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July 28, 2022

Daniel Luers
Southeast Regional Office
NMFS
263 13th Avenue South
St. Petersburg, FL 33701**Re:** Proposed Rule to Implement Red Snapper Data Calibrations and Harvest Levels, NOAA-NMFS-2022-0028

One of the most contentious issues facing the Gulf of Mexico Fishery Management Council is the Modification of Gulf of Mexico Red Snapper Recreational Data Calibration and Recreational Catch Limits. When the Council approved Amendment 50 in 2019 giving the states authority to develop their own private recreational data systems to ensure the private recreational sector stays within its quota of red snapper, it was acknowledged that there would be challenges calibrating six different data 'currencies' – the five state programs and NOAA's Marine Recreational Information Program (MRIP). Though there is widespread agreement on the shortcomings of MRIP which necessitated Amendment 50 in the first place, there was no clear process established for determining which data system was the most accurate after Amendment 50 was implemented.

The need for calibration to a common currency is not disputed. However, NOAA failed to provide the guidance and leadership necessary to establish a transparent process for determining what data system should be the standard, leading to a de facto calibration back to MRIP, which is the most suspect of any of the six data systems in the Gulf of Mexico. The agency's failure has created a nonsensical calibration dilemma for the Gulf Council.

The Gulf Council clearly recognized that a confluence of factors made calibrating the state data to MRIP in 2021 a grossly premature exercise when it voted in June 2021 to postpone any regulatory action as a result of calibration until 2023. The Council cited the need to incorporate groundbreaking new data on the condition of the red snapper stock from the Great Red Snapper Count into a benchmark stock assessment before determining a solution to calibration. The Great Red Snapper Count is a fully independent census of the Gulf red snapper population funded by Congress, which revealed in 2021 a red snapper population at least three times larger than previously believed. However, the benchmark stock assessment that would incorporate that assessment's findings as well as new harvest data streams from the state data systems is not scheduled for completion until 2023.

The addition of the Great Red Snapper Count and the state data streams stand to make the 2023 benchmark assessment perhaps the first truly accurate depiction of the Gulf red snapper population ever. Ironically, a letter from the Southeast Fisheries Science Center dated June 21, 2021, indicates that delaying a calibration decision until 2023 is “not based on the best available science,” and has caused the issue to be returned to the Gulf Council.

By rejecting the Council’s decision to postpone calibration, NOAA is also choosing to ignore explicit instructions from Congress to refrain make any regulatory changes to red snapper management until it is determined which system – MRIP or the state data collection programs – is providing the best estimates of red snapper catch. Congress clearly recognized the importance of establishing which data system provides the best estimates of red snapper catch and designated \$2 million of NOAA’s budget to contract with a non-government entity to provide the following:

- 1) an independent assessment of the accuracy and precision of both the Federal and State recreational catch data programs in the Gulf of Mexico
- 2) recommendations to improve both the federal and state data programs
- 3) an independent assessment, based on the results of the two prior items, of how best to calibrate the Federal and State recreational catch data programs in the Gulf of Mexico to a common currency

To our knowledge, none of these directives has been fulfilled.

Additionally, the Modern Fish Act called for the National Academies of Science (NAS) to conduct a review of MRIP and presents approaches for optimizing MRIP data and complementary data for in-season management, and consider alternatives for managing recreational fisheries to better serve both social and economic management objectives. That report - Data and Management Strategies for Recreational Fisheries with Annual Catch Limits –provides several options for calibrating MRIP data that are far more comprehensive than the simple ratio calibrator currently provided by NOAA for Gulf red snapper.

Among the many findings in the NAS report that apply directly to the calibration issue facing the Gulf Council:

- Determine the cause of estimate differences and communicate those to stakeholders FIRST “...where significant differences among surveys exist in terms of final estimates or precision, the causes of the differences should be determined and communicated to the public” (p. 5).
- Identifies that MRIP has multiple bias issues that are unaddressed and have been compounded by the new Fishing Effort Survey (p.39).
- “In addition to MRIP’s existing programs to calibrate its data and estimates with those of state surveys, additional statistical methods could be employed to facilitate the integration of data from multiple sources.” (p. 6). The current NOAA proposal does not take into account the wealth of data that exists for this process.

- Nowhere in the report are simple ratio calibrators – like the ones being proposed to calibrate Gulf state red snapper data to MRIP – endorsed. To the contrary: “Recommendation: Interstate Fisheries Commissions, States, NOAA Fisheries, and other members of MRIP Regional Implementation Teams should anticipate and take into account the need for inter-calibration and continued survey development when new recreational fisheries surveys and survey methods are considered. These needs should also be clearly communicated to anglers, fishery managers and other stakeholders.” (p. 7).
- MRIP has its own standards and independent review criteria for specialized and alternative surveys that appear to be ignored in this process (p.51).
- The transition team even recommends benchmarking alternate surveys. “Benchmarking involves conducting side-by-side comparisons of MRIP and another survey to assess the consistency of resulting estimates. Calibration involves converting the historical estimates of MRIP to align with the currency of the new estimates.”
- Calibration is a complex task that has not been given the proper attention here (p. 51).
- Since the Pacific States have abandoned the MRIP in favor of state surveys, there has been no calibration. The new survey IS the best available science (p. 54).
- The document devotes a great deal of attention to efforts that combine MRIP and ancillary data to come up with estimates that are greater than the sum of their parts. Almost an entire chapter deals with incorporating state surveys better (p. 84 on).
- An entire sub-chapter is dedicated to Multiple Frame Methods beginning on page 89 of the document. It states that treating the state surveys as a second sample of the same population and using both in the same statistical estimation routine will reduce errors and will have the added bonus of not calibrating anything with a naive fraction. This section calls for state surveys to be treated as another sample of the same population using a multi-frame approach. (Appendix A even gives estimators).
- The fourth recommendation in the document says: “Multiple-frame methods and related methods to combine MRIP data with data from supplemental surveys to reduce the variance (percent standard errors [PSEs]) of catch estimates (p. 8).
- “When supplemental surveys are needed to meet in-season management challenges, MRIP should continue its efforts to support such regional and state efforts to ensure that these special, highly focused data collections can be integrated to the fullest extent possible with the ongoing MRIP data collections or integrated statistically using methods covered later in this chapter (Citro, 2014; Lohr and Raghunathan, 2017; Rao, 2021).” (p.72). The authors include a list of ways to integrate statistically. None of them use ratio calibrators.

This list is by no means exhaustive, but just a sample of options that could be pursued to avoid the arbitrary and capricious regulatory action being forced on the Gulf Council in the face of a very healthy stock.

In summary, Congress has instructed NOAA to refrain from making any regulatory changes to red snapper management until it is determined which data system is providing the best

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estimates of red snapper catch. That determination has not been made. The NAS report provides a veritable road map of options to comprehensively weave multiple data streams together to create a better overall data system with fewer errors. The NAS report pointedly does not endorse the simple ratio calibrator method that is being employed here by NOAA for Gulf red snapper. An unprecedented independent assessment of Gulf red snapper funded directly by Congress was completed in 2021 and presents a population at least three times larger than previously believed. Those findings will not be fully incorporated into a benchmark stock assessment until 2023.

Given those parameters, the Gulf Council took the only sensible course of action available to it when it delayed action on calibration until 2023. We urge NOAA to fully utilize the management flexibility available to it to support the Gulf Council in its efforts to manage the Gulf red snapper stock using the best available science with the best data systems and information possible.

Sincerely,

A handwritten signature in cursive script that reads "Bill Bird".

Bill Bird, Chairman
CCA National Government Relations Committee