

Comments Concerning NMFS Regulations for Gulf of Mexico Grouper Species

January 26, 2000

Dr. William Hogarth, RA
National Marine Fisheries Service, SE
9721 Executive Center Drive North
St. Petersburg, Florida 33702

Dear Dr. Hogarth:

On behalf of Southeastern Fisheries Association I offer the following comments on the proposed grouper regulations for the Gulf of Mexico.

1. First and foremost we do not believe the regulations are based on the best available science. The industry tried diligently to bring additional scientific data into the discussion. We firmly believe the original science examined by the Stock Assessment Panel and subsequent panels was flawed. The genetic science we were able to discover blew away the genetic information that was originally brought to the Council. The fact the Stock Assessment Panel let both Koenig's and Kenchington's reports stand is important to this process. We all know there is never enough science but in this instance the available science does not support the proposed actions by NMFS.
2. The prohibition of sale is a bad, bad precedent. That is usually the first step in gamefish status. It would be better for the grouper resource if there was no fishing by anyone for grouper during the 30 day closed season than just closing the fishery to the legitimate, licensed, permitted, limited number of seafood providers instead of leaving it open for any angler who might not be scrupulous to keep on fishing and continue selling their catch through the backdoor of local restaurants. We know there are no violations on recreational fishermen selling their groupers to a restaurant, but that doesn't mean it is not widespread and lucrative. These sales are unknown, unreported and are tax free. This proposed 30 day no sale by legitimate fishermen just creates a stronger market for poachers. We are not even sure if NMFS ever checks recreational fishermen for any violations. If they do we can't find any reports on such law enforcement activity.
3. Closing the two Koenig proposed sites before any base information has been documented seems unscientific at best. How can you compare progress if you don't know what was there in the beginning. What are the protocols that will be used to measure the success or failure of the closed areas? Will the affected parties be included in this planning or has a deal already been cut for the scientific monitoring? Has a RFP been issued? Will we be involved?
4. Why should the two sites be closed to trolling for billfish or tuna or mackerel? This isn't a billfish plan or tuna plan or mackerel plan. There is no legitimate rationale for closing down other fishing activities under the guise of conservation of grouper. You are proposing this action because you have the votes to do so but it is blatantly wrong if not illegal.
5. Even the Southeast Fisheries Science Center questions whether or not you have adequate baseline data to evaluate changes in gag populations that could be attributed to the closure. Is this just a feel good measure to placate the environmentalists and angler groups, some of whom so desperately want to close down all commercial fishing? The Science Center also says no criteria are proposed to

judge the success or failure of the closure. Does NMFS listen to or care what their own scientists are saying?

6. Most of the real burden is placed on the commercial fishermen. Anglers can catch and release and therefore catch all they want on an outing. They can switch to other species or even switch from bottom fishing to trolling for other fish on the same trip. They can still catch what they want and take it home to eat but that consumer in Iowa who would like to have a small serving of domestic grouper will be denied.

For these and for reasons too numerous to mention, we oppose the NMFS proposed regulations on Gulf of Mexico grouper as stated in Bulletin NR00-005, dated January 24, 2000, as being unfair, arbitrary and capricious.

Respectfully submitted,

Bob Jones
Executive Director
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