



February 18, 2022

Mr. Peter Hood
NMFS Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Docket No. NOAA-NMFS-2021-0098 for “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic: Reef Fishery of the Gulf of Mexico; Amendment 53

Dear Mr. Hood,

Thank you for the opportunity to provide comments on the National Marine Fisheries Service’s (NMFS) proposal to implement Amendment 53, which modifies the Gulf red grouper catch, as well as annual catch limits and targets.

Founded in 1919, the National Restaurant Association (“The Association”) is the leading business association for the restaurant and foodservice industry, representing more than 14.5 million employees, nearly 10 percent of the nation’s workforce. As the nation’s second largest employer, with nearly one million locations across the country, the restaurant industry is a vital part of the U.S. economy.

We are greatly concerned about the proposed modification in Amendment 53 as it would cause significant harm to the entire seafood supply chain, including restaurants, and is inconsistent with the requirements the Magnuson-Stevens Act Fishery Conservation and Management Act (“MSA”).

The National Restaurant Association urges NMFS to disapprove Amendment 53 and remand it to the Gulf of Mexico Fishery Management Council (“Gulf Council”) for reconsideration.

AMENDMENT 53 WILL HURT AMERICA’S RESTAURANTS

Across the country, restaurants rely on commercial fisherman to provide fresh Gulf seafood to millions of customers daily. We are concerned that Amendment 53 would significantly harm the commercial seafood supply chain’s ability to serve restaurants at a time when we are already experiencing intense supply chain challenges and inflation.

Amendment 53 would reallocate more access of Gulf red grouper to the recreational sector, resulting in a massive reduction in the supply to restaurants. In terms of real-world catch, it would reduce the commercial sector’s share of the annual catch by approximately a third or 1.2 million pounds. Additionally, it is estimated that Amendment 53 would remove hundreds of thousands of red grouper servings from restaurants and their customers.

Many restaurants will have no choice but to source red grouper from other areas or remove the product entirely. This will have a negative impact on the availability of local, U.S. harvested seafood, which restaurants have been working hard for years to provide.

Approving Amendment 53 also sets a troubling precedent that might lead to various local fish species and products disappearing from menus entirely, which would severely impact our businesses, as well as the entire hospitality and tourism industry.

While we understand the need to find a solution for red grouper management, we believe more work needs to be done to ensure the needs of the entire Gulf seafood supply chain are met.

AMENDMENT 53 IS INCONSISTENT WITH THE MAGNUSON-STEVENSON ACT

The premise of the MSA with its system of regional councils is the gold-standard of fishery sustainability throughout the world. The MSA has enabled recreational anglers, charter boat owners, conservation groups, scientists, and the commercial seafood supply chain to work collaboratively with Gulf fishery managers on several species to share in the wealth of species that consumers enjoy. With regards to red grouper, this collaboration and conservation has led to more and more Americans being able to enjoy Gulf red grouper, which is a key domestic component of many restaurant menus.

Amendment 53 increases the allocation to the recreational/private angler sector, which we are concerned could result in increased overfishing. As opposed to the strict regulatory framework the commercial sector must abide by, the recreational sector often exceeds its annual catch limits.

The MSA works to prevent overfishing by requiring that conservation and management measures shall achieve the optimum yield from each fishery. The Act also requires that management measures shall minimize bycatch and minimize the mortality of such bycatch.

However, Amendment 53 will do just the opposite by increasing bycatch, as well as bycatch mortality and ultimately leaving restaurants and consumers with less fish. Even the documentation in Amendment 53 references that bycatch will increase by 640,000 pounds per year. This increases uncertainty about fish mortality and results in wasted fish that could be served in our restaurants.

Moreover, under MSA standards, conservation and management measures shall be based upon the best scientific information available. In Amendment 53, the basis of the reallocation is the use of a new methodology known as the MRIP-FES system. However, questions remain about whether this new system improves the catch data programs currently managed by the Gulf states and how such a disproportionate result was achieved using the new methodology. Therefore, it is not resolved whether this system is considered the “best science” to use as the basis for reallocation.

Finally, Amendment 53 does not fully assess the economic impacts this reduction would have on the commercial sector, as well as end users like restaurants and grocery stores. For instance, according

to a recent economic analysis of red grouper, 2020 landings of red grouper generated more than \$187 million in foodservice and retail revenues.¹

By changing the allocations between the recreational and the commercial sector, Amendment 53 runs counter to the balance of MSA and sets a worrisome precedent that promises to undermine the science based framework that has served the nation well for many years.

AMENDMENT 53 DID NOT FOLLOW THE GULF COUNCIL POLICY

It is our understanding that a formal allocation policy exists within the Gulf Council which works to address fisheries that may require a reallocation. This policy requires a full allocation review based on certain criteria. Under a full review, fishery resource managers would consider the interests of all stakeholders and make informed decisions regarding reallocation.

We are concerned that the Gulf Council did not follow this policy in regard to amendment 53 so the interests of all stakeholders, including restaurants and retail stores were not fully considered. This point is crucial as most Americans access fresh seafood from the Gulf at restaurants and grocery stores across the country.

For all these reasons Amendment 53 should be disapproved and sent back to the Gulf Council as it does not prioritize the conservation of the species, nor does it take into account the impact to all stakeholders appropriately. Changing the allocations only helps pick winners and losers, instead of the collaborative process under the MSA.

Thank you for the opportunity to share our comments on this important topic.

Sincerely,



Laura Abshire
Director of Food and Sustainability Policy
National Restaurant Association

¹ *Economic Impacts Associated with Harvest and Marketing of Red Grouper*, Thomas J. Murray & Associates, Inc. December, 2021.