will accomplish it at the high cost to every fisherman that does not receive quota and will only benefit those with high catch landings, L/L vessels. They will also make the argument that they will be willing to "lease" quota to those "other" fishermen to keep them active in the fishery which only serves to further benefit them.

The Council already has the tools in place to help the fishermen help themselves. Now is the opportunity to fine tune the tools and make them work the way they should. The way they were meant to.

- Improve the reporting which will allow the trip limit measures to actually go into effect.
- Since we've identified a gear type, which is not favored by anyone other than those using it, to be the main factor in early season closures: Find a way to further restrict its use or the quota limits it can be used for.
- Encourage self-discipline. It is not the position, as I understand it, for the Council to control the market. If a fisherman is willing to fish and accept what he feels is fair market value for his catch...that's between him and his buyer.
- Encourage maximum participation by all participants. Don't use management tools that manage fishermen by exclusion. Maximize the fishery for all that are interested in being part of it, Commercial and Recreational alike.

6.Upcoming Management. In front of us we have Amendment 18B which will specifically look at; Limiting Participation, Changing the Fishing Year and Modifying Trip Limits.

With Amendment 18B being just one of the upcoming items for both us (AP) and the Council to be reviewing at some point, I personally would be hesitant to take any rash or not well thought out action in the GT fishery.

Considering that the AP is having to do a review of Amendment 12 via Email, and has no (or little) access to pertinent data that goes along with it, taking action at the March meeting (SAFMC) could be viewed as too hasty. I understand the pressure that the Council must be under. It has long been viewed that the Council is quick to take away and slow to give back. I'm sure that given the regulatory climate we have right now, it could be seen as a great PR opportunity to show where the Council does give back.

I am all for an increase. If you recall, I was against the changes made in 2006. I have always held the data "suspect". Looking at my notes I see where:

- 1999, Amendment 11 noted GT as "Overfished", but was not able to establish a Static SPR.
- 2006, Amendment 13C noted the ending of overfishing in the Snowy Grouper and GT fishery.
 - o Snowy Grouper were given a decreasing GW/Trip Limit
 - o GTs established a quota of 295,000lbs with a 4,000lb trip limit slated to be reduced to 300lbs when 75% of quota was filled.
 - o GTs in Recreational Sector lowered to 1 p/p within the 5 Grouper Bag limit
- 2010, Amendment 15B
 - o Established allocations of 95% Commercial and 5% Recreational for Snowy Grouper
 - o Established a reference point for GT
- 2010, Amendment 17B
 - o Recreational Bag Limit for Snowy Grouper reduced to 1 per vessel
 - o GT Allocation set at 97% Commercial and 3% Recreational based on catch data
 - o The 240'-Seaward Closure Set in place for implementation on Jan 31st, 2011
- 2011, Amendment 11...Council votes to lift 240' ban in August of 2011
 - o Still not in place as of now March 2012.
 - o Back into the Public Review/Comment process even though it was public comment to repeal the ban in the first place
 - o Public now questions the Council motives and wonder who is really in control of the fisheries.

Until we all have a chance to review not only the material that's been provided via email, but also have access to discuss this with each other in an open forum while the subject matter experts are present. There are some questions raised in the document that need answers to what I see as some critical decision making questions.

Hopefully this won't be a check in the block type item so that the Council can say the AP was contacted.

7. Catch Shares

The subject of Catch Shares has become one of the most divisive subjects in fisheries management. Not only in the US, but Worldwide.

One only has to look so far as the Gulf of Mexico for evidence of how CS is benefiting only the few whilst casting aside the many. And it's all in the name of greed. Those that concentrated their efforts on targeting a single species are given the rewards of "ownership" in that species grouping, while the average fishermen that divide their efforts are pushed out.

Now with the Red Snapper "ownership" issues taken care of by CS and the allocation process, those same boats can now move on to the next fishery to target and raise their numbers on since they can now "lease" shares to fishermen who didn't receive quota.

Even within the walls of SAFMC, the lure of easy money proves to be too much. Some of the Staff has moved on to the greener pastures of the Catch Share marketing and I'm sure at a higher wage than what SAFMC pays.

There are members of various APs, ours included, that are making moves toward Catch Share programs. Some are driven by what they feel is the need for survival and others, I believe, by a need to stay ahead of the trend toward CS. We already know what happens to fishermen if you find yourself on the outside looking in.

Although it has been said by NOAA that there are no CS plans in the recreational sector, the recreational sector is one of the most vocal sectors speaking against CS. It is a simple fact that the overwhelming majority of the fishing universe is against CS, while a small minority is supporting CS. If you follow the money trail and who stands to make substantial gains by moving to CS you can see where the support comes from. We as a nation should not allow the management of our collective resources to be driven by the few and the expense of the many.

Monies being spent on development of CS programs should be shifted to the development of better reporting systems. Current reporting is the Achilles Heel of our fisheries and the lack of data is driving the perceived bad management of the resource.

So many of our issues can be traced to the lack of data and reporting which should make Reporting and Data the number one issue in Fisheries Management.

Sincerely,

Rob Harris

SAFMC, Snapper/Grouper AP