

## APPENDIX A – MODIFICATIONS TO FRAMEWORK

Section 12.6.1 Mechanism for Determination of Framework Adjustments, as modified by this and previous amendments is as follows:

Section 12.6.1.1:

- A. ~~An assessment panel (Panel) appointed by the Councils will normally reassess the condition of each stock or migratory group of Spanish and Spanish mackerel and cobia in alternate (even numbered) years and other stocks when data allows for the purpose of providing for any needed preseason adjustment of TAC and other framework measures. However, in the event of changes in the stocks or fisheries, The Councils may request additional assessments as may be needed. The Councils, however, may make annual seasonal adjustments based on the most recent assessment. The Panel shall be composed of NMFS scientists, Council staff, Scientific and Statistical Committee members, and other state, university, and private scientists as deemed appropriate by the Councils.~~

**Each stock assessment The Panel should will address the following and perhaps other items for each stock:**

1. Stock identity and distribution. This should include situations where there are groups of fish within a stock which are sufficiently different that they should be managed as separate units. If several possible stock divisions exist, ~~the Panel~~ **they** should describe the likely alternatives.
2. MSY and/or  $B_{MSY}$  (or appropriate proxies) for each identified stock. If more than one possible stock division exists, MSY and/or  $B_{MSY}$  for each possible combination should be estimated.
3. Condition of the stock(s) or groups of fish within each stock which could be managed separately. For each stock, this should include but not be limited to:
  - a. Fishing mortality rates relative to  $F_{MSY}$  and  $F_{0.1}$  as well as  $F_{30\text{ percent SPR}}$ , and  $F_{40\text{ percent SPR}}$ , **OFL, or other limits as deemed appropriate.**
  - b. Spawning potential ratios (SPR).
  - c. Abundance relative to **biomass at MSY and MSST** ~~an adequate spawning biomass.~~
  - d. Trends in recruitment.
  - e. Acceptable Biological Catch (ABC) **estimates** which will result in long-term yield as near MSY as possible **based on the level of scientific uncertainty.**
  - f. Calculation of catch ratios based on catch statistics using procedures defined in the FMP as modified.
  - g. Estimate of current mix of Atlantic and Gulf migratory group Spanish mackerel in the mixing zone for use in tracking Spanish quotas.

4. **Overfished and Overfishing:**

a. Gulf group Spanish mackerel stocks in the Gulf of Mexico will be considered overfished if the probability that  $B_{\text{current}}$  is less than MSST is greater than 50%. The minimum stock size threshold (MSST) is defined as  $(1-M)*B_{\text{MSY}}$  or 80% of  $B_{\text{MSY}}$ . Gulf group Spanish mackerel stocks and cobia stocks in the Gulf of Mexico will be considered overfished if the probability that  $B_{\text{current}}$  is less than MSST is greater than 50%. The minimum stock size threshold (MSST) is defined as  $(1-M)*B_{\text{MSY}}$  or 70% of  $B_{\text{MSY}}$ . ~~A mackerel stock or migratory group is considered to be overfished when the biomass is reduced below the MSST.~~

b. The South Atlantic Council's target level or OY is 40 percent static SPR. The Gulf Council's target level or optimum yield (OY) is **the yield corresponding to a fishing mortality rate ( $F_{\text{OY}}$ ) defined as:  $F_{\text{OY}}=0.85*F_{\text{MSY}}$  when the stock is at equilibrium for Gulf group Spanish mackerel and the yield corresponding to a fishing mortality rate ( $F_{\text{OY}}$ ) defined as:  $F_{\text{OY}}=0.75*F_{\text{MSY}}$  when the stock is at equilibrium for Gulf group Spanish mackerel and cobia** ~~30 percent static SPR.~~ ABC is calculated based on **both MSY (defined for Gulf group Spanish and Spanish mackerel as the yield associated with  $F_{30\% \text{ SPR}}$  when the stock is at equilibrium and the yield associated with  $F_{\text{MSY}}$  when the stock is at equilibrium for cobia) and OY as well as the consideration of scientific uncertainty.** ~~the target level or optimum yield (SAFMC = 40 percent static SPR and GMFMC = 30 percent static SPR).~~

c. When a stock or migratory group is overfished (biomass is below MSST), a rebuilding program that makes consistent progress towards restoring stock condition must be implemented and continued until the stock is restored to  $B_{\text{MSY}}$  ~~MSY~~. The rebuilding program must be designed to achieve recovery within an acceptable time frame consistent with the National Standard Guidelines, and as specified by the Councils. The Councils will continue to rebuild the stock above MSY until the stock is restored to the management target (OY) if different from MSY.

d. ~~When a stock or migratory group is not overfished,~~ The act of overfishing is defined as  $MFMT = F_{\text{MSY}}$  and OFL is the yield associated with this level of fishing mortality. The Gulf group Spanish mackerel, Gulf group Spanish mackerel and Gulf group cobia stocks would be considered undergoing overfishing if the probability that  $F_{\text{current}}$  is larger than  $F_{\text{MSY}}$  is greater than 50%. ~~a static SPR that exceeds the threshold of 30 percent (i.e.,  $F_{30\text{-percent}}$  or MFMT).~~ If fishing mortality rates that exceed the level associated with these thresholds ~~the static SPR threshold~~ are maintained, the stocks may become overfished. Therefore, if overfishing is occurring, a program to reduce fishing mortality rates toward management target levels (OY) will be implemented, even if the stock or migratory group is not in an overfished condition.

e. **The stock assessment process should** ~~The Councils have requested the Mackerel Stock Assessment Panel (MSAP)~~ provide a range of possibilities and options for specifying  $B_{\text{MSY}}$  and the MSST.

f. For species when there is insufficient information to determine whether the stock or migratory group is overfished, overfishing is defined as a fishing mortality rate in excess of the fishing mortality rate corresponding to a default threshold static SPR of 30 percent, which is the MFMT. If overfishing is occurring, a program to reduce fishing mortality rates to at least the level corresponding to management target levels will be implemented.

5. Management options. If recreational or commercial fishermen have achieved or are

expected to achieve their allocations, the **stock assessment Panel** may **include** ~~delineate~~ possible options for non-quota restrictions on harvest, including effective levels for such actions as:

- a. Bag limits.
  - b. Size limits.
  - c. Gear restrictions.
  - d. Vessel trip limits.
  - e. Closed season or areas, and
  - f. Other options as requested by the Councils.
6. **The stock assessment process may also evaluate and provide recommendations for** ~~The Panels may also recommend~~ more appropriate levels or statements for the MSY (or proxy), OY, MFMT, ~~and~~ MSST, **OFL and ABC** for any stock, including ~~their~~ rationale for the proposed changes.
7. Other biological questions, as appropriate, **may also be addressed through the stock assessment process.**

B. **The stock assessment process** ~~The Panel will develop~~ ~~prepare~~ a written report with its recommendations for submission to the councils **and their SSCs** ~~each year (even years—full assessment, odd years—mini assessments)~~ by such date as may be specified by the councils **in coordination with NMFS**. The report will contain the scientific basis for ~~their~~ recommendations and indicate the degree of reliability **and uncertainty** which the Council should place on the recommended stock divisions, levels of catch, ~~and~~ options for non-quota controls of the catch, **and any other recommendations.**

C. The Councils may take action based on the ~~panel~~ report or may take action based on issues/information that surface separate from the **report assessment group**. The steps are as follows:

1. **The stock assessment process** ~~Assessment panel report:~~ The councils **and their SSCs** will consider the report and recommendations ~~of the Panel~~ and such public comments as are relevant to the ~~Panel's~~ report. Public hearings will be held at the time and place where the councils consider the ~~Panel's~~ report. The councils will consult their Advisory Panels and Scientific and Statistical Committees to review the report and provide advice prior to taking final action. After receiving public input, the councils will make findings on the need for changes.

2. Information separate from **the stock assessment process** ~~assessment panel~~ report: The Councils will consider information that surfaces separate from **the stock assessment process** ~~the assessment group~~. **The Councils' staff** will compile the information and analyze the impacts of likely alternatives to address the particular situation. The councils' staff report will be presented to the councils. A public hearing will be held at the time and place where councils consider the Councils' staff report. The councils **will** consult their Advisory Panels and Scientific and Statistical Committees to review the report and provide advice prior to taking final action. After receiving public input, the councils will make findings on the need for changes.

D. If changes are needed in the following, the councils will advise the Regional Administrator (RA) of the Southeast Region of the National Marine Fisheries Service in writing of their recommendations, accompanied by the **stock assessment process report, staff reports,**

~~assessment panel's report~~, relevant background material, and public comments, **as appropriate**:

- a. MSY or  $B_{MSY}$  (or proxies),
- b. overfishing levels (MFMT) and overfished levels (MSST),
- c. TACs and OY statements,
- d. OFL, ABC, ACL, and possibly ACT
- ~~ed.~~ quotas (including zero quotas),
- ~~fe.~~ trip limits,
- ~~gf.~~ bag limits (including zero bag limits),
- ~~hg.~~ minimum sizes,
- ~~ih.~~ reallocation of Atlantic group Spanish mackerel,
- ~~ji.~~ gear restriction (ranging from modifying current regulations to a complete prohibition),
- ~~kj.~~ permit requirements, or
- ~~lk.~~ season/area closure and reopening (including spawning closure).
- m. zones, subzones, and migratory group boundaries
- n. allocations

Recommendations with respect to the Atlantic migratory groups of Spanish and Spanish mackerel **and cobia** will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of Spanish and Spanish mackerel **and cobia** will be the responsibility of the Gulf Council. Except that the SAFMC will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for the northern area of the Eastern Zone (Dade through Volusia Counties, Florida) for the commercial fishery for Gulf group Spanish mackerel. ~~This report shall be submitted by such data as may be specified by the Councils.~~

~~For stocks, such as cobia, where scientific information indicates it is a common stock that migrates through the Gulf and South Atlantic jurisdictions, both councils must concur on the recommendations. For other stocks, such as bluefish, cero, and little tunny, there is no scientific information that shows they are common stocks, and each council will separately make management recommendations for these stocks in their jurisdictions.~~

E. The RA will review the councils' recommendations, supporting rationale, public comments and other relevant information, and if the RA concurs with the recommendations, the RA will draft regulations in accordance with the recommendations. The RA may also reject **any** ~~the~~ recommendation, providing written reasons for rejection. In the event the RA rejects **a** ~~the~~ recommendation, existing regulations shall remain in effect until resolved. However, if the RA finds that a proposed recreational bag limit for Gulf migratory group or groups of Spanish mackerels is likely to exceed the allocation and rejects the Council's<sup>2</sup> recommendation, the bag limit reverts to one fish per person per day.

F. If the RA concurs that the councils' recommendations are consistent with the goals and objectives of the plan, the National Standards, and other applicable law, the RA shall implement the regulations by proposed and final rules in the Federal Register prior to the appropriate fishing year or such dates as may be agreed upon with the councils. A reasonable period for public comment shall be afforded, consistent with the urgency, if any, of the need to implement the management measure.

Appropriate regulatory changes that may be implemented by the RA by proposed and final rules in the Federal Register are:

1. Adjustment of the overfishing level (MFMT) for Spanish and Spanish mackerels and **cobia** ~~other stocks~~. Specification of  $B_{MSY}$  and the MSST for the stocks. Respecification of levels or statements of OY and MSY (proxy).
2. Setting **ACLs** ~~total allowable catches (TACs)~~ for each stock or migratory group of fish which should be managed separately, as identified in the FMP provided:
  - a. No **ACL TAC** may exceed the best point estimate of MSY ~~by more than 10 percent for more than one year.~~
  - b. No **ACL TAC** may exceed the upper range of ABC **or the ABC recommended by the respective SSC if it results in overfishing (as previously defined).**
  - c. Downward adjustments of **ACL TAC** of any amount (**i.e. to ACT**) are allowed in order to protect the stock and prevent overfishing.
  - d. Reductions or increases in allocations as a result of changes in the **ACL TAC** are to be as equitable as may be practical utilizing similar percentage changes to allocations for participants in a fishery.
3. Adjusting user group allocations in response to changes in **ACLs TACs** according to the formula specified in the FMP.
4. The reallocation of Atlantic Spanish mackerel between recreational and commercial fishermen may be made through the framework after consideration of changes in the social and/or economic characteristics of the fishery. Such allocation adjustments shall not be greater than a ten percent change in one year to either sector's allocation. Changes may be implemented over several years to reach a desired goal, but must be assessed each year relative to changes in TAC and social and/or economic impacts to either sector of the fishery.
5. Modifying (or implementing for a particular species):
  - a. quotas (including zero quotas)
  - b. trip limits
  - c. bag limits (including zero bag limits)
  - d. minimum sizes
  - e. re-allocation of Atlantic group Spanish mackerel by no more than 10 percent per year to either the commercial or recreational sector.
  - f. gear restriction (ranging from modifying current regulations to a complete prohibition)
  - g. permit requirements, or
  - h. season/area closures and re-openings (including spawning closure)
    - i. **zones, subzones, migratory group boundaries and allocations**

Authority is also granted to the RA to close any fishery, i.e., revert any bag limit to zero, and close and reopen any commercial fishery, once a quota has been established through the procedure described above; and such quota has been filled. When such action is necessary, the RA will recommend that the Secretary publish a notice in the Federal Register as soon as possible.

## APPENDIX B – BASE FRAMEWORK PROCEDURE

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the Coastal Migratory Pelagic Fishery Management Plan (FMP) managed jointly between the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Two basic processes are included: the open framework process and the closed framework process. The open framework addresses issues where more policy discretion exists in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. The closed framework addresses much more specific factual circumstances, where the FMP and implementing regulations identify specific action to be taken in the event of specific facts occurring, such as closing a sector of a fishery when the quota is or is projected to be harvested.

### Open Framework:

1. Situations under which this framework procedure may be used to implement management changes include the following:
  - a. A new stock assessment resulting in changes to the overfishing limit, acceptable biological catch, or other associated management parameters. In such instances the Councils may, as part of a proposed framework action, propose an annual catch limit (ACL) or series of ACLs and optionally an annual catch target (ACT) or series of ACTs, as well as any corresponding adjustments to MSY, OY, and related management parameters.
  - b. New information or circumstances. The Councils will, as part of a proposed framework action, identify the new information and provide rationale as to why this new information indicates that management measures should be changed.
  - c. Changes are required to comply with applicable law such as the Magnuson-Stevens Act, Endangered Species Act, Marine Mammal Protection Act, or are required as a result of a court order. In such instances the Regional Administrator (RA) will notify the Councils in writing of the issue and that action is required. If there is a legal deadline for taking action, the deadline will be included in the notification.
2. Open framework actions may be implemented in either of two ways, abbreviated documentation, or standard documentation process.
  - a. Abbreviated documentation process. Regulatory changes that may be categorized as a routine or insignificant may be proposed in the form of a letter or memo from the Councils to the RA containing the proposed action, and the relevant biological, social and economic information to support the action. Either Council may initiate the letter or memo, but both Councils must approve it. If multiple actions are proposed, a finding that the actions are also routine or insignificant must also be included. If the RA concurs with the determination and approves the proposed action, the action will be implemented through publication of appropriate notification in the Federal Register. Changes that may be viewed as routine or insignificant include, among others:
    - i. Reporting and monitoring requirements,
    - ii. Permitting requirements,
    - iii. Gear marking requirements,
    - iv. Vessel marking requirements,
    - v. Restrictions relating to maintaining fish in a specific condition (whole condition, filleting, use as bait, etc.),

- vi. Bag and possession limit changes of not more than one fish,
  - vii. Size limit changes of not more than 10% of the prior size limit,
  - viii. Vessel trip limit changes of not more than 10% of the prior trip limit,
  - ix. Closed seasons of not more than 10% of the overall open fishing season,
  - x. Species complex composition,
  - xi. Restricted areas (seasonal or year-round) affecting no more than a total of 100 nautical square miles,
  - xii. Respecification of ACL, ACT or quotas that had been previously approved as part of a series of ACLs, ACTs or quotas,
  - xiii. Specification of MSY proxy, OY, and associated management parameters (such as overfished and overfishing definitions) where new values are calculated based on previously approved specifications,
  - xiv. Gear restrictions, except those that result significant changes in the fishery, such as complete prohibitions on gear types,
  - xv. Quota changes of not more than 10%, or retention of portion of an annual quota in anticipation of future regulatory changes during the same fishing year,
- b. Standard documentation process. Regulatory changes that do not qualify as a routine or insignificant may be proposed in the form of a framework document with supporting analyses. Non routine or significant actions that may be implemented under a framework action include:
- i. Specification of ACTs or sector ACTs,
  - ii. Rebuilding plans and revisions to approved rebuilding plans,
  - iii. The addition of new species to existing limited access privilege programs (LAPP),
  - iv. Changes specified in section 2(a) that exceed the established thresholds.
3. Either Council may initiate the open framework process to inform the public of the issues and develop potential alternatives to address the issues. The framework process will include the development of documentation and public discussion during at least one meeting for each Council.
4. Prior to taking final action on the proposed framework action, each Council may convene their SSC, SEP, or AP, as appropriate, to provide recommendations on the proposed actions.
5. For all framework actions, the initiating Council will provide the letter, memo, or the completed framework document along with proposed regulations to the RA in a timely manner following final action by both Councils.
6. For all framework action requests, the RA will review the Councils' recommendations and supporting information and notify the Councils of the determinations, in accordance with the Magnuson-Stevens Act (Section 304) and other applicable law.

**Closed Framework:**

Consistent with existing requirements in the FMP and implementing regulations, the RA is authorized to conduct the following framework actions through appropriate notification in the Federal Register:

- a. Close or adjust harvest any sector of the fishery for a species, sub-species, or species group that has a quota or sub-quota at such time as projected to be necessary to prevent the sector from exceeding its sector-quota for the remainder of the fishing year or sub-quota season,
- b. Reopen any sector of the fishery that had been prematurely closed,
- c. Implement an in-season AM for a sector that has reached or is projected to reach, or is approaching or is projected to approach its ACL, or implement a post-season AM for a sector that exceeded its ACL in the current year.

## APPENDIX C – BROAD FRAMEWORK PROCEDURE

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the Coastal Migratory Pelagic Fishery Management Plan (FMP) managed jointly between the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Two basic processes are included: the open framework process and the closed framework process. The open framework addresses issues where more policy discretion exists in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. The closed framework addresses much more specific factual circumstances, where the FMP and implementing regulations identify specific action to be taken in the event of specific facts occurring, such as closing a sector of a fishery when the quota is or is projected to be harvested.

### Open Framework:

1. The Councils may utilize this framework procedure to implement management changes in response to any additional information or changed circumstances. The Councils will, as part of a proposed framework action, identify the new information and provide rationale why this new information requires management measures be adjusted.
2. Open framework actions may be implemented at any time based on information supporting the need for adjustment of management measures or management parameters:
  - a. Reporting and monitoring requirements,
  - b. Permitting requirements,
  - c. Gear marking requirements,
  - d. Vessel marking requirements,
  - e. Restrictions relating to the use of undersized attractants,
  - f. Restrictions relating to tailing,
  - g. Bag and possession limits,
  - h. Size limits,
  - i. Vessel trip limits,
  - j. Closed seasons,
  - k. Restricted areas (seasonal or year-round),
  - l. Re-specification of annual catch limits (ACLs), annual catch targets (ACTs), or quotas that were previously approved as part of a series of ACLs, ACTs or quotas,
  - m. Specification of maximum sustainable yield (MSY) proxy, optimum yield (OY), and associated management parameters (such as overfished and overfishing definitions) where new values are calculated based on previously approved specifications,
  - n. Gear restrictions, except those that result in significant changes in the fishery, such as complete prohibitions on gear types,
  - o. Quota,
  - p. Specification of ACTs or sector ACTs,
  - q. Creation of rebuilding plans and revisions to approved rebuilding plans,
  - r. Any other measures deemed appropriate by the Council.
3. Either Council may initiate the open framework process to inform the public of the issue and develop potential alternatives to address the issue. The framework process

will include the development of documentation and public discussion during one meeting for each Council.

4. For all framework actions, the initiating Council will provide the letter, memo, or the completed framework document along with proposed regulations to the Regional Administrator (RA) following final action by both Councils.
5. For all framework action requests, the RA will review the Councils' recommendations and supporting information and notify the Councils of the determinations, in accordance with the Magnuson-Stevens Act (Section 304) and other applicable law.

Closed Framework:

Consistent with existing requirements in the FMP and implementing regulations, the RA is authorized to conduct the following framework actions through appropriate notification in the Federal Register:

- a. Close or adjust harvest in any sector of the fishery for a species, sub-species, or species group that has a quota or sub-quota at such time as projected to be necessary to prevent the sector from exceeding its sector-quota for the remainder of the fishing year or sub-quota season,
- b. Reopen any sector of the fishery that was prematurely closed,
- c. Implement an in-season accountability measure for a sector that has reached or is projected to reach, or is approaching or is projected to approach its ACL, or implement a post-season accountability measure for a sector that exceeded its ACL in the current year,
- d. Take any other immediate action specified in the regulations.

## APPENDIX D – NARROW FRAMEWORK PROCEDURE

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the Coastal Migratory Pelagic Fishery Management Plan (FMP) managed jointly between the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Two basic processes are included: the open framework process and the closed framework process. The open framework addresses issues where more policy discretion exists in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. The closed framework addresses much more specific factual circumstances, where the FMP and implementing regulations identify specific action to be taken in the event of specific facts occurring, such as closing a sector of a fishery when the quota is or is projected to be harvested.

### Open Framework:

1. The open framework procedure may be used to implement management changes only when a new stock assessment results in changes to the overfishing limit, acceptable biological catch, or other associated management parameters. In such instances the Councils may, as part of a proposed framework action, propose an annual catch limit (ACL) or series of ACLs and optionally an annual catch target (ACT) or series of ACTs, as well as any corresponding adjustments to maximum sustainable yield (MSY), optimum yield (OY), and related management parameters.
2. Actions that may be implemented via the framework procedure include:
  - a. Reporting and monitoring requirements,
  - b. Bag and possession limits,
  - c. Size limits,
  - d. Closed seasons,
  - e. Restricted areas (seasonal or year-round),
  - f. Quotas.
3. Either Council may initiate the open framework process to inform the public of the issue and develop potential alternatives to address the issue. The framework process will include the development of documentation and public discussion during at least three meetings for each Council, and shall be discussed at separate public hearings within the areas most affected by the proposed measures.
4. Prior to taking final action on the proposed framework action, each Council shall convene its SSC, SEP, and AP to provide recommendations on the proposed actions.
5. For all framework actions, the initiating Council will provide the letter, memo, or the completed framework document, and all supporting analyses, along with proposed regulations to the RA in a timely manner following final action by both Councils.
6. For all framework action requests, the RA will review the Councils' recommendations and supporting information and notify the Councils of the determinations, in accordance with the Magnuson-Stevens Act (Section 304) and other applicable law. The RA will provide the Councils weekly updates on the status of the proposed measures.

Closed Framework:

Consistent with existing requirements in the FMP and implementing regulations, the RA is authorized to conduct the following framework actions through appropriate notification in the Federal Register:

- a. Close or adjust harvest in any sector of the fishery for a species, sub-species, or species group that has a quota or sub-quota at such time as projected to be necessary to prevent the sector from exceeding its sector-quota for the remainder of the fishing year or sub-quota season,
- b. Reopen any sector of the fishery that was prematurely closed,
- c. Implement an in-season accountability measure for a sector that has reached or is projected to reach, or is approaching or is projected to approach its ACL, or implement a post-season accountability measure for a sector that exceeded its ACL in the current year.

**APPENDIX E – TABLES**

**Table 1. Trends of Fishing Mortality & Spawning Stock Biomass – GOM Stock**

SSB VPA estimated value Million hydrated eggs					SSB/MSST				
Year	Deterministic	low CI	Median	upp CI	Year	Deterministic	low CI	Median	upp CI
1981	2123	2103	2111	2124	1981	0.811	0.804	0.807	0.812
1982	2036	2015	2023	2036	1982	0.778	0.770	0.773	0.779
1983	1555	1532	1541	1556	1983	0.594	0.586	0.589	0.595
1984	1590	1565	1574.5	1591	1984	0.607	0.598	0.602	0.608
1985	1502	1473	1484	1503	1985	0.574	0.563	0.567	0.575
1986	1532	1495	1509	1534	1986	0.585	0.572	0.577	0.586
1987	1590	1543	1561	1592	1987	0.607	0.590	0.597	0.608
1988	1731	1676	1697	1733	1988	0.661	0.641	0.649	0.662
1989	1748	1680	1706	1751	1989	0.668	0.643	0.652	0.669
1990	1885	1796	1830	1888	1990	0.720	0.687	0.700	0.722
1991	2040	1929	1972	2045	1991	0.779	0.738	0.754	0.782
1992	2215	2072	2126.5	2220	1992	0.846	0.792	0.813	0.849
1993	2245	2070	2137.5	2252	1993	0.857	0.792	0.817	0.861
1994	2265	2052	2134	2273	1994	0.865	0.785	0.816	0.869
1995	2210	1932	2038.5	2220	1995	0.844	0.739	0.779	0.849
1996	2340	1987	2123	2353	1996	0.894	0.760	0.811	0.900
1997	2443	2006	2174	2459	1997	0.933	0.767	0.831	0.940
1998	2509	1979	2185.5	2531	1998	0.958	0.757	0.835	0.967
1999	2658	2036	2286.5	2700	1999	1.015	0.779	0.874	1.032
2000	2788	2106	2396.5	2850	2000	1.065	0.806	0.916	1.089
2001	2876	2162	2487	2968	2001	1.098	0.828	0.951	1.134
2002	2873	2180	2526	3032	2002	1.097	0.834	0.966	1.159
2003	2872	2226	2578	3091	2003	1.097	0.851	0.987	1.180
2004	2955	2343	2728	3218	2004	1.129	0.896	1.043	1.227
2005	3285	2645	3116	3644	2005	1.255	1.012	1.191	1.394
2006	3921	3224	3846	4512	2006	1.498	1.237	1.471	1.725

F apical VPA Estimate Fishing Mortality Rate				
Year	Deterministic	low	Median	upp
		CI		CI
1981	0.340	0.340	0.342	0.343
1982	1.008	1.008	1.012	1.014
1983	0.413	0.413	0.414	0.415
1984	0.427	0.427	0.429	0.430
1985	0.558	0.558	0.561	0.563
1986	0.556	0.556	0.561	0.565
1987	0.493	0.492	0.499	0.504
1988	0.368	0.367	0.383	0.393
1989	0.548	0.548	0.557	0.563
1990	0.422	0.421	0.439	0.449
1991	0.568	0.568	0.586	0.597
1992	0.713	0.711	0.732	0.745
1993	0.508	0.505	0.552	0.584
1994	0.681	0.679	0.707	0.724
1995	0.537	0.535	0.582	0.614
1996	0.378	0.375	0.420	0.451
1997	0.294	0.292	0.336	0.369
1998	0.313	0.311	0.362	0.401
1999	0.346	0.306	0.339	0.365
2000	0.313	0.259	0.286	0.313
2001	0.212	0.191	0.214	0.239
2002	0.177	0.158	0.185	0.220
2003	0.225	0.202	0.263	0.332
2004	0.223	0.176	0.210	0.257
2005	0.239	0.195	0.233	0.279
2006	0.288	0.212	0.254	0.313

Fcurr/ MFMT				
Year	Deterministic	low CI	Median	upp CI
1983	1.446	1.385	1.530	1.647
1984	1.434	1.376	1.520	1.637
1985	1.398	1.347	1.489	1.607
1986	1.343	1.294	1.431	1.544
1987	1.440	1.387	1.532	1.654
1988	1.613	1.558	1.726	1.863
1989	1.846	1.790	1.983	2.141
1990	1.754	1.713	1.899	2.053
1991	2.027	1.974	2.187	2.367
1992	1.866	1.829	2.032	2.199
1993	1.984	1.957	2.186	2.382
1994	1.942	1.924	2.169	2.373
1995	2.095	2.077	2.365	2.603
1996	1.898	1.889	2.159	2.379
1997	1.536	1.516	1.754	1.935
1998	1.267	1.233	1.424	1.570
1999	1.231	1.165	1.323	1.453
2000	1.273	1.153	1.290	1.412
2001	1.132	0.974	1.119	1.236
2002	0.854	0.738	0.843	0.942
2003	0.765	0.709	0.826	0.958
2004	0.778	0.692	0.810	0.952
2005	0.826	0.728	0.899	1.106
2006	0.827	0.714	0.828	0.969

**Table 2. Trends of Fishing Mortality and Spawning Stock Biomass - Atlantic Stock**

SSB VPA Estimated Value Million Hydrated Eggs					SSB/MSST				
Year	Deterministic	low CI	Median	upp CI	Year	Deterministic	low CI	Median	upp CI
1981	4508	4496	4509	4551	1981	2.468	2.463	2.470	2.492
1982	4568	4555	4569	4615	1982	2.501	2.495	2.503	2.528
1983	4587	4573	4589	4640	1983	2.512	2.505	2.514	2.541
1984	4498	4483	4500	4555	1984	2.463	2.455	2.465	2.495
1985	4418	4400	4420	4483	1985	2.419	2.410	2.421	2.455
1986	4275	4253	4277	4353	1986	2.341	2.330	2.343	2.383
1987	4086	4059	4089	4182	1987	2.237	2.224	2.240	2.290
1988	3873	3842	3877	3985	1988	2.121	2.105	2.124	2.182
1989	3555	3520	3559	3682	1989	1.947	1.928	1.950	2.015
1990	3545	3500	3550	3705	1990	1.941	1.917	1.945	2.028
1991	3580	3520	3587	3797	1991	1.960	1.928	1.965	2.078
1992	3369	3294	3377	3640	1992	1.845	1.804	1.851	2
1993	3098	3010	3108	3416	1993	1.696	1.648	1.703	1.869
1994	2962	2861	2973	3328	1994	1.622	1.567	1.629	1.820
1995	2873	2753	2887	3307	1995	1.573	1.508	1.582	1.808
1996	2847	2698	2864	3383	1996	1.559	1.478	1.570	1.849
1997	2824	2643	2844	3474	1997	1.546	1.448	1.559	1.898
1998	2701	2494	2722.5	3439	1998	1.479	1.367	1.493	1.877
1999	2641	2410	2664.5	3433	1999	1.446	1.320	1.459	1.872
2000	2640	2382	2658.5	3442	2000	1.446	1.305	1.456	1.883
2001	2476	2194	2485.5	3258	2001	1.356	1.202	1.361	1.782
2002	2377	2069	2374	3119	2002	1.302	1.134	1.300	1.706
2003	2341	2000	2320	3008	2003	1.282	1.095	1.271	1.647
2004	2365	1958	2336	3038	2004	1.295	1.074	1.280	1.657
2005	2433	1973	2426.5	3102	2005	1.332	1.081	1.329	1.697
2006	2443	1951	2476.5	3203	2006	1.338	1.071	1.357	1.749

F Apical VPA Estimate Fishing Mortality Rate				
Year	Deterministic	low CI	Median	upp CI
1981	0.442	0.440	0.442	0.443
1982	0.386	0.383	0.386	0.387
1983	0.382	0.378	0.381	0.382
1984	0.287	0.284	0.287	0.288
1985	0.441	0.437	0.441	0.442
1986	0.288	0.284	0.288	0.289
1987	0.208	0.205	0.208	0.209
1988	0.287	0.282	0.287	0.289
1989	0.219	0.213	0.219	0.220
1990	0.331	0.320	0.331	0.334
1991	0.311	0.297	0.311	0.316
1992	0.345	0.325	0.344	0.351
1993	0.318	0.293	0.317	0.326
1994	0.252	0.226	0.251	0.260
1995	0.361	0.318	0.360	0.376
1996	0.366	0.314	0.364	0.383
1997	0.390	0.320	0.388	0.416
1998	0.315	0.240	0.312	0.346
1999	0.233	0.165	0.230	0.264
2000	0.263	0.203	0.259	0.298
2001	0.285	0.248	0.287	0.305
2002	0.269	0.245	0.274	0.294
2003	0.358	0.284	0.362	0.406
2004	0.377	0.324	0.393	0.455
2005	0.344	0.296	0.373	0.458
2006	0.359	0.310	0.409	0.534

Fcurr/ MFMT				
Year	Deterministic	low CI	Median	upp CI
1983	0.914	0.784	0.854	0.919
1984	0.745	0.637	0.695	0.749
1985	0.754	0.645	0.704	0.758
1986	1.010	0.863	0.943	1.016
1987	0.804	0.684	0.751	0.808
1988	0.613	0.521	0.572	0.616
1989	0.623	0.528	0.581	0.625
1990	0.669	0.566	0.625	0.672
1991	0.683	0.575	0.638	0.684
1992	0.815	0.680	0.762	0.817
1993	0.974	0.802	0.912	0.977
1994	0.937	0.758	0.878	0.940
1995	0.831	0.658	0.780	0.835
1996	0.906	0.703	0.852	0.913
1997	1.154	0.873	1.086	1.165
1998	1.025	0.746	0.965	1.043
1999	0.783	0.530	0.737	0.814
2000	0.705	0.477	0.666	0.739
2001	0.725	0.517	0.687	0.747
2002	0.718	0.551	0.684	0.740
2003	0.771	0.628	0.741	0.814
2004	0.893	0.725	0.877	0.983
2005	0.984	0.811	0.985	1.150
2006	1.006	0.869	1.076	1.306

**Table 3. Proportions of Catch by Stock Unit at Different Boundaries in the FL East Coast**

Deterministic Run Yield Landings Million Pounds – Gulf of Mexico

## Projections Final Model

Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	11.810	11.810	11.810	11.810	11.810	11.810
2008	17.130	12.610	14.778	13.162	11.513	14.394
2009	17.491	13.543	15.496	14.050	12.513	15.157
2010	16.286	13.223	14.791	13.640	12.357	14.526
2011	14.240	12.046	13.215	12.366	11.369	13.023
2012	12.432	10.834	11.715	11.080	10.300	11.576
2013	11.277	10.018	10.732	10.221	9.568	10.622
2014	10.503	9.438	10.053	9.614	9.041	9.958
2015	10.148	9.200	9.755	9.361	8.834	9.672
2016	9.886	9.015	9.533	9.165	8.669	9.456

## Projections adjusted for Dade-Monroe management unit

Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	10.823	10.823	10.823	10.823	10.823	10.823
2008	15.258	11.200	13.164	11.726	10.258	12.992
2009	15.535	12.006	13.768	12.486	11.124	13.602
2010	14.524	11.772	13.194	12.170	11.028	13.067
2011	12.823	10.826	11.900	11.137	10.242	11.816
2012	11.293	9.814	10.638	10.060	9.351	10.585
2013	10.326	9.145	9.822	9.351	8.753	9.785
2014	9.685	8.677	9.265	8.858	8.330	9.234
2015	9.384	8.480	9.014	8.647	8.159	8.990
2016	9.162	8.328	8.828	8.485	8.024	8.807

## Projections adjusted for Council boundary management unit

Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	10.005	10.005	10.005	10.005	10.005	10.005
2008	14.271	10.488	12.312	10.967	9.594	12.085
2009	14.548	11.252	12.891	11.690	10.413	12.683
2010	13.578	11.013	12.333	11.375	10.307	12.172
2011	11.940	10.088	11.080	10.369	9.535	10.968
2012	10.477	9.115	9.871	9.335	8.678	9.794
2013	9.549	8.467	9.084	8.650	8.097	9.026
2014	8.930	8.010	8.545	8.171	7.683	8.495
2015	8.643	7.820	8.305	7.967	7.518	8.262
2016	8.431	7.673	8.126	7.811	7.387	8.088

Projections status quo catch Mixing-winter all GOM unit

Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	14.266	14.266	14.266	14.266	14.266	14.266
2008	25.155	18.371	21.663	19.286	16.868	17.167
2009	24.956	19.180	22.068	20.000	17.805	18.082
2010	22.862	18.481	20.754	19.143	17.346	17.577
2011	19.698	16.685	18.323	17.176	15.820	15.999
2012	16.837	14.775	15.946	15.135	14.118	14.257
2013	14.601	13.102	13.986	13.380	12.586	12.696
2014	12.897	11.693	12.416	11.925	11.263	11.354
2015	12.086	11.039	11.676	11.244	10.653	10.734
2016	11.548	10.591	11.177	10.781	10.232	10.307

**Table 4. Proportions of Catch by Stock Unit at Different Boundaries in the FL East Coast**

Deterministic Run Yield Landings Million Pounds - Atlantic

Projections Final Model						
Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	9.277	9.277	9.277	9.277	9.277	9.277
2008	9.453	6.669	8.170	7.291	6.391	9.504
2009	9.248	6.956	8.236	7.498	6.706	9.288
2010	9.154	7.240	8.344	7.718	7.017	9.184
2011	9.132	7.522	8.477	7.943	7.319	9.156
2012	8.860	7.476	8.314	7.851	7.295	8.880
2013	8.788	7.549	8.309	7.893	7.379	8.805
2014	8.794	7.665	8.369	7.985	7.507	8.810
2015	8.737	7.672	8.338	7.979	7.520	8.750
2016	8.704	7.685	8.327	7.981	7.538	8.717

Projections adjusted for Dade-Monroe management unit						
Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	10.264	10.264	10.264	10.264	10.264	10.264
2008	11.326	8.079	9.784	8.726	7.645	10.906
2009	11.205	8.493	9.965	9.062	8.096	10.843
2010	10.915	8.692	9.941	9.188	8.346	10.644
2011	10.548	8.743	9.791	9.172	8.447	10.363
2012	9.999	8.495	9.391	8.871	8.244	9.871
2013	9.738	8.421	9.220	8.762	8.194	9.642
2014	9.612	8.427	9.157	8.741	8.218	9.534
2015	9.501	8.392	9.079	8.692	8.195	9.432
2016	9.427	8.372	9.031	8.661	8.182	9.366

Projections adjusted for Council boundary management unit						
Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	11.082	11.082	11.082	11.082	11.082	11.082
2008	12.312	8.791	10.636	9.486	8.310	11.813
2009	12.192	9.247	10.842	9.858	8.807	11.762
2010	11.861	9.450	10.802	9.983	9.068	11.539
2011	11.432	9.480	10.611	9.940	9.154	11.211
2012	10.815	9.194	10.158	9.596	8.917	10.663
2013	10.516	9.099	9.957	9.463	8.850	10.401
2014	10.367	9.093	9.877	9.429	8.865	10.273
2015	10.242	9.052	9.789	9.372	8.836	10.159
2016	10.159	9.027	9.734	9.335	8.819	10.085

Projections status quo catch Mixing-winter all GOM unit

Year	F30%SPR	F40%SPR	F 85%SPR30	F 75%SPR30	F 65%SPR30	Fcurrent
2007	7.756	7.756	7.756	7.756	7.756	7.756
2008	8.710	6.149	7.535	6.729	5.902	8.071
2009	8.221	6.202	7.335	6.687	5.990	7.747
2010	7.981	6.340	7.291	6.757	6.153	7.619
2011	7.897	6.543	7.355	6.905	6.376	7.617
2012	7.502	6.347	7.050	6.665	6.199	7.271
2013	7.423	6.389	7.026	6.682	6.252	7.222
2014	7.405	6.466	7.055	6.737	6.338	7.229
2015	7.330	6.442	7.002	6.702	6.318	7.167
2016	7.293	6.444	6.982	6.695	6.325	7.139

## **APPENDIX F - ALTERNATIVES CONSIDERED BUT REJECTED**

### **ACTION 5-1 Set Annual Catch Limit (ACL) For gulf Group Cobia**

Alternative 4: Set ACL = 85% of ABC for Gulf group cobia [1.24 based on preferred ABC]

Option a. Set a single stock ACL

Option b. Set separate commercial and recreational ACLs based on current average percent of catches for the period 2000 through 2009

Alternative 5: Set ACL = 80% of ABC for Gulf group cobia [1.17 mp based on preferred ABC]

Option a. Set a single stock ACL

Option b. Set separate commercial and recreational ACLs based on current average percent of catches for the period 2000 through 2009

### **ACTION 8-1: Set Annual Catch Limit (ACL) for Gulf Group King Mackerel**

Alternative 6. Set ACL = 75% of ABC for Gulf group king mackerel [8.9 mp for 2012]

Option a. Set a single ACL

Option b. Set separate commercial and recreational ACLs based on current allocations

Option c. For the commercial sector, set separate ACLs for hook-and-line and run-around gillnets

### **Action 11-1 Set Annual Catch Limit (ACL) for Gulf Group Spanish Mackerel**

Alternative 4. Set ACL = 85% of ABC for Gulf group Spanish mackerel [4.3775 mp based on preferred ABC]

Option a. Set a single ACL

Option b. Set separate commercial and recreational ACLs based on current allocations (57% commercial, 43% recreational: 2,495,175 lb – 1,882,325 lb)

Option c. Set separate commercial and recreational ACLs based on recent landings

Alternative 5. Set ACL = 80% of ABC for Gulf group Spanish mackerel [4.12 mp based on preferred ABC]

Option a. Set a single ACL

Option b. Set separate commercial and recreational ACLs based on current allocations (57% commercial, 43% recreational: 2,348,400 lb – 1,771,600 lb)

Option c. Set separate commercial and recreational ACLs based on recent landings

### **ACTION 2.13.3 ABC Control Rule and ABC for Atlantic Migratory Group King Mackerel**

Alternative 5. Establish an ABC Control Rule where ABC is a percentage of OFL. The percentage is based upon the level of risk of overfishing (P\*).

Alternative 5a. ABC=X% of OFL. The X% is based upon P\* equals .20.

Alternative 5b. ABC=X% of OFL. The X% is based upon P\* equals .30.

Alternative 5c. ABC=X% of OFL. The X% is based upon P\* equals .40.

Alternative 5d. ABC=X% of OFL. The X% is based upon P\* equals .50.

#### **ACTION 2.13.4 OY for Atlantic Migratory Group King Mackerel**

The IPT recommends that OY be folded into the ACL action based on NOAA GC and NMFS RA guidance provided at the September 2010 South Atlantic Council meeting; a similar approach is being taken in the South Atlantic Council's Comprehensive ACL Amendment. This would move the OY alternatives shown below to Appendix F, Alternatives Considered but Eliminated from Detailed Consideration.

Currently OY = the yield from fishing at a fishing mortality rate equal to 40% Spawning Potential Ratio; however, a value was not previously estimated. Based on the SEDAR 16 assessment and the Council's actions on other species, the following options are likely (Tables 2.13.2.1 and 2.13.3.1).

Alternative 1. No action. Currently OY = yield at  $F_{40\%SPR}$  with no poundage estimated. However, using the updated projections yields a range of 8.40 – 9.20 million pounds.

Alternative 2. OY = 65% of the yield at  $F_{30\%SPR} = 7.96 - 8.36$  million pounds based on projections of expected median yields under a constant fishing mortality rate over the years 2011 through 2021.

Alternative 3. OY = 75% of the yield at  $F_{30\%SPR} = 8.46 - 9.37$  million pounds based on projections of expected median yields under a constant fishing mortality rate over the years 2011 through 2021.

Alternative 4. OY = 85% of the yield at  $F_{30\%SPR} = 8.80 - 10.46$  million pounds based on projections of expected median yields under a constant fishing mortality rate over the years 2011 through 2021.

Alternative 5. OY = yield at  $F_{30\%SPR} = 9.36 - 12.84$  million pounds based on projections of expected median yields under a constant fishing mortality rate over the years 2011 through 2021.

#### **ACTION 2.13.5 Annual Catch Target for Atlantic Migratory Group King Mackerel**

Alternative 2. The commercial sector ACT equals the commercial sector ACL.

#### **ACTION 2.14 ACTION 14: Specify Accountability Measures (AMs) for Atlantic Migratory Group King Mackerel**

Alternative 5. Allow roll-over of underages but not to exceed the ABC.

Sub-Alternative 5a. 100%

Sub-Alternative 5b. 50%

#### **ACTION 2.16.3 Allowable Biological Catch (ABC) Control Rule and ABC for Atlantic Migratory Group Spanish Mackerel**

Alternative 3. Establish an ABC Control Rule where ABC equals OFL.

Alternative 4. Establish an ABC Control Rule where ABC equals a percentage of OFL.

Alternative 4a. ABC=65% OFL.

Alternative 4b (Preferred). ABC=75% OFL.

Alternative 4c. ABC=85% OFL.

Alternative 5. Establish an ABC Control Rule where ABC is a percentage of OFL. The percentage is based upon the level of risk of overfishing (P\*).

Alternative 5a. ABC=X% of OFL. The X% is based upon P\* equals .20.

Alternative 5b. ABC=X% of OFL. The X% is based upon P\* equals .30.

Alternative 5c. ABC=X% of OFL. The X% is based upon P\* equals .40.

Alternative 5d. ABC=X% of OFL. The X% is based upon P\* equals .50.

#### **ACTION 2.16.4 Optimum Yield (OY) for Atlantic Migratory Group Spanish Mackerel**

The IPT recommends that OY be folded into the ACL action based on NOAA GC and NMFS RA guidance provided at the September 2010 South Atlantic Council meeting; a similar approach is being taken in the South Atlantic Council's Comprehensive ACL Amendment. This would move the OY alternatives shown below to Appendix F, Alternatives Considered but Eliminated from Detailed Consideration.

Currently OY = the yield from fishing at a fishing mortality rate equal to 40% Spawning Potential Ratio; however, a value was not previously estimated. Based on the SEDAR 17 assessment and the Council's actions on other species, the following options are likely (Table 11).

Alternative 1. No action. Currently OY = yield at  $F_{40\%SPR}$  with no poundage estimated. Based on the SEDAR 17 assessment, the yield at  $F_{40\%SPR}$  is 11,458,000 pounds.

Alternative 2. OY = 65% of the yield at  $F_{MSY}$  = 10.608 million pounds.

Alternative 3. OY = 75% of the yield at  $F_{MSY}$  = 11.051 million pounds.

Alternative 4. OY = 85% of the yield at  $F_{MSY}$  = 11.320 million pounds.

Alternative 5. OY = the yield at  $F_{30\%SPR}$  = 10.565 million pounds.

Alternative 6. OY = the yield at  $F_{max}$  = 6.598 million pounds.

#### **ACTION 2.16.5 Annual Catch Target (ACT) for Atlantic Migratory Group Spanish Mackerel**

Alternative 2. The commercial sector ACT equals the commercial sector ACL.

#### **ACTION 2.19.3 Allowable Biological Catch (ABC) Control Rule and ABC for Atlantic Migratory Group Cobia**

Alternative 5. Establish an ABC Control Rule where ABC is a percentage of OFL. The percentage is based upon the level of risk of overfishing (P\*).

- Alternative 5a. ABC=X% of OFL. The X% is based upon P\* equals .20.
- Alternative 5b. ABC=X% of OFL. The X% is based upon P\* equals .30.
- Alternative 5c. ABC=X% of OFL. The X% is based upon P\* equals .40.
- Alternative 5d. ABC=X% of OFL. The X% is based upon P\* equals .50.

**ACTION 2.19.4 Optimum Yield (OY) for Atlantic Migratory Group Cobia**

The IPT recommends that OY be folded into the ACL action based on NOAA GC and NMFS RA guidance provided at the September 2010 South Atlantic Council meeting; a similar approach is being taken in the South Atlantic Council’s Comprehensive ACL Amendment. This would move the OY alternatives shown below to Appendix F, Alternatives Considered but Eliminated from Detailed Consideration.

Currently OY = the yield from fishing at a fishing mortality rate equal to 40% Spawning Potential Ratio; however, a value was not previously estimated.

Alternative 1. No action. Currently OY = yield at  $F_{40\%SPR}$  with no poundage estimated.

Alternative 2. OY = ACL.

Alternative 3. OY = ACT.

**ACTION 2.19.4 Allocations for Atlantic Migratory Group Cobia**

Alternative 4. Define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on the following formula for each sector:

Sector apportionment = (50% \* average of long catch range (lbs) 1986(or 1999)-2008) + (50% \* average of recent catch trend (lbs) 2006-2008). The allocation would be xx% commercial, yy% for-hire, and zz% private recreational. Beginning in 2011, the commercial allocation would be \_\_\_\_\_ lbs gutted weight, the for-hire allocation would be \_\_\_\_\_ fish (\_\_\_\_\_ lbs gutted weight), and the private recreational allocation would be \_\_\_\_\_ fish (\_\_\_\_\_ lbs gutted weight). The commercial, for-hire, and private recreational allocations specified for 2011 would remain in effect beyond 2011 until modified.

**ACTION 2.19.6a Commercial Sector ACT**

Alternative 2. The commercial sector ACT equals the commercial sector ACL.

**APPENDIX G – DETAILED BAG LIMIT TABLES**

**Table G.1a. Spanish Mackerel percent reduction under various bag limits based on 2009 catches.**

2009	Florida			Georgia			South Carolina			North Carolina		
	Harvest in Number Fish	Percent	Cum. Percent	Harvest in Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent
20										4480	1%	1%
19											0%	1%
18											0%	1%
17											0%	1%
16											0%	1%
15										53,319	10%	11%
14										8,599	2%	13%
13										11,277	2%	15%
12										8,243	2%	16%
11							7,994	13%	13%	2,464	0%	17%
10							7,267	12%	24%	15,103	3%	20%
9								0%	24%	28,287	5%	25%
8								0%	24%	34,455	7%	32%
7	26,889	7%	7%				1,199	2%	26%	36,164	7%	39%
6	34,164	9%	17%				11,215	18%	44%	58,060	11%	50%
5	34,000	9%	26%					0%	44%	39,805	8%	57%
4	53,829	15%	41%	1,034	13%	13%	4,539	7%	51%	50,228	10%	67%
3	56,488	16%	57%	279	4%	17%	10,878	17%	68%	47,475	9%	76%
2	48,825	13%	70%	150	2%	19%	11,028	17%	86%	59,194	11%	88%
1	108,669	30%	100%	6,199	81%	100%	8,958	14%	100%	65,098	12%	100%
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%
<b>Total</b>	362,864	100%		7,662	100%		63,078	100%		522,251	100%	

**Table G.1b. Spanish Mackerel percent reduction under various bag limits based on 2008 catches.**

2008	Florida			Georgia			South Carolina			North Carolina			Virginia			
	Number Caught	Harvest in Number Fish	Percent	Cum. Percent	Harvest in Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent
20																
19																
18		22,738	2%	2%												
17			0%	2%												
16			0%	2%												
15		131,792	12%	14%							107,024	9%	9%			
14			0%	14%							12,970	1%	10%			
13			0%	14%							6,903	1%	11%			
12			0%	14%							55,840	5%	16%	30,945	13%	13%
11			0%	14%							12,137	1%	17%	54,701	23%	36%
10		39,832	4%	18%							64,486	6%	22%	1,765	1%	37%
9			0%	18%							25,343	2%	24%		0%	37%
8		49,776	5%	22%				2,035	2%	2%	133,790	11%	36%	11,849	5%	42%
7		118,750	11%	33%				12,979	11%	13%	95,579	8%	44%	33,574	14%	56%
6		83,532	8%	41%				24,201	21%	34%	92,437	8%	52%	37,482	16%	71%
5		104,264	9%	50%	465	2%	2%	20,167	17%	51%	113,091	10%	62%		0%	71%
4		120,942	11%	61%	1,116	4%	5%	11,520	10%	61%	109,219	9%	71%	16,824	7%	78%
3		130,804	12%	73%		0%	5%	7,470	6%	67%	109,852	9%	81%	22,384	9%	88%
2		142,512	13%	86%	10,765	37%	42%	18,827	16%	83%	126,541	11%	91%	7,353	3%	91%
1		153,829	14%	100%	16,832	58%	100%	19,372	17%	100%	99,040	9%	100%	21,836	9%	100%
0		0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%
<b>Total</b>		1,098,771	100%		29,178	100%		116,571	100%		1,164,252	100%		238,713	100%	

**Table G.1c. Spanish Mackerel percent reduction under various bag limits based on 2007 catches.**

2007	Florida			Georgia			South Carolina			North Carolina			
	Harvest in Number Caught	Number Fish	Percent	Cum. Percent	Harvest in Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent
36	24,809	4%	4%										
20	11,561	2%	6%										
19		0%	6%										
18		0%	6%										
17		0%	6%										
16		0%	6%										
15	71,297	12%	18%								65,490	13%	13%
14		0%	18%								8,513	2%	15%
13		0%	18%									0%	15%
12	8,761	1%	19%								7,297	1%	16%
11	6,365	1%	20%								13,377	3%	19%
10	23,450	4%	24%								56,174	11%	30%
9	15,613	3%	27%								11,932	2%	32%
8	44,085	7%	34%								21,554	4%	37%
7	4,046	1%	35%								11,921	2%	39%
6	15,035	2%	37%				5,881	6%	6%	22,102	4%	43%	
5	64,608	11%	48%				5,683	5%	11%	39,636	8%	51%	
4	65,556	11%	59%	447	3%	3%	34,519	33%	44%	35,232	7%	58%	
3	23,046	4%	63%	5,251	40%	43%	22,268	21%	65%	61,912	12%	71%	
2	73,448	12%	75%	2,030	15%	58%	14,098	13%	78%	70,748	14%	85%	
1	150,795	25%	100%	5,525	42%	100%	23,223	22%	100%	76,937	15%	100%	
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%	
<b>Total</b>	<b>602,475</b>	<b>100%</b>		<b>13,253</b>	<b>100%</b>		<b>105,672</b>			<b>502,825</b>	<b>100%</b>		

**Table G.1d. Spanish Mackerel percent reduction under various bag limits based on 2006 catches.**

2006	Florida			Georgia			South Carolina			North Carolina		
	Number Caught	Harvest in Number Fish	Cum. Percent	Harvest in Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent
28	2,560	1%	1%									
27	2,468	1%	1%									
26		0%	1%									
25	2,285	1%	2%									
24		0%	2%									
23		0%	2%									
22		0%	2%									
21		0%	2%									
20		0%	2%									
19		0%	2%									
18		0%	2%							913	0%	0%
17		0%	2%							863	0%	1%
16		0%	2%							0	0%	1%
15		0%	2%							3,575	1%	2%
14		0%	2%							0	0%	2%
13		0%	2%							23,875	8%	10%
12	19,351	5%	6%							16,745	6%	16%
11		0%	6%							1,675	1%	16%
10	66,352	16%	22%							3,045	1%	17%
9	16,275	4%	26%							13,794	5%	22%
8	5,216	1%	28%				911	2%	2%	10,881	4%	26%
7	32,145	8%	35%					0%	2%	9,625	3%	29%
6	15,197	4%	39%				273	1%	3%	27,481	9%	38%
5	23,033	6%	45%	567	20%	20%	0	0%	3%	36,852	13%	51%
4	46,414	11%	56%	454	16%	36%	0	0%	3%	21,644	7%	58%
3	57,831	14%	70%	0	0%	36%	4,154	9%	12%	38,560	13%	71%
2	63,821	15%	85%	454	16%	52%	25,993	59%	72%	36,636	12%	84%
1	62,064	15%	100%	1,356	48%	100%	12,487	28%	100%	48,208	16%	100%
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%
<b>Total</b>	<b>415,012</b>	<b>100%</b>		<b>2,831</b>	<b>100%</b>		<b>43,818</b>	<b>100%</b>		<b>294,372</b>	<b>100%</b>	

**Table G.1e. Spanish Mackerel percent reduction under various bag limits based on 2005 catches.**

2005	Florida			Georgia			South Carolina			North Carolina			
	Harvest in Number Caught	Number Fish	Percent	Cum. Percent	Harvest in Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent	Number Fish	Percent	Cum. Percent
20											8,679	3%	3%
19											6,505	2%	5%
18					6,251	53%	53%				6,163	2%	6%
17							53%					0%	6%
16							53%					0%	6%
15	116,641	18%	18%				53%				11,645	4%	10%
14		0%	18%				53%				11,983	4%	14%
13	18,221	3%	21%				53%					0%	14%
12	43,879	7%	27%				53%				5,207	2%	15%
11		0%	27%				53%					0%	15%
10	56,345	9%	36%				53%				8,559	3%	18%
9	24,529	4%	40%				53%				6,987	2%	20%
8	15,025	2%	42%				53%				24,149	7%	27%
7	11,862	2%	44%				53%				15,104	5%	32%
6	60,164	9%	53%	1,250	11%	64%		6,842	10%	10%	15,287	5%	36%
5	67,393	10%	63%	347	3%	66%		353	0%	10%	22,886	7%	43%
4	39,960	6%	69%				66%	17,384	24%	34%	27,405	8%	51%
3	55,949	9%	78%				66%	14,997	21%	55%	43,084	13%	64%
2	63,961	10%	88%				66%	16,033	22%	77%	56,921	17%	82%
1	80,089	12%	100%	3,956	34%	100%		16,326	23%	100%	60,722	18%	100%
0	0	0%	100%	0	0%	100%		0	0%	100%	0	0%	100%
<b>Total</b>	654,018	100%		11,804	100%			71,935			331,286		

**Table G.2. Cobia percent reduction under various bag limits.**

<b>2009</b>		<b>Florida</b>			<b>Georgia</b>			<b>South Carolina</b>			<b>North Carolina</b>					
Number	Harvest in			Harvest in			Harvest in			Harvest in						
Cobia	Number		Cum.	Number		Cum.	Number		Cum.	Number		Cum.				
Caught	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	
2	1557	8%	8%	47	100%	100%	1453	37%	37%	0	0%	0%				
<b>1</b>	<b>18564</b>	<b>92%</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>100%</b>	<b>2523</b>	<b>63%</b>	<b>100%</b>	<b>5747</b>	<b>100%</b>	<b>100%</b>				
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%				
	20121	100%		47	100%		3976	100%		5747	100%					
<b>2008</b>		<b>Florida</b>			<b>Georgia</b>			<b>South Carolina</b>			<b>North Carolina</b>					
Number	Harvest in			Harvest in			Harvest in			Harvest in						
Cobia	Number		Cum.	Number		Cum.	Number		Cum.	Number		Cum.				
Caught	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	
2	0	0%	0%	4893	22%	22%	2103	42%	42%	0	0%	0%				
<b>1</b>	<b>35083</b>	<b>100%</b>	<b>100%</b>	<b>17157</b>	<b>78%</b>	<b>100%</b>	<b>2890</b>	<b>58%</b>	<b>100%</b>	<b>4997</b>	<b>100%</b>	<b>100%</b>				
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%				
	35083	100%		22050	100%		4993	100%		4997	100%					
<b>2007</b>		<b>Florida</b>			<b>Georgia</b>			<b>South Carolina</b>			<b>North Carolina</b>			<b>Virginia</b>		
Number	Harvest in			Harvest in			Harvest in			Harvest in			Harvest in			
Cobia	Number		Cum.	Number		Cum.	Number		Cum.	Number		Cum.	Number		Cum.	Number
Caught	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish
2	2616	10%	10%	0	0%	0%	0	0%	0%	0	0%	0%	0	0%	0%	997
<b>1</b>	<b>22719</b>	<b>90%</b>	<b>100%</b>	<b>961</b>	<b>100%</b>	<b>100%</b>	<b>3450</b>	<b>100%</b>	<b>100%</b>	<b>2965</b>	<b>100%</b>	<b>100%</b>	<b>9212</b>	<b>90%</b>	<b>100%</b>	
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%	0
	25335	100%		961	100%		3450	100%		2965	100%		10209	100%		
<b>2006</b>		<b>Florida</b>			<b>Georgia</b>			<b>South Carolina</b>			<b>North Carolina</b>					
Number	Harvest in			Harvest in			Harvest in			Harvest in						
Cobia	Number		Cum.	Number		Cum.	Number		Cum.	Number		Cum.				
Caught	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	
2	3085	11%	11%	49	100%	100%	0	0%	0%	477	10%	10%				
<b>1</b>	<b>25115</b>	<b>89%</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>100%</b>	<b>2200</b>	<b>100%</b>	<b>100%</b>	<b>4240</b>	<b>90%</b>	<b>100%</b>				
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%				
	28200	100%		49	100%		2200	100%		4717	100%					
<b>2005</b>		<b>Florida</b>			<b>Georgia</b>			<b>South Carolina</b>			<b>North Carolina</b>					
Number	Harvest in			Harvest in			Harvest in			Harvest in						
Cobia	Number		Cum.	Number		Cum.	Number		Cum.	Number		Cum.				
Caught	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	Fish	Percent	Percent	
2	0	0%	0%	30	100%	100%	0	0%	0%	9493	56%	56%				
<b>1</b>	<b>12092</b>	<b>100%</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>100%</b>	<b>994</b>	<b>100%</b>	<b>100%</b>	<b>7459</b>	<b>44%</b>	<b>100%</b>				
0	0	0%	100%	0	0%	100%	0	0%	100%	0	0%	100%				
	12092	100%		30	100%		994	100%		16952	100%					

## APPENDIX H: SCOPING HEARING SUMMARIES

### H.1 Gulf of Mexico Fishery Management Council Scoping Hearing Summaries

**SUMMARY MINUTES**  
**PUBLIC HEARING – KEY WEST, FL**  
**COASTAL MIGRATORY PELAGICS FMP**  
**AMENDMENTS 18 AND 20**  
**JOINT AMENDMENT FOR THE GULF OF MEXICO,**  
**SOUTH ATLANTIC FISHERY MANAGEMENT, AND**  
**MID-ATLANTIC FISHERY MANAGEMENT COUNCILS**

**September 21, 2009**

**Attendance:**

Bob Gill, Gulf Council  
Dr. Gregg Waugh, SAFMC  
Dr. Carrie Simmons, Gulf Council Staff  
Phyllis Miranda, Gulf Council Staff

43 Members of the Public

The public hearing was convened by Chairman Bob Gill at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments.

**Brice Barr**, charter boat captain, Double Down Sportfishing – He stated that removing the sale of the recreational king mackerel by charter boats would hurt his business because the sale of the king mackerel contribute to approximately 15% of his total gross income. Further, he said if the fish cannot be sold they would just be discarded and a waste. He expressed frustration with the fishing laws changing so frequently because of release mortality, resulting in huge economic impacts. He suggested creating a charter boat quota or something similar and that it would be an acceptable solution.

**Craig Jiovani**, charter boat captain, Charter Boat Grand Slam – He felt that the major issue for charter boats is the sale of their recreational caught bag limit fish. He added that being able to sell those fish allows them to keep their prices lower because they are able to supplement their income.

**Daniel Padron**, commercial fisherman, Key West, FL. He stated that he would like to see an increase in the quota from 1,250 lbs. per day to 1,500 lbs. per day or more in the gillnet and handline industry. He added that, as costs rise, they cannot keep their businesses running if they cannot catch more fish. He stated that he would like to see the 500 lbs. limit when the quota starts getting low removed as it is not profitable for them to go out 40 miles or more to only be able to catch 500 lbs.

**Richard Gomez**, charter boat captain, Capt. Conch. He stated that he had been fishing for 30 years and that there are so many rules that he cannot keep up with them. Further, he has read scientific data that he did not understand, and that he had been speaking at meetings for many years. He felt that their opinions are dismissed when the rules are made. He reiterated that they need to be able to keep the fish that are caught so that they can sell them.

**Bill Wickers**, charter boat captain, member of Key West Charter Boat Assoc. He stated that there were two things left out of the scoping document. He referred to the provision that 2% of the TAC was transferred from recreational catch to commercial catch to cover the sales of the recreational caught fish sold by charter boats, and there should not be an issue with double counting. The second thing that he mentioned was if you have a charter boat, you have trip tickets and mark off whether charter boat or commercial, enabling the number of fish to be tracked. He added that the state of Florida has consistently backed charter boat fishermen on the sale of the catch, which is important both to the history of the fishery and the sale of the catch.

**George Niles**, Florida Keys Commercial Fishermen's Association. He stated that he would like to see the quota for king mackerel amount increased to 13 million pounds and increasing the daily trip limit on the commercial hook and line fishermen from 1,250 to 1,500 lbs. per day to offset the cost of fuel. He agreed that the 500 pound limit should be removed because it is economically unfeasible. He felt that this should be done as quickly as possible. He added that the stock has rebounded and that it was time to give the fish back. He suggested that a 2 or 3 day bag limit be introduced for hook and line fishermen fishing far offshore, requirements for vessel monitoring systems make this possible.

**Bobby Pillar**, Summerland Key, FL. He stated that he supported the statements of George Niles and Daniel Padron, to increase the daily limit from 1,250 lbs. to 1,500 lbs. He felt that king mackerel that are sold by the for-hire sector should be counted against the recreational sector quota.

**Peter Bacle**, Stock Island Lobster. He agreed that the quota should be significantly increased. He noted that this year the net boats caught their quota in two days and last year they caught their quota in three days, which indicates the amount of the stock that is out there. He felt that the charter boats should be able to sell their recreational catch. He agreed with Mr. Gomez that their input is totally meaningless when the rules are being made.

**Billy Wickers III**, charter boat captain, Big Coppit Key, FL – He also agreed that they are not listened to when they give public testimony. He stated that expenses are high, prices increase every year, and he needs to be able to sell his recreational catch. He added that management continues to make rules and regulations with data to back it up.

**Lee Starling**, commercial diver and spear fisherman, Key West, FL. He stated that a simplified version of the regulations book that they can understand should be developed. He added that the fisherman need to be diversified just to be able to survive.

Additional attendees who chose not to speak on Mackerel:

Robert Nevius, charter boat captain  
Mimi Stafford, Key West, FL  
Rob Harris, Conchy Joe's Marine & Tackle  
Steven Lamp, Dream Catcher Charters  
Gennifer Lamp, Key West, FL  
Ron Meyers, Little Torch Key, FL  
David McKinney, Environmental Defense Fund  
Michelle Owen, Environmental Defense Fund  
Kari MacLauchlin, University of Florida  
Marlin Scott, Keys Radio Group  
Chuck Coleman, Key West, FL  
Josh Nicklaus, Key West, FL  
Juan Blanco, Key West, FL  
John Coffin, Big Pine Key, FL  
Jim Sharpe, Jr., Big Pine Key, FL

**Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 of the CMP FMP  
Grand Isle, LA  
September 21, 2009**

Council and Staff:  
Myron Fischer  
Rick Leard  
Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Myron Fischer.

There were 17 members of the public in attendance.

**Dr. Leard** gave his Powerpoint presentation and then the meeting was opened up for testimony. For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

**James Bruce** from Cut-Off, LA read a prepared statement on behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance regarding the Generic ACL/AM Amendment (attached to this report).

**Mr. Fischer** began reminding the participants that boundaries, seasons, and trip limits were just some of the topics that were discussed in the PowerPoint presentation that they may wish to comment on during their testimony and that the Council was interested in hearing their viewpoints on these issues.

**Richard McKnight** was a recently relocated Grand Isle commercial fisherman. He did not support any boundary line changes for king mackerel. Regarding start dates, he felt that July and August fishing on the east coast was killing the price in both the Atlantic and the Western Zone. Historically the east coast would stop catching by Sept. 6th or so until about Thanksgiving when they start catching again. He thought Sept 15th or Oct 1st would be the best start dates for beginning fishing for the western zone rather than July 1st. The proposal to reduce trip limits 1,250 lbs. was not a good idea because it would take 3x the amount of fuel to catch the quota and that would hurt their businesses. He had mixed feelings about whether IFQs would be good for king mackerel. Mr. Fisher asked if raising the trip limit seemed like a good idea to him, to which he answered yes, he had no problem with raising the trip limit to 4 or 5,000 lbs. He used to fish on the east coast. He felt that a 1,250 lb. trip limit would ease some of the pressure from east coast fishers coming over but it would reduce the likelihood of local fishing also because the financial incentive would be too small. He would favor higher rather than lower trip limits.

**James Bruce** from Cut-Off, LA read a prepared statement on behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance regarding the scoping document for Amendments 18 & 20 (attached to this report).

**Dean Blanchard** stated that the king mackerel market was soft this year. Fishermen got very little for the catch (\$.40 to \$.50 per lb. underpaid). He felt they should wait till the fish quit on the east coast and

fishing should not be open when they are bearing eggs. They would make a lot more money now. He felt the Council should use common sense. There are plenty of red fish, red snapper and mackerel, contrary to what the scientists are saying; maybe even too many. Let them fish and provide food for people. He agreed with Mr. McKnight on the fishing dates. Regarding trip limits, he felt that the 3,000 lb. trip limit was appropriate. He did not support reducing the trip limit by making fishers go out for fish twice when they could have gotten them all in one trip.

**Kelty Readenour**, a long time mackerel fisherman wondered if it was true that there were two different mackerel stocks in the Gulf. **Dr. Leard** answered that in the early 80s, a guy named Gill Bane did some studies for LSU on a Mexican stock, but Mexico will not give us the data that we need. There were some tagging studies that indicated that stocks potentially migrate from the Yucatan to LA. Genetic tests were also done in Pensacola area. **Mr. Readenour** commented that he had filed a lawsuit years ago on grouper/mackerel based on tests done in Pensacola. When the management plan was first implemented, there was a fishermen's meeting where they voted on an opening date for mackerel. The opening date was left up to the fishers. Since the stock was so small in the western Gulf for mackerel and to keep shrimpers out, they decided to open in July. When the fish did show up on the Grand Isle, they could only fish for a few weeks before they were gone. He felt bad about how things went back then, but he felt things were done out of necessity, since they only get 31% of the quota. He felt there was a potentially large stock of fish in the western gulf and he wondered if they came to the mouth of the river to spawn.

**Dr. Leard** responded that there was a theory that there was an over-wintering stock that did not migrate.

**Mr. Readenour** did not support IFQs. Because they only get 31%, he wanted to find a practical way to protect the local fishery and fishermen from outsiders.

**Steven Dunning**, a retired seafood buyer from Jupiter, FL was mainly concerned with a steady supply. He reviewed the April-Sept east coast fishing practices and he spoke for east coast and west coast seasons. He felt that if everyone stopped fishing simultaneously in Sept., then the market will stop demanding king mackerel and they will go to some other fish like tilapia or pompano. Steady supply is the key. The fish are dying out in Sept. Fish houses want fish and they have to make an acceptable profit in order to stay afloat. Let the concern be not when the east coast opens, but rather when the fish actually show up. Year round fish for buyers would be ideal. Opening in Sept, there would be a better quality fish provided to the market year round.

**Mr. Readenour** asked what the ratios were for red snapper to which **Mr. Fischer** answered 51% commercial and 49% recreational based on historical catch.

**Terry Pizani** supported an opening of Sept. 15th and would like to see that done.

Closing statement was read and the meeting adjourned at 7:30 p.m.



Gulf of Mexico Reef Fish  
Shareholders' Alliance

Stewardship Through Leadership

*Mackoul*  
*# 2*

111 Gention Road, St. Augustine, FL 32086  
Phone: 904-669-8894 Website: www.shareholdersalliance.org

**Statement of the Gulf of Mexico Reef Fish Shareholders' Alliance on:**

**Scoping Document for Amendments 18 and 20  
to the Coastal Migratory Pelagics Fishery Management Plan**

**September 2009**

The Gulf and South Atlantic Councils are revising their management plans for coastal migratory pelagic fisheries to comply with new Annual Catch Limit and Accountability Measure requirements. In doing this, the Councils have an important opportunity to improve management of these valuable fisheries. We support this effort because catch limits and excellent accountability are essential for sustaining all fish stocks and the fishing industry.

Today, the king mackerel fishery is facing serious problems, and it provides a good example why better management is needed. The current economic downturn in the U.S. is drying up construction and other jobs and pressing people into fishing, especially to fisheries like king mackerel that remain under limited open access management. Fishermen and regulators should recognize the emerging signs of derby fishing from their history with red snapper. The high volume of king mackerel landed early this year drove down dockside prices and caused an unexpectedly early season closure. From experience, we know that adjustments to seasons, trip limits and other controls will only intensify derby conditions and overfishing. Derby management is not an acceptable AM.

The Gulf of Mexico Reef Fish Shareholders' Alliance recommends that the Councils use good science to set the ACLs, and use IFQs as the AMs. The Gulf Council should work with the other councils that manage coastal migratory pelagics to begin planning to incorporate commercial king mackerel and other species into the existing reef fish IFQ management framework. IFQs for red snapper have already been documented as an excellent AM by keeping catches under the catch limit and reducing bycatch discards. It has also improved dockside prices and reduced risks to lives and property. These are the conservation and economic benefits we want to see in the coastal migratory pelagic fisheries.

We also recommend that the Council explore IFQs as the AMs for the for-hire sector. IFQs have not yet been tested in the for-hire industry, but they can be expected to be an excellent AM to replace management using bag and size limits, and seasons closures,

which is failing in other Gulf fisheries. We also recommend that the Councils explore a system of harvest tags as a new AM for the private recreational sector.

Talking Points:

- This amendment is happening just in time because king mackerel is in trouble. Since the jobs on land are drying up in this bad economy, people are jumping into fishing, especially where it is easiest to enter.
- This year, king mackerel was landed too fast, the price fell way down and the season shut earlier than anyone expected. We've seen these signs before in the red snapper derby, we don't want them repeated.
- The Council should use IFQs for the Accountability Measures for king mackerel and other coastal pelagics. The current IFQ system can be expanded to include additional fish.
- Since coastal pelagics are managed by the Gulf and South Atlantic councils, the Alliance can work with fishermen here and on the east coast to help design a good plan.
- The Council should also consider IFQs for the for-hire fishery. The seasons, bag limits and size limits are making it very hard to run their businesses, and they are not acceptable as AMs. We think they should also explore how harvest tags could help the private angler sector.

James Busee  
P.O. Box 970  
CUT OFF LA.

**SUMMARY MINUTES**  
**PUBLIC HEARING – MARATHON, FL**  
**COASTAL MIGRATORY PELAGICS FMP**  
**AMENDMENTS 18 AND 20**  
**JOINT AMENDMENT FOR THE GULF OF MEXICO,**  
**SOUTH ATLANTIC FISHERY MANAGEMENT, AND**  
**MID-ATLANTIC FISHERY MANAGEMENT COUNCILS**

**September 22, 2009**

**Attendance:**

Bob Gill, Gulf Council  
Dr. Gregg Waugh, SAFMC  
Dr. Carrie Simmons, Gulf Council Staff  
Phyllis Miranda, Gulf Council Staff

36 Members of the Public

The public hearing was convened by Chairman Bob Gill at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments. Although there were many members of the public present, only three chose to spoke on Mackerel.

**Hal Osburn**, Florida Keys Commercial Fishermen’s Association. He commented that the fishery has recovered and the benefits should be given back to the fishermen. He stated that the best available science recommends an increase in the quota. He added that the fishermen are asking for a modest increase of 30-40% in their quota. He noted that the overall king mackerel quota will be raised only 3-4%, but could sustain an increase of 47%. He felt that raising the trip limit by 250 pounds, from 1,250 lbs. to 1,500 lbs. would make each trip economically efficient. He stated that the drop in the trip limit to 500 pounds when quota is reached is too little to justify a trip and that it should be eliminated. He added that the Mackerel Advisory Panel has voted in favor of both of these changes.

**Richard Stiglitz**, commercial fisherman, Monroe County, FL. He stated that he would like to do away with all the latent permits. He added that there are only 15 boats left fishing in the fishery and that they catch their limit in 2½ or 3 days. He felt that in order to put an ITQ together, the latent permits need to be eliminated as well as gillnet endorsements on kingfish permits. He added that the stocks have rebounded and that, since the recreational sector is not catching their quota, the numbers should be raised.

**Tim Daniels**, Marathon, FL. He stated that there is a severe reduction in the amount of boats catching kingfish. He added that the fishermen were promised that when the stock rebounded they would get their quota raised, and so far it has not been. He felt that if the recreational sector is not using their allocation it should be given to the commercial fishermen. He was of the opinion that charter boats should be able to sell their kingfish and that they should be given a portion of the recreational quota instead of part of the commercial quota. He felt that it is not

economically feasible to switch from the trap fishery to a gillnet to catch a quota of fish. He recommended removing the permits that have not had landings for a certain period of time, such as 5 years. He was concerned that people who do not fish will suddenly start fishing again if the mackerel quota is raised. He believed that that portion of the quota should be given to those fishermen who have been fishing mackerel all along. He felt that the limit should be increased from 1,200 to 1,500 lbs., and that the 500 lbs. limit should be removed from the end of the season. He also favored a multiple day trip limit for those fishing far offshore.

Additional attendees who chose not to speak on Mackerel:

Karl Lessard, Florida Keys Commercial Fishermen's Association  
Gary Nichols, Nichols Seafood, Islamorada, FL and Organized Fishermen of Florida  
Jeff Cramer, Organized Fishermen of Florida  
Chris Johnson, charter boat captain, Marathon, FL  
Christy Johnson, Seasquared Charters  
John Bartus, Marathon Chamber of Commerce  
Rick Turner, charter boat captain, Marathon, FL  
Don Moll, charter boat captain  
Michelle Owen, Environmental Defense Fund  
David McKinney, Environmental Defense Fund  
Elizabeth Prieto, Marathon, FL  
Edwin Prieto, Marathon, FL  
Barbara Maddox, Captain Pip's Marina & Hideaway, Marathon, FL  
Leda Dunmire, Pew Environmental Group  
Dawn Ward, University of Florida, Gainesville, FL  
Toby Kight, Marathon, FL  
John Harrison, Marathon, FL  
Gigi Harrison, Marathon, FL  
Donald Beechum, Marathon, FL  
Paul Lebo, Marathon, FL  
Gene Trag, Marathon, FL  
Capt. Don Muller  
Richard Turner, Marathon, FL

**Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 to the CMP FMP  
Biloxi, MS  
September 22, 2009**

Council and Staff:

Tom McIlwain

Rick Leard

Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Tom McIlwain. There were 2 members of the public in attendance.

**Dr. Leard** gave his Powerpoint presentation and then the meeting was opened up for testimony. For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

**Tom Becker** of the Mississippi Charterboat Captain's Association spoke about catchability noting that the question always remained the same: How can the Council assign a specified catch level if the data are flawed. Regarding fishery catch data, he noted that when a fishery gets closed down, all data collection ceases. He supported implementation of electronic logbooks for the for-hire sector in order to provide more timely data collection. He also expressed concern about how long it currently takes for data to be compiled for fishery managers' use. He felt that asking for one red drum in federal waters was a reasonable request but that no data on that species would be available for a long time. He commented that the fishermen and the communities they operated out of were important, particularly in this steep economic downturn. Currently, he noted that in his area, king mackerel abundance was up while Spanish mackerel was down. Regarding ACLs and AMs, he could not support implementing accountability measures for a fishery with flawed data collection processes. The ACL/AM Amendment emphasized the need for better data collection. There was no logbook data for headboats, so he supposed that they would get more fish. He wondered why it was that everyone was seeing many more red snapper on the water, but the stock assessments kept indicating that the stocks abundance and catch limits were decreasing. He commented on some changes in fishing trends that he had seen recently. For example, there were fewer boats on the water, but the ones out there carried more people. He also noted that where there used to be many on the water during weekday trips, now fishing mostly occurred on weekends. He felt a primary concern of the Council should be to protect the people in the local communities and jobs.

**Bill Blome** with Ocean Conservancy stated that his organization would be providing their official comment in writing during the public hearing in Maderia Beach, FL.

The closing statement was read and the meeting adjourned at 6:55 p.m.

**Scoping Meeting Summary  
Generic ACL/AM Amendment  
and  
Amendments 18 and 20 to the CMP FMP  
Corpus Christi, Texas  
September 22, 2009**

**Attendees:**

**Council**

Robin Riechers – Council Representative  
Assane Diagne - Council Staff  
Charlotte Schiaffo – Council Staff

**Others**

Pam Arrendo (Sea Academy)  
David Bijnoch (Charterboat)  
Page Campbell (TPWD)  
Terry Cody (Charterboat)  
Michael Miglini (Port Aransas Boatmen)  
Ryan Ono (EDF)  
Brandon Shuler (Outdoors Magazine)  
Jim Smarr (RFA)  
Matt Zuniga (Recreational)  
1 member of public (did not sign in)

The meeting was called to order at 6 p.m. by Chair Robin Riechers, who read the chair statement.

**Assane Diagne** gave a PowerPoint presentation on the Generic Annual Catch Limit (ACL)/Accountability Measures (AM) Amendment and Amendments 18 and 20 to the Coastal Migratory Pelagics Fishery Management Plan (CMP FMP). He noted that ACLs and AMs were required for most federally managed stocks and explained the timelines for meeting those requirements: 2010 for overfished stocks and stocks subject to overfishing, 2011 for all other stocks; adding that annual stocks not subject to overfishing were exempt (e.g., most shrimp stocks). He also defined and reviewed the various acronyms and terms used in the amendments, and explained the relationship and relative magnitude of the overfishing limit (OFL), annual biological catch (ABC), annual catch limit (ACL), and annual catch target (ACT). He added that the difference between OFL and ABC accounted for scientific uncertainty, and that annual catch targets (ACTs) were recommended, emphasizing that they were optional and should account for management uncertainty.

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**Mr. Miglini** expressed concern about the quality of the data used, stating that the best available data was not always really the best. He suggested having more outreach with the for-hire industry, possibly separating the sector from the recreational side. He proposed that this separation might be accomplished by using a database that included state registered guides, Texas license holders, and federal permit holders. He emphasized that people needed more notice for public hearings. He stated that a graph be created for presentations that showed the

effect of greater funding for law enforcement on illegal fishing. He felt that a substantial benefit to the fishery would be shown if illegal fishing were curtailed, and that it would also alleviate the strain on stakeholders.

**Mr. Smarr** read a statement from the Texas Recreational Fishing Alliance (RFA, attached). He emphasized that the amendment should be slowed down and reworked, since it did not appear to be designed for accurate modeling.

**Mr. Ono** submitted a written statement (attached) on behalf of the Environmental Defense Fund.

**Mr. Riechers** asked if there were questions on any other matters.

**Mr. Smarr** requested that the Council conduct a longline (LL) study inside the 50 fathom curve, stating that complete models could not be created from information only gotten from dockside surveys. He suggested that a LL study be done with an observer each year, and that such data would make models more accurate and stop more restrictive fishery plans from being enacted. He also advocated the Council loosening restrictions on artificial reefs and working with states on an expedited schedule on this issue. He indicated that this request had been made to the Council before, yet the Council had not cooperated. He explained that it was vital for other states to build artificial habitats because it would take pressure off the red snapper fishery in federal waters by bringing snapper closer to shore.

There being no further business the meeting was adjourned at 6:30 p.m.

**Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 of the CMP FMP  
Orange Beach, AL  
September 23, 2009**

Council and Staff:

Bob Shipp  
Rick Leard  
Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Bob Shipp. There were 11 members of the public in attendance.

**Dr. Leard** gave his Powerpoint presentation and then the meeting was opened up for testimony. For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

**Allen Kruse**, owner of 2 charterboats and 24 years of experience emphasized the need for better data collection. He supported sector separation of the for-hire sector from truly recreational fishers. He also requested separate ACLs/AMs for each reef fish stock. He did not feel that closures in the recreational sector provided accountability. In the commercial fishery, derby style fishing almost wiped out the fishery and it will not work for the recreational businessmen either. He supported an IFQ program for the for-hire sector so that they can more efficiently manage their businesses. He supported the use VMS and electronic logbooks to get accurate data in a timely fashion. He wanted fishermen to work together with the NMFS. Regarding ecosystem management approaches, he expressed concerns about land-based pollutants such as by-products from water treatment plants being passed through to the environment and encouraged environmental groups to get involved in studying those types of problems with the environment.

**Tracy Redding**, owner of AAA Charters (charter booking service) understood that regarding ACLs and AMs, the time had come for accountability in the recreational sector and they were looking to be in a better position to be more responsible. She understood that recreational anglers consistently overshot their quota. They know who the for-hire fishers are and she felt that if they were treated as a separate sector with their own ACLs, they would be better able to account for what they land. She supported the use electronic logbooks. This way, they can compile real-time data on all species where there is very little data being collected currently; the possibilities of these new tools will be crucial in helping them set accurate limits on species. She also supported exploring the use of tags for the private recreational sector. With tag use, there may be more accuracy in accounting for catch and discards. Regarding mackerel, she hoped that they would consider catch limits or limited entry programs so that they could manage some other way than open/closed seasons. She thought IFQs might be worthwhile in this regard.

**Ben Fairey**, a charterboat owner in Orange Beach had been fishing professionally for 37 years, full-time charter for 22. He is the president of the Orange Beach Fishing Association. He expressed concern about how to maintain a sustainable fishery in the GOM. His association wanted to be part of the solution by coming up with common sense plans that protect the

fisheries and the fishermen as well. In these dire economic times, they need to do everything they can to extend fishing seasons. He supported IFQs and sector separation in the recreational fishery. Charterboats were already handled differently from truly recreational fishers. ACLs and AMS were truly needed. The recreational sector goes over quota every year and since their community is so dependent on the red snapper fishery, a closed snapper season would be devastating to their community. He wanted to prevent a repeat of the red snapper overfishing scenario with the king mackerel fishery. He supported ACLs and AMs in order to prevent an overfished situation. Since many have lost jobs recently and king mackerel permits are still obtainable, many have turned to fishing as a way to earn an income. They need to be proactive so that they don't end up like red snappers, for cobia and wahoo also. He spoke against recreationally fish being sold. He supported IFQs for coastal pelagic fisheries. It made good sense for both the stocks and the fishermen. Regarding the concept of tags, he felt that the recreational sector needed some type of accountability because right now, the fishery is open-ended and when ACLs and AMs come into being, their industry will be in trouble.

**Bryan Watts**, a charterboat operator, full-time for 14 years was totally against the long closed seasons. Even with the short season, the recreational fishery was overshooting its targets. He stated that recreational anglers either did not know or did not care about limits. He felt it was unfair to put for-hire folks in the same boat as recreational anglers since purely recreational fishers would not be financially hurt by shortened seasons or bag limits. Also, recreational fishers did not typically participate in the process of figuring out how to fix the problem so he supported sector separation. He wondered where the current charterboat data came from and he believed that electronic logbooks would work best. He stated that he would be willing to carry an observer maybe up to 10 times per year if that would help with data compilation. He thought other professionals would be willing to do the same. He thought that if observers personally witnessed the tremendous number of red snapper out there, that information would benefit data collection efforts. Charterboats help species abundance because they create artificial reefs. Fishermen have commented that they have seen larger fish in deeper water on natural bottom where they have rarely been seen in the past. He actually felt that some areas were overpopulated (ie. 200 ft.+). When they try to catch other species such as beeliners or groupers, which they have to 9 months out of the year because of the snapper closed season, the number of snappers out there makes it virtually impossible. Of course, they kill snappers unnecessarily because of this also. He stated that because of the long closed season, especially during the tourist season, other species are hit harder which will ultimately lead to a reduction in the numbers of those fish. He thought spreading out the fishing seasons so that fishing for all species was open for 6 months or more, he felt that would help spread out and level the catch across all the stocks. Regarding king mackerel, he understood that AL was the only state that allowed gillnet fishing. He noticed that he might catch Spanish or king mackerel at the limit for a week or so until the season opens for the net boats, then the stocks were wiped out in a couple of days. He wondered how charterboats could be hurting the mackerel stocks when all the charterboats combined could not catch as many mackerel all season as net fishers do in just a few days.

The closing statement was made and the meeting was adjourned at 7:00 p.m.

**Scoping Meeting Summary  
Generic ACL/AM Amendment  
and  
Amendments 18 and 20 to the CMP FMP  
Houston, Texas  
September 23, 2009**

**Attendees**

**Council**

Assane Diagne – Council Staff  
Joseph Hendrix – Council Representative  
Charlotte Schiaffo – Council Staff

**Others**

Brian Bremser (Recreational)  
Kenneth Doxey (Charterboat)  
Jesse Glover (Recreational)  
Keith Guindon (Seafood Processor)  
Tom Hilton (Recreational)  
John Huddleston (Recreational)  
Ryan Ono (EDF)  
Bob Palmer (Charterboat)  
Ellis Pickett (GRN)  
Rory Starling (Recreational)  
Monty Weeks (RSAP)  
John Williams (Charterboat)

The meeting was called to order at 6 p.m. by Chair Robin Riechers, who read the chair statement.

**Assane Diagne** gave a PowerPoint presentation on the Generic Annual Catch Limit (ACL)/Accountability Measures (AM) Amendment and Amendments 18 and 20 to the Coastal Migratory Pelagics Fishery Management Plan (CMPFMP).

**Mr. Weeks** read a statement (attached) expressing his concern that there was not enough data to implement ACLs and AMs.

**Mr. Hilton** read a statement (attached) voicing reservations about enacting ACLs and AMs for the recreational sector.

**Mr. Hendrix** assured the attendees that the Council was taking their concerns seriously and would take them into consideration when considering ACLs and AMs.

**Mr. Guindon** read a statement (attached) urging the Council to act quickly to get better data, since shorter fishing seasons and current management decisions were destroying the recreational fishery. He advocated separating the recreational sector since for-hire vessels and private boaters have very different needs. He stated that the Council should not use closures in the amendment

and proposed that recreational fishers have electronic logbooks.

**Mr. Williams** stated that he understood that the Council's hands were tied on some matters and suggested that the sectors try to work with the Council's restrictions. He agreed that the for-hire sector needed to be separated from the private recreational fishery. He expressed consternation over captain and crew limits and requirements for permits that were enforced on for-hire vessels and not on others in the fishery. He advocated implementing individual fishing quotas (IFQs) in the for-hire industry, stating they would allow the industry to better regulate itself, like it had for the commercial sector.

**Mr. Ono** read a statement (attached) urging the Council to set appropriate ACLs and account for overall fishing mortality. He stated that discard and bycatch numbers were obscured in the scoping document, and that the council should expand its views of AMs. He suggested implementing IFQ programs with data monitoring and noted potential benefits of separating the recreational sectors.

**Mr. Doxey** voiced his opposition to IFQs. He stated he might support ACLs and AMs at a later date, however much more information was needed before any current implementation.

**Mr. Pickett** commented that more fish were being caught then could reproduce. He disagreed with assertions that more fish were being caught because there were now more fish. He noted that technology had outpaced the ability of fish to rebound, and that the Magnuson Stevens Act (MSA) required that hard choices be made. He pointed out that steps had to be taken to ensure a resilient fishery, and that tough measures now would ensure fish for all later.

**Mr. Palmer** read a statement (attached) and questioned how total allowable catch (TAC) numbers were decided upon. He added that in the last season there were only 72 days of fishing (10 weekends), which did not allow for as much TAC as had been stated, since most people were working and could not fish at the times fish were supposedly being caught. He questioned the accuracy of how the numbers were extrapolated, adding that there just were not that many people fishing to justify the numbers presented. He stated that shrimp boat bycatch was another issue that needed to be addressed.

**Mr. Starling** read a statement (attached) and voiced concerns on data collection methods. He noted that fishing was a way of life for thousands of people and had a major economic impact on the Gulf Coast. He stated that bad weather days were not taken into account in figuring data, and that the average fisher went out 6-8 times per year which would give much lower numbers than those shown in the charts. He emphasized his 30 year of fishing experience and noted that he had seen the fishery recover with many more fish than in previous years. He commented that the two fish limit had not created more fish, and that a usable biomass of fish was needed. He urged that better data be used or else more fish would be taken away from the fishery. He pointed out that hurricanes had knocked out much of the fishing season in the previous year. He also voiced his support for aquaculture and added that other factors needed to be taken into account in determining TAC, such as how many fish were eaten by other fish and not caught by anglers. He noted that he had driven over 2 1/2 hours to attend the meeting.

**Mr. Hendrix** explained where information could be found on how data was obtained, referring people to the Gulf Council website.

**Mr. Huddleston** agreed with most of the statements made. He noted that the fishery in Texas was different from the Florida fishery and that the eastern and western Gulf had different levels of snapper, so different regulations were needed for each area. He stated that longliners were responsible for much of the snapper bycatch, and that he had serious issues with the Council limiting catch for the recreational sector because of longliners decimating the fishery. He added that many snapper did not survive when released and that this added to the mortality rate. He asked how many biologists actually fished, because their data was incorrect, adding that if they were out on the water more often they would see the increase in fish and come up with correct data. He noted that more sampling was needed from Texas waters and that he was constantly catching large fish in those waters.

**Mr. Bremser** suggested calling and asking him about the numbers of fish he had seen. He volunteered to host observers, and agreed that the Texas and Florida fisheries were different and needed different regulations. He explained that snapper in Texas were usually more than 40 miles offshore, while Florida snapper were commonly right off shore.

**Mr. Wilson** stated that the Council was not abiding by section 109-479 of the MSA which required it to have data collection procedures in place.

**Mr. Hendrix** interjected that the restructuring process of the Magnuson Stevens reauthorization Act (MSRA) would take two years and that Congress demanded implementation of ACLs and AMs by 2011, so the Council had no choice in the matter. He added that most recent amendments had already implemented ACLs and AMs. He noted that the National Oceanographic and Atmospheric Administration (NOAA) had their own sampling program from which data was extrapolated.

**Mr. Starling** expressed concern that numbers were extrapolated from certain areas to the entire Gulf, stating that there were too many variables to make such a system accurate, and that if only limited areas were sampled the results would be skewed.

**Mr. Hendrix** reminded the audience that they were not there to discuss sampling methods, suggesting that any such comments be directed to the Council by email or letter before the next Council meeting.

There being no further business the meeting was adjourned at 7 p.m.

**Scoping Meeting Summary  
for  
Generic ACL/AM Amendment  
Coastal Migratory Pelagics Amendment 18/20  
Madeira Beach, Florida  
September 23, 2009**

In attendance: Julie Morris                      Steve Bortone  
                         Steven Atran                                      Charlene Ponce  
                         Phyllis Miranda                                      16 members of the public

Steven Atran gave a PowerPoint presentation summarizing the Generic ACL/AM Amendment and Coastal Migratory Pelagics Amendment 18/20. Spiny Lobster Amendment 10 was not reviewed, but attendees were informed that the amendment was on the CDs on the handout table or could be downloaded from the Council website.

**Dennis O’Hern**, Executive Director, Fishing Rights Alliance (will also submit written comments) – noted that we are still two years away from having a universal angler registration which will allow a statistically representative sampling of fishermen, and expressed concern that ACLs will have to be based on uncertain MRFSS data. He felt that NMFS was shutting down the fisheries and that it was damaging to the economy and heritage of Florida’s fishing and to the quality of life. He suggested taking a look at how FWC successfully manages fisheries.

**Joe Murphy**, Florida Program Director, Gulf Restoration Network (will also submit written comments – GRN supports a successful implementation of the Magnuson-Stevens Act and feels that the Council is moving in the right direction. He stated that healthy sustainable fisheries are important to Florida’s economy, but the goal should be not just a healthy fisheries but a healthy Gulf of Mexico.

**Frank Jackalone**, Senior Regional Representative, Sierra Club – agreed that it’s important to protect the Gulf of Mexico and its fisheries. The Sierra Club is also interested in protecting biodiversity, including mammals and sea turtles. In 2005, the Sierra Club established the Gulf of Mexico Sustainable Fisheries Campaign to end overfishing including bycatch, educate the public, and work in cooperation with other organizations to protect the resource. Siera Club’s position is that:

- ACLs should be based on best available scientific information
- AMs should stop overfishing or take overages out of next year’s catch
- Unintended catch and mortality should be reduced

On a personal note, Mr. Jackalone felt that shifting control of management by removing a stock from a Council FMP would politicize the process.

**T.J. Marshall**, Gulf of Mexico Outreach Director , Ocean Conservancy (will also submit written comments) – Ocean Conservancy’s position consists of nine points:

1. ABCs should be based on scientific uncertainty, status of the stock, and a measure of vulnerability such as PSA.
2. ACLs should include both landings and discards.
3. Include the use of ACTs that account for management uncertainty.

4. Include management uncertainty in the control rules.
5. If sector ACLs are used, they should be used for all stocks. This will promote good stewardship by rewarding sectors that stay within limits and only applying AMs only to the sector that exceeds limits.
6. In-season AMs should be used wherever possible.
7. When in-season AMs are not possible or are ineffective, use management buffers to account for uncertainty.
8. Take care to assure that stock complexes are grouped appropriately.
9. The use of indicator species is discouraged, but where used, they should be the most vulnerable stocks in the complexes.

**Rusty Hudson**, Directed Sustainable Fisheries – On issues pertaining to the Mackerel scoping document, rolling over of unused catch to the next year would be useful. Mr. Hudson felt that poor estimates of private recreational landings would hurt the commercial fishermen if there is no overfishing when setting ACT.

**Summary of the Public Hearing for the Generic ACL/AM Amendment  
and the Scoping Document  
for Amendments 18 and 20 of the CMP FMP  
Panama City, FL  
September 24, 2009**

Council and Staff:

Bob Shipp

Rick Leard

Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Bob Shipp. There were 21 members of the public in attendance.

**Dr. Leard** gave his Powerpoint presentation and then the meeting was opened up for testimony. For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

**Mr. Zales** asked a question about the table on a slide in the presentation. The table indicated that the mackerel stock would go downhill and he wondered why they came up with that projection when mackerel has only been going up for the last 20 years. **Dr. Leard** answered that when they did the stock assessment, they primarily relied on fishery independent data. That data showed a very strong recruitment the year before the model runs and that strong recruitment was entering the fishery in the 2007-2009 time period. Since the recruitment level was higher than what is considered a long term average, the assumption was that it would eventually contract down to the average, so that would cause the drop shown. He noted that the current TAC was not being caught, thus recruitment in the future could stay high or even increase. He recommended not putting a lot of weight on information beyond 2011 or so.

**Bart Niquet**, a commercial and recreational fisherman stated that the snapper program was working very well and he hoped the same for grouper. Although there were not many gag grouper offshore, he felt there were plenty of 16" to 18" gag in the bay. He did not want recreational for-hire fishermen to be put out of business.

**Jerry Anderson**, a partyboat operator requested that they divide the recreational catch level by sector, private and for-hire. He supported electronic logbooks for real time data. For smaller operators, there could be some other method for reporting. He suggested using state law enforcement agencies for ground-truthing and he also suggested using catch shares for both groups.

**Matt Andrews**, a commercial king fisher for 25 years commented that king mackerel was one of the few open access managed fisheries left. He felt it was clear that the commercial fishery was becoming a derby-style fishery as other IFQs went into effect, which would cause this phenomenon in king mackerel to get worse. He figured once IFQ shareholders fished out their allocation, they would turn to the open fisheries for additional work. In 2009, his personal income had been reduced by 50% due to increased participation and next year looked even

worse. Trip limits and quotas that cause fishermen to race each other for fish was completely unsound management. These caused increased fuel consumption, decreased profits for catch by causing too much production in too short a period of time, which increases effort to catch more fish so that they can just stay in 1 business. He hoped that for the industry to become environmentally and economically sound that all the fisheries went to IFQs.

**David Krebs**, a Gulf and east coast fishhouse operator spoke about how Ariel Seafood has accounted for about 40% of the annual king mackerel landings since 1992. He recalled the state of the fishery in 1995 and compared that world to what was happening today with red snapper. He stated that people that used to work in the construction industry have turned to fishing to earn a living and that was killing the existing fleet. He agreed with Mr. Andrews citing that last year the king mackerel season in the western Gulf did not close until February of this year. In the last 10 years, he had not frozen a single pound of king mackerel. This year, he froze 150,000 lbs. because the market could not handle the supply and the boats would not stop fishing because they knew that when the quota was closed, the fishery was closed. He felt that Mr. Andrews was a victim of circumstances. Catch shares is the only management scheme that will control effort. Give historical fishermen their just dues and let them catch fish when the market conditions are favorable. Glutting the market and selling king mackerel for \$1.30 is ridiculous. Regarding boundaries, he felt that the boundary split should be done at the Keys. He did not support the mixing zone blending. The fact that the mackerel management has increased the stock is encouraging. He ended by stating that he supported the Shareholder's Alliance position on mackerel issues and submitted their official written statement for the record.

**Mike Dates**, a Destin charterboat captain expressed the need for the collection of better data to improve management of the for-hire sector. This will have to happen fast if they are to comply with ACLs and AMs. He stated that ACLs and AMs should be set for each reef fish sector. Seasonal closures did not work well and he supported the idea of IFQs, VMS, and electronic logbooks, even for smaller boats. He was thankful for the opportunity to participate in the creation of laws that would impact all their businesses in the future.

**Bob Robinette**, charter operator read a prepared statement from Pam Anderson of the Panama City Boatman's Association and owner of Anderson Marina (attached, item #1).

**Bob Zales, II**, president of Panama City Boatman's Association read their statement into the record on the Generic ACL/AM Amendment (attached, item #2). He commented that the NMFS constantly states that they are mandated to implement these measures by 2010/2011 but somehow, the implementation of a new data system by January 2009 just vanished. Congress understood that they need data first, then ACLs and AMs. The NMFS has it backwards in his opinion. He then read the statement on the scoping document on Amendments 18 and 20 of the CMP FMP (attached, item #3). As a personal comment on his own behalf only, he read a portion from an article by Holly Binns from the Pew Environmental group where she spoke positively about how fishery managers' past science-based decisions had reversed overfishing of a depleted stock. He suggested that the king mackerel management model be an example for all finfish management.

**Chris Niquet**, a member of the Gulf Reef Fish Alliance and red snapper IFQ shareholder thanked Dr. Shipp for the study he did on artificial reefs and the decline of the shrimping

industry. He felt, like many, that there were plenty of red snapper and stated that there needed to be a program for the for-hire sector and the recreational sector that leads to more accountability. Better data leads to better management. He gave an example of where the data that managers' were using was incorrect. In south FL, they say the red snapper is still overfished versus the western Gulf where they say that overfishing is not occurring. He said they are basing their findings on a commercial logbook that states that in X days you can catch X pounds of red snapper. So they go to south FL and go grouper fishing where they can have 6,000 lbs. They will throw red snapper back until the last 2 or 3 days because there are so many of them, they know they can get their fill of red snapper at will. The economics dictate that grouper is more valuable than red snapper so red snapper gets treated as bycatch.

**Gary Jarvis**, charterboat owner/operator and dual permit holder stated that the current system needed to be changed to a new management regime for the total reef fish complex for the GOM because of the new MSA mandates. In order to accomplish this, he recommended separate ACLs and AMs for each sector and he advocated separating the recreational sector into 2 user groups, for-hire and private recreational. Each of the 3 sectors needed to be managed according to their unique composition in order to prevent overfishing. He supported the use of electronic logbooks in the charter for-hire industry and the commercial fishery to reduce uncertainty rather than bag limits and closed seasons. Regarding pelagic fish discussions, he did not condone comparing management of pelagic species with management of reef fish species. Speaking on HMS species, he noted that pelagic management issues were first focused on, the mass fishing technology being used, where 100,000 lbs. per set was common was a major part of the problem, particularly when the fish came into the shallows. They also come and go (HMS). One day they are here, the next day they are gone. There is very little mortality associated with bycatch. Nowadays, king mackerel is no longer the prized fish that it once was. Reef fish are now considered the new prized fish and now that fishery is diminishing due to the increased pressure on them. So consequently, the harvest level on king mackerel is changing again. Since king mackerel is the only thing they are allowed to catch, pressure is once again increasing on them and amberjack. He believed that the harvest level has increased about 50% on king mackerel for both sectors. As a dual permit holder, he supported option 2, section 3.1.7 which calls for a joint LAPP management program for the commercial and charter for-hire sectors. LAPPs are proven to improve accountability to manage and rebuild stocks. He did not feel trip limits were effective.

**Chad Hanson** speaking on behalf of the Pew Environment Group, the conservation arm of Pew Charitable Trust commented that their mission was to apply rigorous analytical approaches to improving public policy, informing the public, and stimulating civic life. Ending overfishing means working with the NMFS and the Councils to set science based limits that end and prevent overfishing. He thanked the Council participants for making public comment access as easy as possible. He stated that overall, they were pleased with the approach that the Council was taking with the new MSA and National Standard guideline 1 requirements. These efforts will provide long term benefit. They will submit detailed suggestions and comments prior to the closing date for comments, but in general they believe that the ACL amendment should broadly define the intent of an ACL system and detail the procedures for setting ACL. It should also address topics like control rules on setting ABCs, ACLs and ACTs. AMs should address chronic overages. It should also explain the process of how ACLs will be updated from stock assessments. Science-based catch limits that account for scientific and management uncertainty is critical to sustaining fish populations. Well designed systems and control rules will ensure regulatory compliance. He

recommended managing to an ACT, leaving a margin of error. Timely and comprehensive data will provide adequate information for setting the ACT. If the rolling 3 year average is exceeded, he felt that a suite of predetermined AMs should be set for each fishery. The new mandates should be seen as an opportunity to steer our fisheries towards long term sustainability, providing food, jobs, and recreational opportunities for generations to come.

The closing statement was made and the meeting adjourned at 7:25 p.m.

Per Anderson

Item #1

Annual catch limits and accountability measures will make it easier for fishery managers to impose early closures on a fishery if the Total allowable catch for a species is reached earlier than estimated.

In order to work properly, the actual harvest of a species would have to be known in a near real-time scenario. With our current data collection system in place, it is next to impossible for fishery managers to get that information within months of a season closure.

Currently there is a new data collection process being developed which will hopefully provide managers with the info they need to implement the annual catch limits and the accountability measures. Until that time, what the managers will be doing is guessing at the amount of TAC that has been harvested at any time during a season.

It is not fair to impose increased regulations on an already overburdened fishing industry in case the fishery MIGHT be going over the TAC.

I submit to you that the reasonable management process is to not put these additional measures in place until the new data collection program has been implemented and proven to give more accurate information.

The new data collection program was required by Congress to be in place by January, 2009. Since the fishery managers have not accomplished that task yet, it would not be appropriate to implement the ACLs and AMs at this point in time.

Let's find out what the real harvests are before we add any more regulations to an over-regulated industry. We need to keep the jobs and businesses that are hanging on by a thread from going under.

*Bob Zales*

*Item # 2*

# **PANAMA CITY BOATMEN ASSOCIATION**

P.O. Box 4151  
Panama City, Florida 32401

September 23, 2009

Gulf of Mexico Fishery Management Council  
2203 N. Lois Avenue, Suite 1100  
Tampa, FL 33607

Re: Comments for scoping meetings on ACLs/AMs and Coastal Migratory Pelagics Joint Amendments 18/20

Dear Council Members:

On behalf of the members of the PCBA I respectfully provide the following comments on the above.

## Generic Amendment ACLs/AMs

The reauthorization of the Magnuson Stevens Fishery Conservation and Management Act in January 2007 required, among other things, that under 109-479 (D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009. The National Marine Fisheries Service failed to do this as required by Congress and there will not be an improved MRFSS within the near future. The NMFS historically selects which mandates to comply with and implement contrary to the will of Congress.

Congress also required the adoption of more restrictive management which resulted in the use by the NMFS of ACLs and AMs as levels of acceptable harvest to prevent overfishing and stocks becoming overfished. The requirement is to implement these ACLs and AMs by 2010 for fisheries undergoing overfishing and by 2011 for all other federally managed fisheries. It was clearly the intent of Congress to have an improved recreational data program in place and utilized a minimum of 1 year prior to implementation of ACLs and AMs. As stated above, the NMFS failed to implement an improved recreational data program which would provide the ability to properly apply ACLs and AMs to the recreational fishery.

Due to the fact that the NMFS knowingly selected to not comply with the congressional mandate to implement an improved recreational data program by January 2009 but using their historical cafeteria style of management and selectively choosing which action to implement or not, we respectfully recommend that until the NMFS has fully implemented a new and improved recreational data system that ACLs and AMs not be used to restrict recreational fisheries. Congress knew that the current recreational data system was not able to provide the data necessary to use ACLs and AMs which is why they required a new data system one year prior to implementation of ACLs and AMs. The use of estimates, and statistical extrapolations and a data system designed to track trends in recreational fisheries is known by congress and others to not be reliable in managing by ACLs and AMs.

In addition to our concerns, we stress that the use of estimates for determining recreational discards, B2 fish in the current data system, is certainly unreliable and provides an irresponsible set of data in attempting to determine discard mortality. Further complicating the data is the use of correction factors based on surveys where phone numbers are not identified, vessels enter and depart the selection frame, and the unknowns of state licensed vessels fishing on federally managed species. Our view is it is impossible to properly manage the recreational fishery by ACLs and AMs under the current recreational data system and any attempt to do so will only serve to further restrict recreational fisheries causing continued social and economic harm to anglers and the communities where they live and fish.

**"Dedicated to the conservation and enhancement of our natural marine resources"**

Item #3

Coastal Migratory Pelagics Joint Amendments 18/20

The Gulf King Mackerel Fishery and the history and style of its management is a true success story. We recommend all Gulf fin fish fisheries be managed in a similar manner. Our recommendations for proposed joint amendments 18/20 are as follows.

3.0 part 3.1, 3.1.1 and 3.1.2, appendix A should be considered separate as there are many issues that need options within appendix A and it is too complicated to be simply accepted or not.

3.1.3, we recommend option 5, status quo. The current requirements have served to sufficiently provide for good management of the sale of coastal migratory pelagics. As long as the fishermen are properly licensed, fishing according to requirements, proper record keeping exists, and all requirements for the commercial sale are complied with, we see no reason to alter the current requirements.

3.1.4, bycatch issues, we recommend a new alternative that utilizes the current commercial logbook requirements for reporting discards and the use of observers to provide data on the disposition of discards. We recommend a similar reporting requirement for the recreational fishery. We highly recommend that due to the status of the gulf king mackerel fishery and the recommended ABC by the SSC that the minimum size be eliminated and the harvest be constrained by the commercial quota and recreational bag limit. This elimination of the minimum size should then reduce the discard mortality to almost zero thus reducing the need for discard mortality estimates.

Part 3.1.4.2, we recommend option 2, no action.

Part 3.1.5, risk levels, option references attachment 4. We could find no attachment 4 in the online document so cannot speak to it. We recommend option 5, no action.

Part 3.1.6, we recommend no action, option 1.

Part 3.1.7, LAPP, we recommend that if the council and NMFS is to insist on a LAPP program that the next council LAPP program for all fin fish commercial fisheries be designed for all commercial fin fish fisheries at one time rather than the single species style management that the council has historically taken.

3.2 part 3.2.1, set ofl, etc, we recommend more detail to be considered with more discussion and rationale to be considered as there is not enough information presented to make a reasonable decision at this time.

Part 3.2.2, modifications to current commercial fishing zones, we recommend status quo at this time. The historical commercial fishery in the northern subzone (panhandle of FL) is prosecuted during the fall of the year (sept thru nov) and the western zone has historically taken their quota by sept. We need to further discuss these options prior to making any possible recommendation for change.

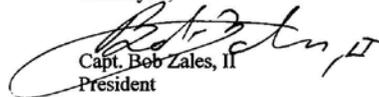
Part 3.2.3, change the opening date of the commercial fishery, we recommend option 4 to require a declaration of which zone you wish to fish prior to the opening day and be restricted to the zone declared.

Part 3.2.4, adding species to the cmp management unit, we recommend adding wahoo to the cmp as has been recommended by the mackerel advisory panel for many years. We also recommend adding blackfin tuna to the cmp management unit for the same purpose as wahoo.

3.3, parts 3.3.1 thru 3.3.9, South Atlantic management issues, we have no recommendations for the South Atlantic fisheries as they need to manage their own.

We wish to thank the council for the opportunity to comment on these issues and will provide future comments as the issues progress.

Thank you,

  
Capt. Bob Zales, II  
President

Cc:file

**SCOPING RESULTS FOR THE COMPREHENSIVE ACL  
AMENDMENT/CMP FMP AMEDMENT**

**JANUARY/FEBRUARY 2009**

**Scoping Document**

The SAFMC conducted 5 scoping meetings from North Carolina through Florida in late January and early February 2009. The scoping document is attached and at that time the CMP actions were to be included in the SAFMC's Comprehensive ACL Amendment. After scoping, the SAFMC determined that a Joint SAFMC/GMFMC CMP Amendment was the best approach. This became Amendment 18 to the CMP FMP.

**Summary of Letters**

Gregg Waugh, SAFMC Staff, summarized the letters to the Mackerel Committee meeting during the March 2009 Council meeting. The letters are attached and are summarized as follows:

MR. WAUGH: The next item is to review the public comments. The public comments are included under the Mackerel Information. It's Attachment 2, the written scoping comments. I'll just go through those briefly. I'll give you the page number and if you open that you can follow along by page number in the PDF document.

The first comment is on Page 65. It's from Captain Floyd Currington. He owns and operates a charter fishing business; also commercial fishes. He supports status quo for the king mackerel quotas. He points out king mackerel is not experiencing overfishing. He opposes any reduction in the king mackerel quota or bag limit.

The second comment is on Page 81. This is from Rusty Hudson on behalf of the Directed Shark Fisheries. This is presented on behalf commercial king mackerel fishermen. They're expressing their concern about the establishment of the Comprehensive ACL Amendment. The commercial king mackerel industry is opposed to any proposed use of an ACT that is lower than the ACL at this time.

In their opinion there is no management uncertainty involved with the commercial king mackerel sector's quota monitoring. They're pointing out that there is a lot less management uncertainty on the commercial side than there is with the recreational. They believe that the argument could be made to reallocate the annual total allowable catch by taking some of the unused portion of the recreational component and give an increased percentage of TAC to the commercial king mackerel fishery based on the total landings' history since the percentages were set.

Pointing out that recently there appears to be an increased participation in the king mackerel fishery; perhaps the South Atlantic Council should consider updating the old control date of August 8, 2005, and use other measures to make sure that the current fleet doesn't continue to increase in size.

The next comment is on Page 163. This is from Mr. Nicholas Hill and talking about the counties south of Flagler/Volusia; that they operate on that mixing zone. The difference between the

commercial quota and the recreational quota is an unfair split. He talked about if you reduce the trip limits for certain areas, then it will extend the season for those areas. If the start/stop dates are changed for the Atlantic group, then that will help their fishery.

The next comment on Page 168; this is from Mr. James Hull. He fishes out of Ponce Inlet. He owns and operates two commercial fishing vessels; a retail seafood market; a wholesale seafood business; and a seafood restaurant.

He is pointing out that there has been a tremendous decrease in the numbers of commercial fishermen and vessels, from 40 or 50 in his area down to about 5 or 10; and pointing out this isn't due to lack of sustainable fish stocks. Rather it's due to the improper regulations and inaccurate stock assessments.

The next comment is on Page 256. This is including some of the comments from the Directed Shark Fisheries but pointing out that the hook-and-line king mackerel fishery wants to see that be a year-round fishery off the Florida east coast with a small daily landing limit, between 50 and 75 fish.

The final comment is from Roy Turner on Page 282 pointing out that most and in his opinion up to 60 to 70 percent of the people catch more than the 50 head or 75 head of fish. He thinks if you go a 400- or a 500-pound trip limit it would be easier to enforce and cut down on those breaking the law. That's a summary of the comments.

### **Summary of Comments at Scoping Meetings**

Audio files of these comments are available from the SAFMC Office:

1. Brock Anderson – charter fishing
  - Regulations putting fishermen out of business
  - Any ACL modification that jeopardizes businesses and jobs should not be implemented
  - Revisit in 2-3 years with better economic conditions & better data
2. Mr. Carney – recreational
  - Object to any restriction to the public's fishing while there is a commercial fishery
3. Robin Curry – recreational
  - Object to any restriction to the public's fishing while there is a commercial fishery
  - Limits are being placed on recreational because we have a smaller voice
4. Leslie Davis – headboat
  - Headboat & charterboat provide good data with daily catch records
  - Private recreational – hard to get accurate data
  - If cut back on fishing much more, we can't fish and you will get less data
  - Would support separate allocations for the for-hire sector as long as the allocation allows us to fish

5. Sera Drevenak – PEW
  - Should have control rules for ABC, ACL & ACT (if specified); account for scientific & management uncertainty
  - AMs should be included and should specify closing the fishery if ACL exceeded
  - Ecosystem Component Species (ECS) – don't support removing species; should be designated as ECS and should be exempt from 2011 deadline and requirements for ACL/AM
  - National Standard 1 requires the Council account for all sources of mortality including discards and requires including as many species as possible in management
6. Joshua Giordano
  - Supports the ACL Amendment
  - Council should work with SSC to base ACLs on the best available science
7. Dave Hagan
  - Recreational catch that is sold is counting against the commercial quota and they should have all the necessary permits and safety gear that commercial are required to have
  - If you have a quota and close the fishery when quota is met on commercial side, then do the same thing on the recreational side because you don't now
8. Capt. Wendel Harper – charterboat
  - Water temperature is a big factor for CMP species, much more so than for snapper grouper species; need to correlate abundance and catches with water temperature
  - The CMP species are a big fishery in Georgia and if you lower the limits, this will hurt the charterboat sector
  - Agree with allocations by sector and can see having 3 sectors
9. David Heil - recreational
  - The recreational fishery is 5-10 times more valuable than the commercial fishery
  - Object to any restriction to the public's fishing while there is a commercial fishery
10. Beck Hogan – for-hire
  - We fish 200-225 days per year and if you put observers on our boat(s) you would collect lots of good data; lack of data due to funding hurts us all
  - Support ACLs, ACTs, & AMs but this is a huge undertaking with all the species involved
  - Support sector allocations and would support 3 sectors but need to look at percentages and not 50% being allocated to the commercial sector
11. Daniel Kane – commercial
  - Ban live wells if you want to end overfishing
  - We must be able to fish king mackerel in March on the Florida east coast; 15-20 years ago we fished under a 1,000 pound trip limit but we asked the Council to reduce that to a 50 fish trip limit to stretch out the season and prevent overfishing
  - Now with so many fishermen the fishery is closed during Lent when we get the best price
  - The commercial sector is being punished for rebuilding the stocks; we must have March open to us to be able to fish
  - Supports no closure with the 50 king mackerel/day limit
12. Bill Kelly – Islamorada Charterboat Association
  - Support ACLs but concerned about accurate data especially MRFSS
  - MRIP should improve the data
  - The for-hire sector in Monroe County is supportive of electronic reporting
13. Jack Riedel – recreational
  - Object to any restriction to the public's fishing while there is a commercial fishery

14. Kelly Schoolcraft – commercial
  - ACLs/TACs for king mackerel should be allocated on a state by state basis based on historical landings
  - The state by state quotas should be applied to all fisheries
15. Donald Seib -
  - Need to speed up data collection by moving to electronic reporting
  - Give fishermen an excel form/file and have them fill in the items that don't change and only fill in the information that changes on a trip basis; they could then print and mail or better yet email to NMFS similar to how income tax returns
  - Don't understand why NMFS is so behind the times with reporting of fishery statistics
16. Richard Stiglitz – commercial
  - Need better data on recreational fishery
  - Need more regional fishery management
17. Mr. Wren – charterboat
  - Concerned about closures based on existing data
  - Support better data and willing to fill out logbooks
18. David Heil – recreational
  - Object to any restriction to the public's fishing while there is a commercial fishery

**Sea Legs Fishing Charters  
290 Inlet Ave  
Merritt Island, Fl 32953  
(321) 452-5315**

South Atlantic Fishery Management Council

2/4/2009

Subject: Comments for Feb 4 Hearing/Scoping Meeting

I own and operate a charter fishing business and also commercial fish for King Mackerel.

It is not fair to those of us that are not nomad fishermen, and follow the fish, to change the king fish quota. A status quo for the King Mackerel quotas is requested.

If the closure period for snapper overlaps the closure period for grouper there will be almost nothing left for the charter and party boats to target. This could easily result in many businesses going out of business during an already bad economical time. It is recommended that an attempt be made to not overlap the snapper and grouper closer periods.

The SAFMC has ruled that King Mackerel is not experiencing over fishing. I totally agree with that assessment based on my experience as a charter boat captain and my experience commercial fishing. I therefore oppose any reduction in King Mackerel quota or bag limit.



Capt. Floyd Curington

# Directed Shark Fisheries, Inc.

(DSF)

A Consulting Company

South Atlantic Fishery Management Council (SAFMC)  
4055 Faber Place Drive Suite 201  
North Charleston, SC 29405  
FAX 843-769-4520



February 04, 2009

Re: Public Scoping Issues on King Mackerel Annual Catch Limit (ACL) and  
Accountability Measures (AM) options

To SAFMC,

Directed Shark Fisheries, Inc. (DSF) would like to submit this written comment to the South Atlantic Fishery Management Council (SAFMC) on behalf of the King Mackerel commercial fishery of the SAFMC region. Concern has been expressed about the establishment of the Comprehensive Annual Catch Limit Amendment (CACLA) implemented by January 2011.

Recently I heard that the SAFMC may move king mackerel out of the CACLA through an Amendment 18 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP). Is that thought accurate?

The commercial king mackerel industry is opposed to any proposed use of an Annual Catch Target (ACT) that is lower than the ACL at this time. Monitoring the king mackerel commercial quota has been easy to do in the past years for the National Marine Fisheries Service (NMFS) and the SAFMC. In our opinion there is no management uncertainty involved with the commercial king mackerel sector's quota monitoring.

The recreational sector is a different story though due to the estimations of catch and/or landings. It may take years for managers to learn how to better monitor that sector since the Marine Recreational Fisheries Statistics Survey (MRFSS) appears very inadequate for the job. Fortunately the recreational sector based on historical estimates of past effort generally land about half to two-thirds of the annual quota allocation.

DSF believes that the argument could be made to reallocate the annual total allowable catch (TAC) by taking some of the unused portion and give an increased percentage of the TAC to the commercial king mackerel fishery based on the total landings history since the percentages were set.

The NMFS final rule published on January 16, 2009 in the Federal Register (see Exhibit 1) that retains the concept of an ACT and an ACT control rule, but does not require them to be included in FMPs, unless managers have difficulty monitoring a fishing sector with ACLs and AMs.

Recently there appears to be an increased participation in the king mackerel fishery resulting in catching the quota quicker than in years past. Perhaps the SAFMC should consider updating the old control date of August 8, 2005 and use other measures to make sure that the current fleet doesn't continue to increase in size. If any further

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**DirectedShark@aol.com**

# Directed Shark Fisheries, Inc.

(DSF)

A Consulting Company

information is needed, please contact us anytime. Thank you for the opportunity to comment on these important issues.

Rusty ;-)



Russell H. Hudson, President  
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Seafood Coalition (SFC) member  
American Elasmobranch Society (AES) member  
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Advisory Panel (AP) member  
Atlantic States Marine Fisheries Commission (ASMFC) Coastal Shark (CS) AP commercial member representing Florida  
South Atlantic Fishery Management Council (SAFMC) Marine Protected Area (MPA) AP Commercial member representing Florida  
100-ton United States Coast Guard (USCG) Licensed Sea Captain Retired  
Commercial, For-Hire & Recreational Deep-Sea Fishing experience, 1963-2009  
Former Atlantic Large Whale Take Reduction Team Member (ALWTRT)  
Former Bottlenose Dolphin Take Reduction Team Member (BDTRT)



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NICHOLAS HILL

4<sup>TH</sup> GENERATION WATERMAN

CLAMS OYSTERS FISH BAITFISH BAITSHRIMP AQUACULTURE  
HATCHERY NURSERY

NETFISH CASTNET HOOK AND LINE AND TRAPPING FISH

321-795-1038

1. IS THIS A REAL MEETING TO FIND ANSWERS OR JUST A MATTER TO SATISFY THE REQUIREMENTS OF LAW.
2. HOW CAN WE GET A BALANCED AND FAIR SHAKE WHEN THE MEMBERS OF THIS BOARD ARE MOSTLY (NOT ALL) RECREATIONAL OF CHARTER FISHERMEN.
3. GREGG T WAUGH HAS WRITTEN PLANS FOR 26 YEARS AND HOW MANY OF THOSE PLANS HAVE INCREASED THE QUOTA AND HOW MANY HAVE DECREASED THE QUOTA. IF MY PERFORMANCE WAS LIKE THIS AS SHOWN BY YOU AND THE CONCIL I WOULD BE LOOKING FOR ANOTHER LINE OF WORK.
4. PAGE 4 OF THE SCOPING DOCUMENT JUST ABOVE TABLE 30 AND USING TABLE 30 AND 31.B 60% WAS NOT CAUGHT IN THE TIME AS STATED IN THE REPORT BY USING YOUR NUMBERS AND THE TABLES IN 2007. IF YOUR MATH IS THAT BAD IN THESE SIMPLE CALCULATIONS HOW CAN WE TRUST ANY OF YOUR OTHER NUMBERS.
5. A CLOSURE WOULD EFFECT THE COUNTIES SOUTH OF FLAGLER-VOLUSIA AS WE HAVE A TRANSIT FISHERY. YOU DO NOT UNDERSTAND THIS FISHERY AND THEREFORE CANNOT GOVERN A FISHERY YOU DO NOT UNDERSTAND.
6. THE DIFFERENCE BETWEEN THE COMMERCIAL QUOTA AND THE RECREATIONAL QUOTA IS A UNFAIR SPLIT. THE "FACT" AS STATED ON PAGE SEVEN OF YOUR DOCUMENT STATES THAT 2% IS TO BE TRANSFERRED TO THE COMMERCIAL TO COMPENSATE FOR SALE BY RECREATIONAL FISHERMAN.

IF YOU SELL FISH YOU ARE A COMMERCIAL FISHERMAN

THIS IS A REAL PROBLEM AND A FEDERAL OFFENSE THAT YOU AKNOWLEDGE AS YOUR OWN REPORT STATES THIS IS HAPPENING.

7. IF YOU REDUCE THE TRIP LIMITS FOR CERTAIN AREAS THEN IT WILL EXTEND THE SEASON FOR THOSE AREAS. THE REASONS FOR SOME OF THESE LIMITS ARE INVALID AND NEED TO BE READDRESSED.
8. IF THE START STOP DATE IS CHANGED FOR THE ATLANTIC GROUP FROM APRIL 1 TO MARCH 1 THEN IT WILL HELP OUR FISHERY. IF THE FISH WERE STILL WERE YOU SAY THEY WERE THEN THE BOATS FROM NC WOULD NOT BE HERE FISHING.

Hull's Seafood  
111 W. Granada Blvd.  
Ormond Beach, FL 32174

EXECUTIVE DIRECTOR South Atlantic Fisheries Management Council  
4055 Faber Place Drive, Suite 201  
Charleston, SC 29405

My name is James G. Hull Jr. I was born and raised in Volusia County, Florida and I am 52 years old. I have been fishing out of Ponce Inlet my entire LIFE. As a teenager I knew I wanted to be a fisherman. I now own and operate two commercial fishing vessels, a retail seafood market, a wholesale seafood business, and a seafood restaurant. I employ over thirty people supporting their families with good middle class jobs, health insurance and a promise of a job in the future. Obviously a steady supply of FRESH LOCAL DOMESTIC FISH CAUGHT BY AN AMERICAN FISHERMAN underlies all of what I do. From a fisherman's point of view, to survive you must be able to diversify your FISHING EFFORT. Success depends on the weather and the cycle of abundance of the fishery you are participating in. Every year I participate in different fisheries to survive. As you eliminate my ability to shift from one fishery to another, I will not survive as a commercial fisherman. The commercial fishing fleet out of Ponce Inlet has been reduced to a fraction of what it once was. I have seen the number of commercial fishermen in my community decline from 40 or 50 to 5 or 10. We can't afford to lose any more commercial fishermen. This is not due to a lack of sustainable fish stocks to harvest. RATHER DUE TO IMPROPER REGULATIONS AND INACCURATE STOCK ASSESSMENT forcing commercial harvesters out of business. The council's gloom and doom message and view that all stocks are overfished is quite different than the abundant fish stocks I fish and see being harvested out of Ponce Inlet. In my opinion the council has done a poor job of keeping a steady supply of domestic local caught seafood available to the non-fishing general public. You should be receiving fish vessel logbook reports from every commercial trip. This is PRICELESS information on the "AS IS" condition of a selected species. You should encourage and enhance the fisherman's ability to provide "AS IS" stock assessment to your management plans. I invite you or any of your staff to participate in any of my fisheries or visit my seafood market or restaurant and communicate with the non-fishing seafood consumers. It seems that the management council will not stop until they regulate every fisherman out of business. The few fishermen and related businesses that remain are hanging on by a thread. Any further cuts will be the end for the few left. Again this is not due to a lack of FISH but due to OVER REGULATION AND INACCURATE STOCK ASSESSMENT. You are shutting all the doors; fishermen must have open fisheries not closed ones. As you eliminate the LOCAL DOMESTIC FISHING INDUSTRY, you're ruining the LOCAL ECONOMY OF THE COMMUNITIES AND BUSINESSES THAT DEPEND ON THE LOCAL FISHING INDUSTRIES. Each commercial fisherman represents hundreds of consumers who purchase domestic fish through fish markets and restaurants. Everyone in the sales chain from the fisherman to the consumer purchases equipment, goods, and services, to catch, process, deliver, sell, cook and serve domestic fish. Don't destroy what's left of the local fishing industry and related businesses with more UNNEEDED restrictions. You should be helping the fishing industry to prosper and business grow, NOT ELIMINATING AND DESTROYING LIVELIHOODS! Look at the landing; ask the fisherman the fish are there. Please hold off on any further restrictions, and open closed fisheries back to production.

Thank you,

James G. Hull Jr.  
F/W Denise Ann  
Hull's Seafood Market  
Hull's Seafood Restaurant  
111 West Granada Blvd  
Ormond Beach, FL 32174

## **Comment on the allocation of stocks in the South Atlantic.**

The non-boating, non-fishing seafood consumers of this country are entitled to their share of the seafood from this country, which is owned by them, but managed by you- the S.A.F.M.C. As I write this letter, food costs are rising and are expected to continue rising. Our seafood, natural resources, is needed to feed our people. The non-boating, non-fishing seafood consumers numbers hundreds of millions, and gain their access to seafood through commercial fishing allocation.

The Magnuson-Stevens Fishery Conservation and Management Act is the law and the law therefore states that “(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges” and “(8) conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of over fishing and rebuilding of over fished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities and (B) to the extent practicable, minimize adverse economic impacts on such communities.”

Therefore, politics should play absolutely no role in the allocation of the non-boating and non-fishing seafood consumers resources. The consumers have a right to their share of the seafood resources and their right should be protected by you- the South Atlantic Fishery Management Council.

Bob Mahood  
Executive Director  
South Atlantic Fishery Management Council  
4055 Faber Place Drive Suite 201  
Charleston, SC 29405

This is a comment on the proposed substantial reductions in the harvest of gag grouper. The SEDAR for gag grouper is wrong! The gloom and doom reported by the council is not what is seen by fisherman on the water. The commercial fishing industry in my geographic area, Ponce Inlet, Florida is a fraction of what it once was. This is not do to lack of FISH, but due to a management council that will not stop until they regulate every commercial fisherman out of business. Fisherman and related businesses are hanging on by a thread. Any further cuts will be the end for the few left.

For example you closed the Golden Tilefish Season early for no good Reason. Great Catches, Large fish, short trips, not OVER FISHED. I vertical hook and line (bandit reel) fished Golden tile 30 years ago. My stock assessment is there are as many Golden Tilefish now as then.

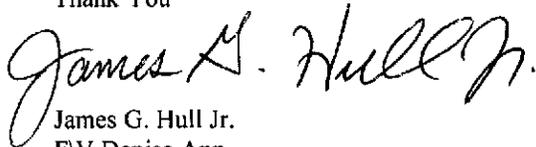
Due to the needless closure of the Tilefish season, these fishermen must now fish for gag grouper, when you close that what are they going to fish for? You are shutting all the doors. Fisherman must have open fisheries not closed ones. All of these closures are due to OVER REGULATION and INACCURATE STOCK ASSESSMENT, not a lack of fish! As you eliminate the local domestic fishing industry you're ruining the local economy of the communities and businesses that depend on the fishing industry. Each commercial fisherman represents hundreds of consumers who purchase domestic fish through fish markets and Restaurants.

Everyone in the sales chain from the fisherman to the consumer purchases equipment, goods, and services, to catch, process, sell, cook, and serve domestic fish. Don't destroy what's left of the local fishing industry and related businesses with more unneeded restrictions. You should be helping the fishing industry to prosper and business grow, not eliminating and destroying livelihoods.

LOOK AT THE LANDINGS ; ASK THE FISHERMAN, THE FISH ARE THERE.

Please hold off on any further restrictions, and open closed fisheries back to production!

Thank You



James G. Hull Jr.  
F/V Denise Ann  
Hull's Seafood Market  
Hull's Seafood Restaurant

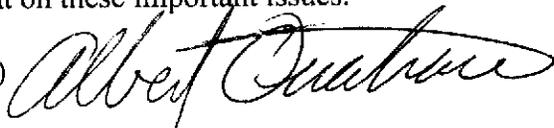
# Directed Shark Fisheries, Inc.

(DSF)

A Consulting Company

information is needed, please contact us anytime. Thank you for the opportunity to comment on these important issues.

Rusty :-)



CAPT. A.M. QUATRARO  
A.M. FISHING PRODUCTS  
6135 U.S. 2  
GRANT, FLA. 32949

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Shark Specialist  
Seafood Coalition (SFC) member  
American Elasmobranch Society (AES) member  
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Advisory Panel (AP) member  
Atlantic States Marine Fisheries Commission (ASMFC) Coastal Shark (CS) AP commercial member representing Florida  
South Atlantic Fishery Management Council (SAFMC) Marine Protected Area (MPA) AP Commercial member representing Florida  
100-ton United States Coast Guard (USCG) Licensed Sea Captain Retired  
Commercial, For-Hire & Recreational Deep-Sea Fishing experience, 1963-2009  
Former Atlantic Large Whale Take Reduction Team Member (ALWTRT)  
Former Bottlenose Dolphin Take Reduction Team Member (BDTRT)

HOOK AND LINE  
KING MACKREL ~~W~~  
YEAR ROUND FISHERY OFF  
FL EAST COAST SMALL  
DAILY LANDING LIMIT!  
50-75 HEAD

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**Directed Shark Fisheries, Inc.**  
**(DSF)**  
**A Consulting Company**

South Atlantic Fishery Management Council (SAFMC)  
4055 Faber Place Drive Suite 201  
North Charleston, SC 29405  
FAX 843-769-4520

February 04, 2009

Re: Public Scoping Issues on King Mackerel Annual Catch Limit (ACL) and  
Accountability Measures (AM) options

To SAFMC,

Directed Shark Fisheries, Inc. (DSF) would like to submit this written comment to the South Atlantic Fishery Management Council (SAFMC) on behalf of the King Mackerel commercial fishery of the SAFMC region. Concern has been expressed about the establishment of the Comprehensive Annual Catch Limit Amendment (CACLA) implemented by January 2011.

Recently I heard that the SAFMC may move king mackerel out of the CACLA through an Amendment 18 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP). Is that thought accurate?

The commercial king mackerel industry is opposed to any proposed use of an Annual Catch Target (ACT) that is lower than the ACL at this time. Monitoring the king mackerel commercial quota has been easy to do in the past years for the National Marine Fisheries Service (NMFS) and the SAFMC. In our opinion there is no management uncertainty involved with the commercial king mackerel sector's quota monitoring.

The recreational sector is a different story though due to the estimations of catch and/or landings. It may take years for managers to learn how to better monitor that sector since the Marine Recreational Fisheries Statistics Survey (MRFSS) appears very inadequate for the job. Fortunately the recreational sector based on historical estimates of past effort generally land about half to two-thirds of the annual quota allocation.

DSF believes that the argument could be made to reallocate the annual total allowable catch (TAC) by taking some of the unused portion and give an increased percentage of the TAC to the commercial king mackerel fishery based on the total landings history since the percentages were set.

The NMFS final rule published on January 16, 2009 in the Federal Register (see Exhibit 1) that retains the concept of an ACT and an ACT control rule, but does not require them to be included in FMPs, unless managers have difficulty monitoring a fishing sector with ACLs and AMs.

Recently there appears to be an increased participation in the king mackerel fishery resulting in catching the quota quicker than in years past. Perhaps the SAFMC should consider updating the old control date of August 8, 2005 and use other measures to make sure that the current fleet doesn't continue to increase in size. If any further

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**Daytona Beach, Florida 32120-1604**  
**(386) 239-0948 Voice (386) 253-2843 Fax**  
**DirectedShark@aol.com**

NOT IN THE FL. KEYS

MY NAME IS Roy M. Turner. Been Fishing 2 Generations.

I Am Buying The Georgia comb's. Permit # KM-189 .

I Abide By The Law's. Weather I Think There Right or not.

When there is meetings most People Try To get what is good  
for there self's. most up to 60% to 70% of people Catch more

Then there sold or 75 head. I Believe if you go to 4 or 500 pd.

Trip Limit it would cut Law breaker's Leagle. IF GULF +

ATLANTIC (Fish) (King mackrel) Dont mix Lets put some Summer

contn on the winter my Phone # is 772-473-2761 if

you would like to hear my Calm Thoughts

Roy M Turner

KM - 189

772 - 473 - 2761

## APPENDIX I – PUBLIC HEARING SUMMARIES

### I.1 Gulf of Mexico Fishery Management Council Public Hearing Summaries

**Summary of the Public Hearing on  
Coastal Migratory Pelagics (Mackerel) Amendment 18  
Gulfport, MS  
August 1, 2011**

**Council/Staff:**

Tom McIlwain: Council Member

Rick Leard: Council Staff

Charlotte Schiaffo: Council Staff

1 Member of the Public in Attendance

**Tom Becker, President, Mississippi Charterboat Captains Association**

The meeting started at 6:10p.m. **Dr. McIlwain** read the chair statement and called the meeting to order.

**Dr. Leard** gave a presentation on **Coastal Migratory Pelagics Amendment 18**.

**Mr. Becker** agreed with the proposals in Amendment 18. He noted that he had seen no decrease in catch of the discussed fisheries; however he had noticed a decrease in size of the fish he had been catching. He was unsure as to the reason for the size decrease. He added that often he was the only boat fishing in certain areas. He stated that the information on Amendment 18 was very well presented, and that he would try to come to the August Council meeting in Austin, Texas. He bemoaned the fact that so few people showed up for meetings on such an important subject, noting that he always tried to stay involved. He suggested that more advertisement was needed; pointing out that the local paper, the Biloxi Press, did not carry any information about tonight's meeting.

The meeting was adjourned at 6:40 p.m.

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**Summary of the Public Hearing on  
Coastal Migratory Pelagics (Mackerel) Amendment 18  
Port Aransas, TX  
August 1, 2011**

**Council/Staff:**

Doug Boyd

Ava Lasseter

**1 Member of the Public in Attendance:**

Michael Miglini, charterboat operator and Ava Lasseter reviewed the public hearing guide together, followed by informal discussions.

The meeting was adjourned at 7 p.m.

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**Summary of the Public Hearing on  
Coastal Migratory Pelagics (Mackerel) Amendment 18  
Grand Isle, LA  
August 2, 2011**

**Council/Staff:**

Myron Fischer  
Ava Lasseter

**No members of the public attended.**

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**Summary of the Public Hearing on  
Coastal Migratory Pelagics (Mackerel) Amendment 18  
Orange Beach, AL  
August 2, 2011**

**Council/Staff:**

Bob Shipp: Council Member  
Rick Leard: Council Staff  
Charlotte Schiaffo: Council Staff

**No members of the public attended.**

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**Summary of the Public Hearing on  
Coastal Migratory Pelagics (Mackerel) Amendment 18  
St. Petersburg, FL  
August 2, 2011**

Ed Sapp  
Steven Atran  
Kathy Periera

**6 members of the public in attendance**

**Dennis O'Hern**, Executive Director, Fishing Rights Alliance –  
General - Felt that the Council's public notifications were sloppy and submitted notices that contained errors. The Federal Register notice for the public hearings incorrectly referred to Steven Atran as Dr. Steven Atran, and Orange Beach, Alabama as Orange Beach, Florida. The Council website also refers to Orange Beach, Florida.

### Mackerel Amendment 18

- There is no mention of how unrealized quota might be carried over to the next year. Fishermen have been asking for this for some time.
- Fishing restrictions on gag will probably not result in effort shifting to mackerel. It's more likely that fishermen will only go offshore once in a while.
- Given that the mackerel and cobia fisheries are healthy and allocations have not been met, he feels that there is no reason to reduce the catch limits from the overfishing limit. All that the ABC and ACL/ACT control rules will accomplish is to kill off the fishing effort. He feels that these reductions are the result of management managing the stocks at the lower end of the range of uncertainty.
- There is no rationale given for a reduction in king mackerel catch limits.
- There is also no rationale for a reduction in cobia catch limits. Even though the annual catch limit is above the recent mean, cobia are cyclical in nature and will periodically exceed the catch limit.
- Opposed to in-season accountability measures for the recreational fishery. The National Research Council has stated twice in reports (2000 and 2006) that MRFSS/MRIP is not to be used for quota monitoring.
- Overall, recreational fishing effort seems to be going down over the last 15 years according to USFWS reports. This should be taken into account in management.

**Sharon McBreen**, Pew Environment Group – Submitted written comments on both Mackerel Amendment 18 and Reef Fish Amendment 32, and stated that additional comments would be provided before the Council meeting. Spoke on Amendment 18.

### Mackerel Amendment 18

- Stated that catch limits should be used to prevent overfishing. For king mackerel and Spanish mackerel, setting ACL = ABC and not using an annual catch target assumes that NMFS is perfectly able to track and control harvest. This clearly is not the case. She strongly supported the use on annual catch targets.
- The amendment only implements in-season accountability measures. She felt that post-season accountability measures are also needed in order to provide more tools to prevent annual catch limits from being exceeded.
- She felt that there was no scientific justification for the proposed removal of four species from the FMP. Their annual landings exceed the threshold used in the Generic amendment, and they can be easily mistaken for other species. She recommended retaining the species in the FMP. If species are to be removed, the SSC should be consulted, and a scientific rationale developed.

**Samantha Port-Minner**, Ocean Conservancy - Stated that additional comments would be provided before the Council meeting. Spoke on Amendment 32.

The meeting was adjourned at 7:30 p.m.

### **Members of the public who attended but did not speak:**

John Laurent

James Fesperman

**Summary of the Public Hearing on  
Coastal Migratory Pelagics (Mackerel) Amendment 18  
Panama City, FL  
August 3, 2011**

**Council/Staff:**

Larry Abele  
Rick Leard  
Charlotte Schiaffo

**9 Members of the Public in Attendance:**

Chair Larry Abele called the meeting to order at 6:10 p.m. he read the chair statement for Amendment 18 and asked if anyone had comments or wanted to see the presentation by Dr. Leard. The audience decided to forgo watching the Amendment 18 presentation and instead had Dr. Leard explain a few major points of the amendment.

**Trip Aikeman** read a statement from the Coastal Conservation Association (CCA) (Attached).

**Bob Zales** – Panama City Boatmen’s Association -commented that he agreed with most of the proposals in the amendment, but did not want to see any fish removed from the fishery management plan (FMP), stating that NMFS could not regulate properly because new regulations were too restrictive and he would rather see the fish continue to be managed, albeit under less restrictive conditions. He saw no need to doing much of anything with mackerel and cobia, since the populations were doing well. He added that commercial fishers should have to declare at the beginning of the season where they would be fishing so their locations could be monitored for catch share purposes. He stated that many people from outside areas would fish out an area and leave before local people could fish their areas, so having people declare what zones they would be fishing in would be fairer to everyone. He preferred that fish be counted in numbers and not pounds. He also suggested eliminating or lowering the size limit on mackerel.

The meeting adjourned at 7:30.

**Members of the public who attended but did not speak:**

Pam Anderson-PCBA  
Jim Clements-Commercial  
Henry Hunt-Charterboat  
Stephanie Free-FWCC  
Bart Niquet-Niquet Fisheries  
Chris Niquet-Niquet Fisheries  
Michelle Sempsrott-FWCC

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**Mackerel Amendment 18  
&  
Spiny Lobster Amendment 10**

**April 2011**

**Public Hearings**

**Jacksonville, FL  
New Bern, NC  
North Charleston, SC  
Pooler, GA  
Cape Canaveral, FL  
Duck Key, FL  
Key West, FL**

**JACKSONVILLE, FLORIDA**  
**CROWNE PLAZA RIVERFRONT**

APRIL 14, 2011

**MR. HOLT:** I'm Charles Holt and I'm here to speak on Spanish mackerel, king mackerel, and cobia issues. Right now with the data that you have, the three species are doing so well; and according to what your guys are coming up with numbers that show that, then I really feel like given all the other problems that the state of Florida has had and the fisheries that have been cut back, that you don't make any changes right now. You don't have any data that says that you have to; you don't have anybody forcing you to do it. The recreational industry and the commercial industry, too – I really speak more on the recreational side, but the recreational industry has been slaughtered in the state of Florida. We need all the help we can get. There is nothing forcing you to do it; stick with what you've got and let's them at least catch something. I appreciate you all listening and being here.

**MR. HAGAN:** My name is Dave Hagan. I represent myself and eleven other South Atlantic permits that I hold. I like the fact that you're not going to do anything on king mackerel. My preferred alternative on the Spanish mackerel is reduce the recreational limit to twelve per person, and I totally agree with sixty fish per boat as a maximum on that. Now we're going to go to spiny lobster; and on the spiny lobster in order to possess or acquire a tailing permit; I think that the duration of the trip should be a minimum of 72 hours, because that's when you really start to need this tailing permit. We're looking at the cobia, and Gregg is under the impression that there is no boat limit in the EEZ. In other words, if you had two fish per person and if you had five people on your boat, then you could have ten fish, in which that has not been the case that the FWC has been enforcing. They have been enforcing a six fish-per-boat trip limit. Now the cobia again, on the trip limit, there is no commercial harvest, per se, for cobia. I think Gregg said they are going to start trying to do something on your Amendment 19 for cobia to get a commercial trip limit, whatever; because trips in this area, Northeast Florida and further north, are of such long durations, we would like to see a trip have a three-day limit or possess two fish per person per day times three; so if there are three people on a boat, you can get six fish, then you could bring in 18 fish in your trip. In the past that's been a problem. They say how do we know when you leave the dock? Well, all you've got to do is look at my trip tickets that I've turned in for years and years and years and everybody else has, too, and see how long they fish. If they they've been out four days, they've been out four days. It ain't hard to find out they've been out. So, we need some relief on that. We only get paid -- as commercial fishermen we only get 8 percent of the total allowable catch for cobia. And with the advent of the closure of red snapper, we need to get any and all help that we can in any area that we can. That's pretty much it. I had some comments about the spiny lobster, but mainly it's further south in the Monroe County area, so I'm going to keep those to myself. Thank you so much for the opportunity and I appreciate it.

On the tailing permit that is issued by the federal government, I did say that I wanted to see that pushed to 72 hours, three-day duration. Also, in order to acquire a tailing permit from the federal government, I think that it should be mandatory that you have a crawfish number from the state of Florida; thereby, you would be a commercial crawfish fisherman, and you would need that tailing permit for the duration that we do like over three days. I would also like to see the boats in excess of thirty feet have permanent berths and a galley.

**MR. COOK:** I'm here representing the Jacksonville Offshore Sportfishing Club. I'm the president of the club this year. I'm Don Cook. Basically, I'm just going to come up and talk about the cobia thing. Your last conversation had a couple things I wanted to comment on. On the black sea bass, reaching the allocated catch set for recreational fishermen, if I'm not mistaken, that weight was based on non-gutted weight, and also on a pretty good-sized sea bass as an average. I think the data was skewed little bit. I don't think the recreational fisherman caught quite what was determined that we had caught. Would you like to comment on that?

**MR. GEIGER:** No.

**MR. COOK:** The other thing I -- you were talking about offshore Jacksonville as being the center of biomass of red snapper, and I'd like to submit that is because of the offshore point, because we put all of those reef-building projects out there since the late fifties. If these other areas had been as busy putting out artificial reefs as we have, I think the snapper population in their areas would equal ours as well. A lot has been said about the habitat, that it doesn't increase the biomass, it just has fish move from one place to another, but as far as my study in ecology has shown, I don't know of anywhere, when you increase habitat, you don't increase the biomass available. I haven't studied marine biology, but I have a degree in biology, and on land that is certainly true. Otherwise, we wouldn't be concerned about preserving estuaries and marshes and breeding grounds for these juvenile fish. If you increase the areas that they have, then you've increased the number of fish. I understand the logic of closing that area -- and I know it wasn't done and it wasn't going to happen, but when you were talking about closing here, it felt like punishment for doing a good job. It puts the council at odds with the fishermen, and it seems like the resource would be better served with a cooperative rather than an oppositional sort of work. As far as my life as a sportsman, I feel like fishermen in general are more conservationists than anybody. But, as things become arbitrary and things seem out of kilter, that conservationism is more of a conflict rather than a cooperative. This is my opinion. I did come up with comment about the cobia, and that's mainly what we are dealing with here, My comment on the cobia is that I would like to see the council go with option one, which would basically be no option; no change at this point. We are seeing tons of fish. We had one of the banner years ever last year for catching cobia, and at two per person, it doesn't seem that change is necessary at this time. Thank you.

**MR. DARNER:** My name is Rob Darner. I'm a St. Augustine resident here to talk about king mackerel. I'm a king mackerel fisherman. As many times as I've been up here talking to folks in the council, the thing I do the most and I think I'm most proficient at is catching king mackerel. On your proposal there are some things that I like about it, and folks are I guess keeping the 10.4 million pounds together, I like that proposal. I don't see where that is a threat to the fishery; however, there is an option within that. I don't know which particular option that goes to the framework on broad and narrow; when we're going to be able to look and readdress assessments, I think it's the council's option to go for a more narrow framework because it might be a little bit more flexible. As I would enjoy the flexibility on red snapper, I do believe that is a drawback for the negative, because if you get one I think there would be great pressure brought upon the council to change things really fast for the negative. As such, I kind of like it slow. I will go from the broad, to the three, maybe even compromise on the two different assessments and then weigh in. But, one, I think is just way too quick to make a fundamental change on whatever sustainable yields they want to look at for biological catch in terms of what we do.

Right now I think the mackerel fishery is healthy. One of the things that I've noticed over the years is the return of bait fish to our beaches. I've seen more and more pogie pods over the last two to three years. I think that is, my understanding, out of North and South Carolina; that some of the commercial fishermen for these pogies have been taking place off the beaches. We're seeing kingfish particularly in tournaments return back to the beaches in larger numbers, where they used to be offshore about five or six years ago. So I appreciate the council's efforts to keep the ABC, I think it was then called TAC, set at 10.4; I think what we have allocated to the recreational fishery is fine. People that I've talked to do not really believe that is a big, huge problem, and from your statistical data -- I bite my tongue on that -- it does not seem that we're having too much of a problem. Spanish mackerel -- move on to that -- I'm kind of conflicted where we are not been catching our limits on that; we want have a reduction of some fifteen fish to ten fish. When we go after Spanish mackerel, up here in Northeast Florida, we tend to have maybe a brief window because as you know the migratory do not stick around all year. They might come and go. So on my boat that would be 75 fish if we did a per person, because I have family of five. If anything, I would be in favor of a boat limit, whether it's fifty or sixty; I think that might be wise and also maybe a per person so we do not go over the boat limit. I personally never try to keep 75 of anything; I just don't enjoy cleaning that much fish all at once. Cobia, that's kind of interesting. I would probably encourage the council to wait for the SEDAR assessment to come out. I understand that maybe you do have some landing limits and your threshold landing on cobia. I would probably like to see a complete assessment on that. Right now, from what we are seeing at the two fish per person for commercial and recreational, I don't think this really damaged or even hurt the population as what it said. So with that I cannot see changing what we are doing until we have a decent assessment that we can argue with you on. So that would kind of be my recommendation. Let us argue with you, let us get the data in an assessment and see what goes on. Backing up, when we come out to some of these assessments, I will make a plug for the red snapper, probably for always, even though it's not part of it. The commercial folks will probably bring more pressure back to some of these other species, such as Spanish mackerel, maybe into the king fish, because they are not allowed to catch a nice fish like the red snapper. Where I think we are going to disagree on a lot on these data, they are out there folks. I do believe that there is enough room that we can have the commercial and recreational -- recording ends here and Part 2 starts here -- have a sustainable biomass on the snapper. It is out there. This is where I would love to have just the one per boat and go on, but, no, let's get through the process, go for a couple more. I hope you guys change your tune on the red snapper, because taking that away from the commercial you're going to put more pressure back toward kingfish. They're going to probably hit the ACLs a lot sooner, and that is going to probably create a problem of overfishing. I think it's a ball of yarn or snowball that will feed upon itself. I do wish you folks would change that because of future problems that I think we will have in the fishery. Hopefully I didn't ramble on too long, and it made some sense to you. Thank you all.

**MR. SURRENCY:** Good evening, my name is Ron Surrency. I commercial fish; born and raised right here in Mayport. I own the boat, Joyce Marie. On the king mackerel I want to thank you for no changes and support no changes. On the Spanish mackerel, the same thing; on the recreational 12 fish per person, a boat limit of 60, I would support that. On the cobia I follow Dave's comment. On the part of the recreational side, what Gregg was explaining that I guess it was the last few years that the recreational side was starting to get their TAC, so to speak, and you were looking at allocations to reducing that. If that were the case, the majority would stay from Canaveral south when they hit that. So I would ask that the council look at that for the recreational side and make a cutoff line like they do the king mackerel, so to speak, or other

species to put the line from Canaveral south. That's when those fish are migrating, so to speak, that's why you see so many, and it's a lot closer to land and they're a lot easier to target versus when they are north. By the time they get up here, they're all spooked and scared, and it's a lot longer run for the most part. Even running up and down the beach, it's a lot further run. Then on the commercial side with the cobia, there's not really a commercial fishery. We're allowed to sell our recreational catch, so if anything, kind of like what Dave was saying, wherever we brought down our trip limit, if it was a three-day trip or a four-day trip or a five-day trip, if we could have it worded in there where we're allowed to have our recreational limit on the boat -- or how we filled out our state report -- we have to fill out the state trip ticket and our federal trip ticket, and both have to be the duration of the on the trip and how many people were on the trip and how many hours, so there is not really any \_\_\_\_\_ boat. They would take our word, and then great science on our log reports that certainly would work as far as how you're fishing on board. That would definitely help out on the cobia part. I guess that was about it.

**MR. CAVIN:** (Recording started here) You're talking about the other species that are already under I guess restricted regulations right now, the sea bass that you've mentioned and some of the other species. I was born here back -- I've been here all my life, almost 50 years now and I don't think I catch any less sea bass today or any more sea bass today than I did when I was a kid and first started fishing. I hope I got a little bit better at catching fish, but still we're dropping them from ten to five and I guess the data says that they're being overfished. I have yet to catch more or less --

**MR. GEIGER:** What happened with sea bass was back in Amendment 13-C, it was a stock assessment which assessed the stock as being overfished. To bring that stock back we had to begin a rebuilding plan, which is required as a result of the law. So we had a rebuilding plan which established an annual catch level which established an annual catch limit for black sea bass at X number of pounds, 409,000 pounds I believe it was. It was a constant catch strategy that was adopted by the council, so that meant that during this rebuilding process, until the stock recovered sufficiently, there was a constant catch of X amount of pounds every year. And both the recreational sector under its allocation and the commercial section under its quota had to fish under that aggregate amount of poundage. What has happened as a result of the constant catch strategy, the stock is recovering, the biomass is increasing and we have more and more people fishing. They are encountering more and more sea bass; therefore, the encounters are increasing, and the data indicates that the recreational sector has exceeded its allocation of X 400 whatever poundage it is for black sea bass. That is why we have to take action to rein in the effort associated with black sea bass. And it has to be done and there is a stock assessment that's currently ongoing now to evaluate the condition of that stock again. Once that occurs, it very well may be that the amount of landings that can be caught, the allowable biological catch can be increased as a result of that stock assessment. But until that happens -- and that won't be known until around December -- we have to abide by what the regulations were at that particular time when those regulations were put in place. So to address the overages that we know are current, we have to take some type of action and the reduction in the bag limit is that action.

**MR. CAVIN:** George, I can't disagree with you. However, like I said,, I don't get -- if a stock is being overfished, I still don't catch less today than what I caught before. And another --

**MR. GEIGER:** I'm not going to argue the point, but we have to manage the stock through its full range, not just off of Jacksonville, not just off of Sebastian, not just off Hatteras, North

Carolina. We have to manage the stock throughout its entire range, and what you're seeing here may not be representative of what the stock looks like in other locations along that geographical range. So therein lies another huge problem.

MR. CAVIN: Well, if that's the case for red snapper fishing, I thought South Carolina opted out where they decided there wasn't a problem there. I realize this meeting isn't a red snapper thing, but I thought that one of the states chose not to – is that not true?

MR. GEIGER: No, the states can't choose to do anything.

MR. CAVIN: Okay, but maybe the council decided that there wasn't enough of a problem off of a state –

MR. GEIGER: I think what you're referring to is when we looked at the geographical area which needed to be closed to achieve the reductions in landings that were identified as a result of the stock assessment. The majority of the landings happened to occur off of Jacksonville to St. Augustine, which is the geographic center of the biomass. So when you look at the commercial catches, which are identified in grid square blocks up and down the coast, you can see where the preponderance of all those landings of red snapper take place. So if you're looking for an area to close, you want to close the smallest area possible from which you get the biggest bang for your buck; and that would be when you look at those grid squares, you identify what percentage of catch occurs from each of those grid squares, you add it up and if you're looking for an 80 percent reduction, once you get 80 percent reduction from eliminating four grid squares, that's what you do. And if South Carolina doesn't fall into it that's, why South Carolina –

MR. CAVIN: Well, George, I completely agree with that. Then that being said –

MR. ROBSON: Just to be clear though, that was in discussions of what we called the large area closure which is not being put into effect, directed harvest is closed throughout all four states in the South Atlantic range.

MR. GEIGER: You were talking about South Carolina opting out. They didn't opt out; they were not included because the amount of landings that occurred up there was known....

MR. CAVIN: Well, then back to what I was saying with the sea bass, here they seem to be -- like I said, I keep using my own – but I don't, I can catch the same as the day before, but yet the council doesn't want to take a spot rate restriction based upon that. They want to look at it based this whole area.

MR. GEIGER: We have regional coverage, yes..

MR. CAVIN: Okay, well, I understand that, but you're not going – it doesn't sound like you're going to be doing it with the snapper.

MR. GEIGER: We are.

MR. CAVIN: Well, you said that you can pick – you know, their area is not an area that has a great influence –

MR. GEIGER: That was to achieve this closed area, but the ban on the red snapper covers the entire geographic region in the South Atlantic Council. The moratorium is in place for the entire geographical region.

MR. CAVIN: One more quick comment then I'll let others speak. One thing I do see happening; when you start putting restrictions on some species, I really think it's going to ultimately start affecting the other species. Where you use to go out there and catch snapper, you can't catch snapper now, you can't catch sea bass now, so everybody's out to catch B-liners. I think what will happen is ultimately we'll just – it will just have a snowball effect on the other species.

MR. AUKEMAN: Good afternoon; my name is Trip Aukeman. I am representing the Coastal Conservation Association. First of all, we would like to express our concern about the release of the Amendment 18. I'm speaking on Amendment 18, about the release of Amendment 18. We do recognize the pressure that you're under with the Magnuson-Stevens Act to set annual catch limits and other management measures for the fisheries that are now undergoing overfishing, but the timelines for these public hearings is unreasonable. For king mackerel, CCA recommends that there be no changes to the management measures currently imposed. For Spanish mackerel CCA recommends that there be no changes also; and for cobia CCA maintains that for unassessed species like Spanish mackerel, unless there is clear evidence that the stock is declining. The logical option would be to cap the harvest at current levels until the data is available to do the current assessments. CCA anglers are encountering cobia more often, and we encourage the council to wait for the results of the next assessment in February of next year.

**NEW BERN, NORTH CAROLINA  
HILTON NEW BERN RIVERFRONT**

APRIL 11, 2011

RON MCPHERSON: My name is Captain Ron McPherson. I operate Highlander Exporters, and I'm concerned about the mackerel and cobia changes that you are talking about making. My concern is, whether you really want to say it or not, in both cases with the Spanish mackerel and the cobia there was not a study done the way I read the material. But somehow you kind of magic up these numbers. And so one of my main concerns is the lack of confidence that the fishing community has about the state and federal fishery and management folks. If you are going to make decisions without having good science, you're not going to regain that confidence. And so my deal is no study, no change. And the closest thing you've got to a study is the Gulf study on the cobia, and you're translating that around the corner and up the east coast. As far as I'm concerned, that's not good enough. If you don't have a study, then you just leave things as they are until you get a study that indicates that there is overfishing, or you have a study that indicates there is a tremendous number of fish that could be caught, so you raise the limits instead of lowering the limits, because it seems like every time I've come to the Hilton there is some conversation about lowering limits, changing things. I think it was wahoo, what, six weeks ago. So, what I'd like to say to the council is do not change the limits on Spanish mackerel in North Carolina and do not change the limits on cobia in North Carolina. You did not change the king so I don't have a problem there. And the truth of the matter is there is a lot of days that I have parties that I take out and they don't want the limit. In other words you catch them five or ten fish a piece they're ready to go – I mean you've got 40 or 50 fish in a box and they are ready

to go do something else. I occasionally have a crew that all they want to do is catch Spanish because it's easy and it's fast and the little kids can handle the handlines, and so it works. And you push up against the limit and you start counting, but most days most people say, nah it's okay. But let's not change it because we don't have any science that says that we should change it. I think that's all I need to say unless my position is not clear.

DR. CHEUVRONT: No, thank you, I think your position is clear. Right now the council has no preferred option that would involve changing the cobia limit, so right now that is not going – that's going to stay two fish per person. That is the preferred option right now. There are some other alternatives in there that are being analyzed that would reduce it or have a closed spawning season, etcetera, but none of those alternatives are chosen as preferred. So the only option or alternative that's a preferred right now is on Spanish mackerel to reducing the bag limit from fifteen to ten fish and I'm sure that will be a discussion again at our meeting in June.

MR. MCPHERSON: I must have misunderstood Gary because I would have sworn that he said that you wanted to change the cobia from two to one. There was somebody that wanted to make the changes from two to one, who was that?

DR. CHEUVRONT: Originally that had been a proposal, but then we were looking at some of the newer numbers that we have been able to get for this and re-estimations, and we were able to have a larger ABC for cobia. And so what we basically have is a larger biomass of fish that we can fish on, and so we are still planning on having two-fish limit for both commercial and recreational.

MR. MCPHERSON: I guess my main point here is unless you've got good science, don't change anything. You know, I'm sorry that you've got to deal with the Magnuson-Stevenson Act and it says, you know, Ye shall, or you'll die or lose your first born, or whatever, but somehow if you don't have good science, if you don't have current studies, if you don't have good science, don't change things because it just makes the regulators look bad. I don't know how else to say it. Thank you for coming and thank you for giving us a chance to say our piece and have a safe trip back to Charleston.

**STAN JARUSINSKI:** I am here to comment on Amendment 18. My name is Captain Stan Jarusinski, I live at 135 Millcreek Road in Stella, North Carolina, and I've been a member of the 6,000 member Southern Kingfish Association for ten years. Tonight I'm representing the Southern Kingfish Association and the 50 king mackerel tournaments held between North Carolina and Texas, more specifically the 32 sanctioned tournaments held in the South Atlantic zone from North Carolina to Key West. It is interesting to note your comment announcing this meeting, and I quote what was said. "No additional restrictions would be necessary; the stock is not overfished nor undergoing underfishing. The allocation for king mackerel would stay the same." Well we at the Southern Kingfish Association want to take a little bit of credit for that, for this stock being viable. We believe that what we have done in the past ten years that I've been a member of the organization, it went through a complete culture change. And some of the experiences we had were not good; we ticked off some of the fishermen. They left us. We canceled a few tournaments because they wouldn't follow our rules. But after reading what you people had to say in announcing this meeting, we knew we had the right plan and were on the right road. And what we did then are paying dividends now. Let me tell you about some of the things we did that were not very popular. We were not allowed tournaments to have a sanction

that weighed more than one fish. Example: tournaments have big fish weight, lady fish, junior fish, senior angler fish; four fish. We had tournaments that had two two-day tournaments, two-day aggregate. We killed a lot of fish back in those days. We don't allow photos in our magazine of anyone posing more than one fish. We suspended a member for gaffing a king mackerel, more than one, pre-fishing, almost had a fight out on the water in Biloxi, Mississippi, and in this case suspended him. We installed a rule of ten-pound minimum for fish for points. And our members have learned to net and tail fish, we even had a manufacturer make gloves for tailing fish to release from the line. Presently the South Atlantic ACL for king mackerel is 3.71 pounds. 1.3 million pounds for commercial, 2.3 million pounds for recreational. The SKA is requesting a third category. We would like to add a category called competitive fishing, competition fishing or whatever you want to call it. 99.9 percent of the SK A. fishermen are recreational fishermen. I am here tonight to ask that you allot 1 million pounds from the recreational ACL for tournament fishing, competitive fishing, whatever we are going to call it. If this occurs we will work together with the council and whatever powers to be to identify all the tournaments that are being held between Texas and North Carolina. We're asking for a million pounds when we only catch about 140 or 150,000 pounds a year in our tournaments, but there are so many tournaments out there that don't have the same limitations we do on fish and are killing a lot more fish than we are. We will help you to identify these people and when we identify these tournaments we'll put them in our data base, you put them in your data base, and we ask that we cooperate with each other. You're welcome to access our data base, come visit us in St. Augustine, Florida, see what we're doing. We have 16 years worth of information in our data base; we're glad to share it with you. We will continue to monitor the king mackerel resource and continue our aggressive agenda of conservation. We have a dual purpose in our tournament, it's a business and a second thing that we're responsible is for charity tournaments. All of our tournaments are charity tournaments. We ask for that 1 million pounds to be given only to charity tournaments. I'll give you an example of the charities that are dependent upon us and why it's important that our stocks be viable. One local tournament out of Swansboro that I'm a director of, in ten years we have raised \$192,200 for kids' charities. Some of these charities include underprivileged. We buy 252 bikes for an association called the Onslow County. Christmas – the Saturday before Christmas, we buy 252 bicycles and give them to poor kids. Terminally ill children, those in need of emergency medical treatment, we fly them around, it's a Children's Flight for Hope out of Cary, North Carolina. We also support the North Carolina Special Olympics and orphans. I am at liberty tonight to give you the phone number of a contact at the SKA. He's the managing general partner, and his name is Jack Holmes, and his phone number is 904-819-0360. We ask that you take our request under consideration; and if you have any questions, please call Jack Holmes. Thank you for giving me the opportunity to speak tonight.

**WILLIAM RAAB:** My name is William Raab. I am representing myself and the Onslow Bay Saltwater Fishing Club tonight. My comments are on Amendment 18, specifically Action 13. The position is we are opposed to establishing or specifying any management control levels or specifications using the currently available data which is known to be flawed. Continue with the current regulations until such time as viable, reliable and verifiable data is available for use in making any determination of management control specifications. Action 16 position; opposed to establishing or specifying any management control levels or specifications using the currently available data, which is known to be flawed. Continue with current regulations until such time as viable, reliable and verifiable data is available for use in making any determination of management control specifications. Action 18 position; opposed to the reduction in the individual bag limit from 15 to 10 per person; continue with the current regulations until such

time as viable, reliable and verifiable data is available for use in making any determination of management control specifications. Action 19, opposed to establishing or specifying any management control level specifications using the currently available data which is known to be flawed. Continue with the current regulations until such time as viable, reliable and verifiable data is available for use in making any determination of management control specifications. Thank you for the opportunity to comment.

**WILLIAM VANSCIVER:** My name is William Vansciver. I'm from Morehead City, North Carolina. My concern is about the tailing permit. If I understand it correctly, it's to be eliminated from everything other than the commercial sector, is that correct?

DR. CHEUVRONT: I don't recall specifically on that, whether it—I know that there was a law enforcement issue with the commercial sector, that they are either all going to have to be tailed, or none of them tailed, but I'm not recalling how that impacts the recreational fishery, so I can't tell you right offhand.

MR. VANSCIVER: Yes, my concern is that as a recreational fisherman, diver in particular, that we do multiple day trips routinely and just throwing lobster in a whole form definitely affects and degrades the product, so tailing is certainly a preferred way to handle it. And so my concern would be that option be taken away from us, so that's my concern.

DR. CHEUVRONT: (And I can appreciate that because I know that was the same reason that why the commercial sector wanted to be allowed to tail the spiny lobsters.

MR. VANSCIVER: Especially with fuel and everything, we're having to adjust our agendas, and our agendas are going to probably switch to multiple-day trips more so than in the past to kind of help offset the additional cost of fuel. And that's my concern; thank you.

DR. CHEUVRONT: I appreciate that, and I've written that down. I'll make sure we get to talk about that. I don't think that there was any particular concern in developing this to shut out recreational sector. It was an issue in the commercial sector, and I believe down in Florida where most of the recreational spiny lobster fishing occurs, it's a day trip. I mean, it's literally offshore right there to get them. So we probably didn't have any input for recreational sector in other areas.

MR. VANSCIVER: Well, not so in this area where we go far offshore and again stay multiple days.

**NORTH CHARLESTON, SOUTH CAROLINA**  
**HILTON GARDEN INN**

April 12, 2011

**MR. BROWN:** My name is Mark Brown; I own the charter fishing boat Teaser II. I am here on behalf of the South Carolina Recreational Fishing Alliance, and I'm making comments on the king mackerel and the cobia. The king mackerel stocks; I think that according to the recommendations on the assessment or the catch limits on those, I think they should stay status quo as preferred, and everything should pretty much be good with that. The cobia, being as that

there is no recent stock assessment on that then there's really nothing that's going to be any changes with that until 2013 and that currently there is really no overfishing or any overfished status, then I would like to recommend splitting the management for the cobia into the Gulf and the Atlantic instead of jointly managing it and keeping the status quo at two per person on the cobia. And then also increasing the—as a conservation measure, because the cobia is sexually mature at 30 inches fork length according to the studies that have been done by the South Carolina Department of Natural Resources, is that the minimum catch, the size limit right now is at 33 inches fork length and possibly as a management measure should not exceed any ACL. In the future we would recommend as a conservation measure to increase the size limit from 33 inches to 36 inches fork length, which would still be a good enough size fish that would fit right into a category that would hopefully keep the fish from being closed down based on any ACL that was recommended for that species. As far as that goes, I think that is everything I have to say. I just pretty much wanted to make a recommendation on that species in particular. As far as the Spanish mackerel goes, I think that the catch limit on those being 15 per person could be adjusted down to 12 per person if needed in order to keep it from going over the ACL. I think that that would fall right in line with everybody else as far as their thoughts, and that's all I have to say.

**MR. JOHNSON:** I'm Captain Robert Johnson. In regard to the Spanish mackerel and the king mackerel, I think they need to adopt the AP's recommendations. And really all I have to say about the cobia is I would like to see the council adopt Florida's regulations as far as the cobia. I think it's a little inequitable to have three states that are two fish per person with no boat bag limit and have another state that's one fish per person, six per boat maximum. I think that would be a good thing to do. It probably would eliminate any need for accountability measures to be kicked in in the future. I understand the numbers aren't real accurate and that's a problem, but that's a problem with a lot of these species. And if in the future it looks like that can be lessened up, I would love to see Florida maybe go to a bigger bag limit, but as it stands right now I think it would be a wise move just to adopt that for all four states. Thank you.

**MR. SCOTT WHITAKER:** We've got a prepared statement here, Tom; I'm just going to read it. It's about a page and a half worth. It's all on Amendment 18. Good evening, my name is Scott Whitaker. I'd like to thank the council for giving us the opportunity to address the wide assortment of actions and alternatives proposed in Amendment 18. Having said that, we must also express our concern that releasing the 333-page public hearing document on April 5<sup>th</sup> and scheduling the first public hearing on April 11<sup>th</sup> is not conducive to obtaining constructive input. That is the goal of the public hearing process. CCA recognizes the pressure to meet the 2011 deadline on the Magnuson-Stevens to set annual catch limits and other management measures for fisheries that are not undergoing overfishing. The timeline for these public hearings is simply unreasonable. Allowing less than a week to review the public hearing document is unacceptable, and once again casts doubt the council's sincere efforts to gather and utilize meaningful input from the recreational angling community. The following testimony is prepared by Coastal Conservation Association to address proposed annual catch limits and accountability measures for king mackerel, Spanish mackerel and cobia. With regard to the formula the council uses to set ACLs, CCA commends the council for its willingness to explore a more reasonable manner of setting limits for an unassessed stock. The previous proposal to set the ACL at the median of the last ten years' landing was fraught with problems. We are more encouraged by the council's current method on setting the ACL at the level of the third highest landings over the previous ten years. King mackerel: with regard to the Atlantic migratory group king mackerel, the stock was

last assessed in SEDAR 16 in '08. Subsequent council action set catch limits based on that assessment and the recreational harvest of king mackerel has remained under those limits. As a result, CCA is recommending that there be no changes in the management measures currently in place for king mackerel. Regarding the need to set an accountability measure for king mackerel as required in the MSA, in the event that the recreational sector does go over its ACL at some point in the future, CCA recommends that the council remedy the overage by modifying the recreational bag limit rather than enacting closed seasons on king mackerel. Spanish mackerel: CCA believes the most significant consideration of the council and its fisheries is the fact the recreational sector has been under its limits for the past decade, and therefore we are recommending that there be no changes in management measures currently in place for Spanish mackerel. It is also essential to note that while Spanish mackerel currently do not have an accepted peer-reviewed stock assessment and are therefore subject to the new council guidelines described earlier for setting an annual catch limit, a coastal migratory pelagic assessment for king mackerel, Spanish mackerel and cobia scheduled for 2012. CCA maintains that for unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. Spanish mackerel are one of the most assessed species in the South Atlantic and there are no indications of trouble with the stock. Lastly, cobia: like Spanish mackerel, cobia is an unassessed species and is subject to the council's new method of setting the annual catch limit to the level of the third highest landings over the last ten years. CCA maintains that for unassessed species, unless there is clear evidence that the stock is declining, the control rules should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. CCA recognizes that the council has data indicating that the recreational sector went slightly over its annual catch limit in 2010, but we'd like to emphasize that the council's conservative past management of this species has produced a stock that is steadily increasing. We believe this is a situation where the stock is most likely healthy. Larger year classes are entering the system and anglers are encountering cobia more often. We encourage the council to wait for the results of the assessment schedule for next year before considering any new management measures for cobia. Thank you for this opportunity to present our comments on these issues.

**MR. BARR:** My name is William Siau Barr, Jr. I am an attorney in Charleston, South Carolina, and have my undergraduate degree in biology from the College of Charleston. I've grown up fishing here all my life and it's just a—it seems to me maybe it's – going fishing with my Dad as a kid, example cobia, it would be difficult to catch them in the '80's what have you, the early '80's and then, now that I've grown up it seems to me that you can't drive around a cage buoy when there won't be a plethora of them. I think that the fact that the SAFMC are using the data, which every time that I go to one of these meetings, is that they say the data is erroneous, the data's erroneous, and it's bad data. We need to get better data, but it's still being implemented with, a big dull sword and beating everything down, where people are just now having to justify going out and catching a fish to feed their family, going out and catching fish as a business to support their family. I know people who have owned headboats that have left the state because they can no longer have a viable income; and it seems to me that regardless what the black letter law of the Magnuson-Stevens Act says, that there has to be some deference to the erroneous data. In law school or environmental type situations or RICRA and other type cases, when you have completely erroneous environmental assessments, that's a means in which to overturn a decision, or prolong it or to modify it. And it seems to me that there needs to be some deference in the

marine fisheries that they know they have erroneous data, that they are taking a hard line on many species. And I realize too we're here for cobia, but this all still follows through in spiny lobster and everything in between, I realize that; but if we follow the same path on all these different tracks and just make rash decisions based on erroneous data, it seems to me that the spirit and intent of the law to end overfishing is being wielded to just stop fishing. In regards to the spiny lobster I have concern about the data that you're going to be able to collect in South Carolina. I dive off the coast of Charleston. And there are a lot—from what I understand, there more here and larger than Florida, and that deals with the difficulty to get to 80 feet of water, to travel 30 miles out to dive for them here. I would just hope that if there is going to be any kind of implementation of any kind of reassessments or any kind of catch limits or to prohibit the harvest that's more restrictive than it is now, using data from perhaps Florida, that where you can jump off the beach and catch these exact same species, that there would be an ability to cater to the local ecology in that ecosystem. I would also just like to have some common sensible approaches to these things rather than what appears to be just a knee-jerk reaction based on erroneous data, where you can go out and catch fish and still maintain a healthy population.

**POOLER, GEORGIA**  
**MIGHTY EIGHTH AIR FORCE MUSEUM**

APRIL 13, 2011

**MR. PAGE:** My name is Chris Page. I represent Team Ecstasy, which consists of my family and a bunch of friends that fish. The only concern that I have, listening in there, was regarding the cobia. I understand that you're required to set some type of limits, but it seems like you have kind of used some of the data and then just picked a number and said, okay, here, is what we are going to pick since we haven't done any research on it, you picked an arbitrary number. And then with the red snapper, there was a lot of concern about going on skewed data that I didn't follow as closely as I should have probably, but I'm just concerned that some of these decisions are going to be made, and the data that's being used is not as accurate as it really needs to be. To jus kind of copycat what the other gentleman says, I'm concerned about potential closure for a spawning season, because that really targets Georgia and South Carolina as well, but I would really like to see that the data from the research – you said it's being done when?

**MR. HARRIS:** The new stock assessment will be done in 2013 for cobia.

**MR. PAGE:** For cobia, okay, so it's going to stay the same for a couple of years unless that overall level is hit and then decisions are going to be made.

**MR. HARRIS:** Right and the decision will be made by the National Marine Fisheries Service based on whatever plan is put into effect right now. We don't make those decisions; we just adopt the fishery management plans; and then as soon as the Secretary of Commerce approves them or rejects them, then regulations are published, and they become enforced and effective law.

**MR. PAGE:** Well, I don't have anything else, just a concern about cobia.

**MR. STRACUZZA:** My name is Chris Stracuzza. I'm with Team Ecstasy here out of Savannah. I had a comment on cobia. With the two bag limit, I understand that we have to go to one or to two per person, but what I really would not like to see is Alternative 6 and discuss the note at the bottom about the April, May, June; just being with that being our actual – you would consider seeing them, with those fish moving through here. And then the overfishing limit, if I heard him right, there wasn't really much data as far as showing – they were just kind of going off of kind off

**MR. HARRIS:** It's just based on landings information; that's all there is.

**MR. STRACUZZA:** Landings information, yes, before you actually – I mean, but I understand that you have to, because somebody above you is asking you to do something, but it would be smarter to actually figure out first before you just know that you were going to do this because you have to. I was pretty much here for the cobia, so everything else seems all right. If you're going to 12 and 6 with the Spanish, I wouldn't see that at all being a great idea. You're pretty much going to cancel out an entire season if you did have to stop it during the spawning season. If you're going to do the whole – from New York all the way down for the cobia, I mean it would pretty much ruin it here with not being able to, but that's all.

**MR. NEWLIN:** I'm Captain David Newlin from Richmond Hill, Georgia. I run a charterboat business, I know you have heard of me before. I've been in it since the late '70's. I have a comment on Spanish mackerel. I am definitely in the recreational industry and we definitely need something to be done about recreational anglers selling their catches. I don't feel like the commercial quota is real correct, because I just see too many of them get sold. Gregg mentioned something a while ago needing to somehow or another figuring the shrimp boat bycatch in all these quotas, because the shrimp boat bycatch on Spanish is pretty large. I get bait from a lot of them boys right off the back deck of their boats a lot of times. It will usually comprise at times heavily of juvenile kings and Spanish. These fish are totally dead. I'm not in agreement with your dividing the quota at 55—I believe it was 55 percent commercial to Spanish. Our Spanish off the coast of Georgia are all for the better part nonexistent most of the time. I've fished an area around St. Catherine's Island most of the time and the last three or four seasons hardly ever see any big schools of Spanish on the surface and all like we use to. Last year we had a real influx of big Spanish mackerel. We had a lot of three, four, and five pound fish, not hundreds, but I caught more of them last year than I had been.

**MR. HARRIS:** Do you have a recommendation on the split?

**MR. NEWLIN:** I think it should be no more than 50/50 commercial/ recreational. And the bag limit; cutting back to ten wouldn't be a big deal at all to me; I haven't seen a limit of them in years now. And the ten, as long as it is comparable on both ends for commercial and recreational, I don't see any problem with that. I would just like to emphasize that I would like to see an – something has got to give with these recreational and commercial anglers; and a no sale on that.

**MR. HARRIS:** We took that out of this amendment because we felt like it would hold up, but it's definitely going in the next amendment. I shouldn't say it's going in, it will be considered with the next amendment for the Mackerel Plan. Anything else, David?

MR. NEWLIN: That's probably well it on the Spanish; a small comment on the cobia. Spanish mackerel recreational fish being sold is a small problem. Cobia recreational fish being sold is a humongous problem. It's leading to large illegal catches. I know a lot of guys over South Carolina way especially are constantly talking to me about making three or four trips a day. But you're talking a big fish, 40 pound cobia, it doesn't take a whole lot of them and some of the restaurants over there last year were paying huge prices, eleven or twelve dollars a pound for filleted cobia. It was enough to make this good boy go back. I had nothing to do with it, but I heard a lot of talk about some of the boys that were doing it. I think I caught 12 cobia last year. The bag limit, going to one per person on cobia, if that's what we have got to do, one per boat is a little too restrictive, but leaving size – I would rather see the bag limit reduced than the size increased, because one per person when you're talking a 25 pound fish is not going—as far as the charter business is concerned, that would not strangle the charter business. When I've got three people on board and I can keep three big cobia, that's—and they are an easy fish to release, especially if you just cut the hook off in them. That's pretty well it. The king mackerel stuff looks pretty cut and dried; three per person, that has worked and should continue to work.

**MR. SOUTHARD:** My name is Lee Southard and I am a member of the RFA. That's who I guess you can say I represent, but I represent myself. In reference to mackerel, I'm for the 12 and 60. I don't think there's any shortage in mackerel. For cobia, I recommend no change until we get data to back that up if we do need a change. If you close the cobia from April through June, that's the time that they're here and that's about the only fish you can catch out there. So, if you close during the spawning season, you're going to kill the fishing for cobia out there. And for kingfish, I would just leave it alone. Six million pounds were allocated and we were under last year. We've been under the recreational just about every year. And three kingfish, that's more than enough per person. Cobia, two per person is fine. I don't know how many I caught last year, but I probably caught – myself or with boat probably caught 40. We caught two or three per trip, probably. That's the only comment I have on those. Do we need to comment on the spiny lobster?

MR. HARRIS: If you want to, there wasn't a presentation, but you're welcome to comment.

MR. SOUTHARD: I don't understand why there is a problem because you have to release them in the water if they are small.

MR. HARRIS: Well, nobody saying there is a problem. What we have to do is comply with new law, and so we have to set annual catch limits and those kinds of things. That's what the proposed regulation on spiny lobster is. It is not going to affect you at all.

**CAPE CANAVERAL, FLORIDA  
RADISSON RESORT AT THE PORT**

APRIL 18, 2011

**BOBBY CARDIN:** Bobby Cardin. I just wish the council on this lobster amendment on the tailing permit, on the Action 8, modifying the tailing permit, there are two preferred, one of which is about the whole or tailed lobsters, and I wish I could make that disappear. The only

reason to tail is for marketing, to hold your product. If you're on a multi-day trip, and at the beginning of your trip you tail for the longevity of the product; and on your last day, if you kept the lobsters whole for your whole markets, there is no sense in tailing the lobsters I'm going to be landing tonight. For me to have to tail just to be tailing them all doesn't make sense to me. George, can I ask you a question; why is that in there? Do you recall why they are requesting all or the other, if you don't mind answering?

MR. GEIGER: I understand what you're saying, and I do not recall what the argument was; whether it was a law enforcement issue or whether it was a development of another alternative to add an alternative in there. We are required to have multiple alternatives, a whole suite of reasonable alternatives.

MR. CARDIN: Well, we have got two preferreds on one action here. I know you don't always have two preferreds on one action, but anyway any councilman that listens to this, I wish you'd do away with that. In my case I've learned how to work the market. Let's say you had ten pounds of whole lobsters, well, if they're females, they produce about 32 percent tail weight and males are about 27 percent. The larger the lobster, the less the tail weight; so I can take large males and tail them to make more money off the tail. Whereas, with the female, I can sell them whole – excuse me, I said that wrong. You tail the females with the great big tails. Now you have more weight for your fifteen or twenty dollar a pound customer. Whereas when you sell the whole lobster, you're getting more for the male lobster with the big heads and big legs, which is okay because that's usually to a fish market that sells to a restaurant that makes stock out of the heads. They're just wanting the flavor from the head. But I guarantee I've probably bought a couple cars off of how I market my products, the little extra product you can make. In this day and time, George, you know you're wanting us to take less and less fish, and you need to be able to make the most money we can off of what we do take, or I do. Anyway, any councilmen who are listening to this, I just really wish that this would be pulled out and just leave it the way it was. Thank you.

MR. ANDERSON: My name is Brock Anderson. I own Bottom Dollar Charter Fishing out of Port Canaveral, Florida. I'd like to speak to the cobia issue. In my estimation there should be a matching of the federal and state regulations on the recreational bag limit for cobia. There is an enforcement problem with the state of Florida trying to enforce two different rules. Also, two fish per person, in my estimation recreational is just too many fish. The people are satisfied with one per person or a maximum of six for the boat. I don't think that we need to appease the animals like we did the sea bass. If we happen to reach an ACL limit on cobia like we did on sea bass, we don't need to have the season closed. It would be much easier to get a step ahead and reduce the bag limit now before we run into that situation; and basically the same idea with Spanish mackerel; Spanish mackerel is at 15 per person. That's way too many fish. Ten is way too many fish, but ten is a start. Reduce it by that much and there again to save that step toward closing season before it needs to be closed. The king mackerel seems to be in good condition. The two per person seems to be working. There again, that's a lot of fish, but since we are not in danger of exceeding boat limits yet, I'm in favor of leaving that stay where it is at two per person. I'm going to be e-mailing my written comments in more specificity to you before the 29<sup>th</sup>, but I just wanted to -- I think it's very important on the cobia not to exceed those ACLs so we don't stop our fishing here.

**MR. KANE:** Hello, my name is Dan Kane. I've been a commercial king fisherman for 20 years. Today the king mackerel are really coming back really good. The problem is there are about 200 too many boats. There are so many boats we flood the market in two days. There are too many boats that is costing me about \$70,000 in the last four years. I expect to lose about \$40,000 this year and probably 50 or \$60,000 dollars next year. There are really, really, really way too many king mackerel permits out there. You need to reduce them. And that limit I've looked at, there are six different solutions. I really hope you reduce the number of permits on king mackerel. You've destroyed my fishery, destroyed my way of life by issuing 1,500 too many king mackerel permits 15 years ago. Anyway, anything I need to say is in that little blue folder. Please reduce the number of king mackerel permits out there; it's unreasonable. Thank you.

**DAVID HEIL:** My name is David Heil. I'm a recreational angler. In regards to the cobia run this year, the cobia run this year has been the strongest I've seen in my memory at least. It's been one of the best, the longest, and you don't need any changes in that. I've filed my written statements, and I'm going to go through it item by item, but I just want to hit some high points.. In regards to that, we don't need any changes in the cobia at this point in time, but I do support the break of the management at the Dade/ Monroe County line. There is a separate state fishery. There are actually many different fisheries. We have the Atlantic run, they have the Gulf run, and we also have our own resident cobia out here that stay here all the time, so there are many different and distinct species -- maybe not species -- but at least different groups of the cobia that move through here. And from that standpoint the smaller the management area the better, because we are going to be able to do that. In regards to the framework of the modification of the procedures and the alternatives, I favor the broad framework. It gives the most flexibility, and it should be the one that will give us the most ability to make changes on a shorter-term level by the council instead of just having the staff do it at NOAA. In regards to the spiny lobster amendment, there shouldn't be any changes in regards to it. We have a good population of spiny lobster out here. I do support moving all the management all species of lobster back to the state of Florida. Let them regulate them since they are basically more of an authority. As far as the tailing, there shouldn't be any tailing allowed in that. There should not be any shorts allowed for the use of anything, that's a waste of lobster. There is a short lobster mortality there when they're using them for traps, and the public should be able to remove the derelict traps. We find them out there when we are diving, and we can remove them simply during that time while we're diving for other species. Thank you.

**MR. HARLOW:** My name is Greg Harlow. I've lived here in Cocoa Beach for 55 years. My Dad was a commercial fisherman; I learned to fish with him. I've got my son, Jason, here with me today. The fishing is better now than it ever was. He finished in the early '70s. Its unbelievable what the fishing is like right now, and these regulations that keep being applied to us I think are unfair to the average anglers. We're not out there everyday; and when we do get the opportunity to fish, because we fish small boats, it's luxury time for us as a family to get out there. I have another son and my wife; and it's a premium time for us, and now it's almost impossible to go fishing without having to travel a large amount of miles with the gas and gas prices and everything. It's not very convenient for the local people here to be eliminating all the fish. The cobia, I've seen more cobia this year than I've ever seen in my life out there. To consider reducing to one fish, that seems absolutely outlandish. Maybe some of these big party boats, when they have got eight, nine or ten people with a big tower, they have a super advantage over the average guy that just goes out there occasionally. They're hitting it pretty hard from

these boats. You might want to go to a boat limit or something like that, but one fish for a trip, you can't fish for anything else. You've eliminated sea bass, you're talking about eliminating mackerel, and they are so thick you can't even get anything down underneath the water right now without catching one. The sea bass, you put a Saviski Rig down there to get bait, and you bring up the whole line with nothing but sea bass on it. Snapper, I don't even want to get into the snapper issue, because you spend a lot of time on the water learning where to find them. People go out there and fish for them, and they're fishing on flat bottom, they're not going to find a snapper. To me it's just outlandish what's going on here. I understand that there are some management issues, but I don't think they've done their research on cobia. Last year we had cobia here all year. This year it hasn't stopped. I mean it's been a year-round fishery, You're talking about when they migrate through here. The rays migrate through here, but the cobias are here all the time. You've just got to know how to fish for them or where to go find them when you get time to go fish. The weather is maybe your consideration for the recreational angler, and I think this ruling is going to really put a hamper on our fishing. I know you're looking for future generations; well, I have a generation right now that wants to fish, and we're having a hard time finding species of fish to fish for – that are worth fishing for. So, that's all I have to say. I disapprove of Amendment 18 and I'm just totally against it. That's all I've got to say.

MR. GEIGER: Sir, have you been in the room and listened to the staff presentation?

MR. HARLOW: No, I didn't; I did not. I did not go in there. I just wanted to make my opinion knowing how I don't like any of these regulations right now, because I don't think the science is behind it. It's proven we can go out – and if I went bottom fishing, I could get my limit of snapper. I don't agree with the size limits and all the rest of that for snappers, and I'm know this isn't about snappers, but some of that stuff is outlandish because people don't -- if they are complaining about not fishing, they haven't spent their time on the water to learn where fish are. I don't know who's complaining about not being able to catch fish. You go watch television, you watch these longliners with 40 miles of longlines out, they are taking swordfish, tuna, sharks, and they are wiping out whole species out in deeper water then what we're fishing inshore, and it does have an effect on everything else. I think the longlining ought to be stopped throughout all of Florida waters. I think that's ridiculous to have longlining. It's just a slaughter of a species that are targeted. At least with cobia you know you've got a size limit of fish. You can usually see the fish you're fishing for and be selective on what you're fishing for. With longlines you can't be selective, and I think that's overlooked.

MR. GEIGER: You do know that the longlines are banned inside of 50 fathoms off of Florida.

MR. HARLOW: Yes, but I've seen them right off the coast here, they do it all the time.

MR. GEIGER: Have you reported them to the law enforcement?

MR. HARLOW: I have not. I can say that I have not, but they come out of port all the time and do that. Longline boats go out that port --

MR. GEIGER: Longline boats might go in and out of port, as they go in and out of Ft. Pierce --

**MR. SEAVER:** My name is Jeff Seaver. I am the owner and operator of the Charterboat Rendezvous. I'm a member of Central Florida Offshore Anglers and FSFA as well. With

regards to Coastal Pelagics Amendment 18, I support preferred Alternative Number 3. With regards to Action Number 2, we would like to modify the framework procedure. I would like to suggest a broad framework procedure. Action 13.3, I would like to suggest no action, do not establish an ABC control rule on the pelagic migratory group king mackerel. For Action 19, ABC control rule and ABC for the Atlantic migratory group cobia, I support Alternative 1, no action at this time. I would suggest further greater study of the cobia population before moving on into anymore closures. It may be, in fact, that it could be ideal for all in concern to move the bag limits from twelve per day on the six-pack down to six per day or one fish per person limit. I think that might in fact bring us in line with some of the other southern states and still provide an adequate fishery. This is my personal feeling. On this I'm not speaking for any clubs that I belong to in regards to that. The only other fish I'd like to speak to is spiny lobster, Amendment 10, the utilization of the --

MR. GEIGER: If I may, can we go back to the cobia issue? I'm confused by your statement that you didn't want any changes to the bag limit until there was more study, and then you went on to say that perhaps --

MR. SEAVER: My personal feeling is six fish per day per boat on the six-pack charter boat is appropriate; that's enough. The clubs and other organizations are going to come down and say that no changes are appropriate, but if you look at 92 percent recreational catch share versus an 8 percent commercial, it probably would behoove the recreational sector to get ahead of the curve and work with this rather than against it. Again, these are my personal feelings. With regard to spiny lobster, the only issue I'd like to speak to is the issue of utilizing shorts in spiny lobster traps, short or illegal size crawfish with six weeks in a trap. At one time there were 900,000 traps to be reduced by 10 percent per year until a federal injunction blocked that. If you take the several hundred thousand traps per year and the number of doing the math of small crawfish in most of the traps for six weeks times nine months a season, you get a fairly high kill rate of immature and illegal size crawfish. I would like to suggest that practice be eliminated. That's the end of my testimony.

**JOHN CONNELLY:** My name is John Connely; I reside in Orlando, Florida. I am a recreational diver, primarily hunting for lobster. My main base where I dive from is in Jupiter, West Palm, but I also turn around and go down to the Keys a couple of times a year. I just have three areas of the action plan that I want to comment on. Working backwards, under number nine, limiting the fishing area due to the staghorn coral; there has been no widespread documented problems with the traps being laid on staghorn coral. Most of the traps are laid out into the sand areas in front of the reefs but not on the reefs. Most of the trap people understand that. By limiting any of the fishing areas due to staghorn coral, we really won't see any improvement whatsoever. Even turtles, loggerhead turtles, green turtles and such down that are under there, I've seen eating the coral and such and the sponges. They will do more damage to the staghorn coral than what any of the traps and such would turn around and do. Under my next action item is Action Item Number 6, the framework. A SEDAR group of scientists were not able to up with an ACL for lobsters. The reason for this is because the recruits that come into Florida come in from the outer Caribbean, Cuba; they analyzed this by the DNA it turned around and came through. The lobsters are not born here in Florida; therefore, we don't know what our existing birth rates are and stuff for that. Until we have solid information on where our recruits are coming from and how long and what the process is from -- how many of them are coming through -- then it is not wise to go ahead and change the framework in number six; to take it out of the council members'

voting rights and give it to a limited number of managers. It should stick with the whole council so that they can analyze and question SEDAR and the other scientists to make sure the data that they have is correct in its finding.

MR. GEIGER: So, you're not in favor of turning control of the spiny lobster over to the state of Florida?

MR. CONNELLY: No, I still think that because it also affects so many of the other areas, and we all know that what's going to happen eventually is there is going to be a cooperative agreement with Nicaragua and Cuba eventually to turn around and look at those recruits and everything else.. That's going to be in the federal government's jurisdiction; that's not going to be in the state of Florida. They are not going to go ahead and allow them to go ahead and do that. Even though they possibly could share that information and stuff, but in my opinion we still need to sit there and stick with the full council. Lastly, is not so much of an action item, but the biggest problem with our lobster populations now; and why back down in 2005, we turned around and we saw numbers rapidly decreasing, as explained by Mr. Carmichael and Mr. Hunt, that they firmly believe that the biggest problem that we have is the TAB-1 virus. They think that is one of the biggest reasons why we have that. The virus is stated that it's transmitted by having lobsters that are in close proximity of each other for three days. A lot of turnaround in having both traps and also seeding those traps with shorts, where those shorts could also turn around and already harbor the TAB-1 virus, you're going and you're spreading that disease more and more to your adults, even if they are egg bearing or not by going ahead and having traps. And people sitting there removing those lobsters, putting them back into the water and stuff, they're getting back on the ledges, getting back into the traps again, and they are spreading that virus. It's no different than what we have from our AIDS syndrome in humans and such, et cetera, right now.

MR. GEIGER: So what you're alleging is that if you have a trap and you have a short in it that has the virus, and it attracts other lobsters which may be short, and they are taken to the surface and then handled by the trapper and then released because they are shorts –

MR. CONNELLY: Or even if they are turned around and the soak period for the trap is longer than three days, since they say that it takes three days for the virus to go ahead and be translated when the lobsters are in close proximity – while in a reef they can go ahead and they can avoid the other lobster that has a virus, which they have said that does happen, but in that trap situation, or even in holding shorts overnight and for two nights so that they can go ahead and they can replant into their traps and everything, we're turning around and we're spreading that virus with the attractants or also just turn around and just getting in the actual lobster trap itself. If those lobster traps are not pulled in three days, which we all know that they are not, they soak for much, much longer, it only takes three days and it's out there. We're killing our lobster population by having just a single lobster inside the trap that will go ahead and spread that disease now to everybody else that is inside that trap; whether it finally goes for consumption or if that lobster is short, under three inches and such, or it's egg-bearing, it will turn around and will be returned to the sea. John Hunt, Mr. Carmichael and I sat in the SEDAR meetings, and there was a lot of very, very good information there. That is where our biggest problems are.

MR. GEIGER: What did John Hunt have to say about your comments?

MR. CONNELLY: He agrees that the TAB-1 virus is one of the number one causes for why our populations and our landings --

MR. GEIGER: What did he say about your hypothesis with spreading that virus with traps?

MR. CONNELLY: He agreed; he said that is where viruses turn around; that is where it is coming from. That is called a turnaround. It takes a three-day soak period, to turn around what they've done, and it only takes those three days. Those traps are not pulled in three days. Whereas where we do not have traps up here in the eastern part of it -- I'm sorry, the northern part of Florida up here, we do not have traps up here, 90 percent of the catch limit is down in the Keys with all the traps and everything else. The problem is not up here, the problem is down there with the traps. About 90 percent of the lobster --

MR. GEIGER: Are you on our Spiny Lobster AP?

MR. CONNELLY: No, I'm not.

MR. GEIGER: You just went down to the Keys and attended on your own down there?

MR. CONNELLY: I learned that's where it starts.

MR. GEIGER: Are you going to be at the AP meeting in June in Key West?

MR. CONNELLY: Yes.

**MR. BOWEN:** My name is Mason Bowen and I do belong the SFA as well, ETFS Chapter. I just want to address one thing, George. Well, actually, I want to address more than one thing. In our mixing zone in the wintertime, we're looking to get possible increases in the commercial hook-and-line allocation of king mackerel. Now that is supposed to come from the Gulf, but the problem with that whole thinking is that in November and December, these are clearly Atlantic fish. What we want is we want some increases coming from the Atlantic as well; it's a mixing zone. Certainly, whatever increases would be due should be looked at as coming from the Atlantic stock as well as the Gulf stock. I feel like it's a very important point; even your field researchers agree with November and December as being Atlantic fish. If there is a presence of Gulf fish, it starts happening in January, and at different times there is a high presence of Gulf fish in January and February, but any increases that may take place would be, in my view, a responsibility of both stocks of fish. I also want to address sector management. You've heard me before, and when it comes to king mackerel you're talking about a species of fish that's so highly migratory. They move with water temps and food source. They're not a fish like the salmon that have to go back to the same place. They're as happy in 27 fathoms as they are in 40 or 50 feet of water. My point is how can you sector management on a pelagic fish that you have no idea where he's going to be from one year to the next? I certainly wish no ill will to the North Carolinian fishermen, but you can see by their absence of landings in the last couple years that obviously the fish ain't been where they thought they were because they haven't been catching them. We know that they're there; they're just in some other place. You cannot sector manage these migratory fish in my estimation, George.

MR. GEIGER: Now, when you talk about sector management, you're referring to regional management, correct?

Mr. BOWEN: Yes. The last couple things – I really wish that you guys would go back and look for us in the king mackerel fishery; inactive permits defined as a permit that has not seen landings on it within the last ten years; I mean, if that is the case, let's get rid of them. There are too many permits; you say there are too many permits. We agree; let's start putting some management plans into place that the fishermen want. There are some things that we can do that you're not going to lock horns with certain groups. This is one of those things is this holding a permit and not using it; certainly, he's not depending on that permit to make even a part of his living. We would like to see the two for one go into place, George. We understand that these things take time, but you've got to start somewhere. I also understand that this will have to be a joint initiative between the Atlantic and Gulf, but somebody has got to step up to the plate and start making it happen. We, as fisherman, did not put all these permits on the market, but we do have a few solutions to the problem. If we can just get a start, then we're heading in a direction. That's all I have to say.

MR. GEIGER: If I can make a suggestion; if you guys feel strongly about that, you ought to use that Southern Fisheries Association and Rusty Hudson, whomever, to be your spokesperson, because Amendment 19 would be the appropriate place to put that?

**MR. BARKER:** Pat Barker of South Eastern Fisheries Association. As far as a short comment on the spiny lobster in 10, we'd like to see the state of Florida take as much control as possible in the management of that. We feel that they've got more of a vested interest and knowledge and could hopefully drive proper science in the management of that species. My other comments are basically just pertaining to the Spanish mackerel fishery, and we've got written comments that are being put in. We really wish for the Spanish mackerel to remain at the same quota, because the SEDAR 17 assessment was thrown out by the SSC, and so basically what the council or the SSC is having to use for the council is landing data. The problem with the landing data is that there is no correlation to fishing effort; and if you're just going to use landing data, you need to have some correlation as to number of days, number of permits used, et cetera, because of the inherent changes in the weather, market conditions that will affect it. For instance, in your information that I've seen here today, in '07, '08, the '08 and '09, you see the Spanish mackerel catch is way off, but coincided with the same time was a lot of the fleet converting over to king fishing. So, basically here you've got a big drop in those numbers. I understand if you're not going to use the assessment, then you're going to use the landing data, but the landing data has got to be correlated versus the fishing effort; otherwise, you have no idea of whether that was just really good fishing or bad fishing. And if that's the only thing you're going to use, the SSC should have been able to correlate it versus the trip tickets or some other thing so that they can really see how much effort was put into catch that amount. And that would be a good correlation, trying at least to get a little closer handle on what's out there. So, because of that, we wish for the quota to remain the same, also because it's a very healthy fishery, and the sizes that are in the fishery are very large. So, we really hope the council will stay with that until they get a full assessment.

**RUSTY HUDSON:** Rusty Hudson on behalf of the Hook-and-Line King Mackerel Commercial Fleet and I'll submit this preliminary written comment. To the South Atlantic Fishery Management Council about proposed actions of Draft Amendment 18 that goes to the

Migratory Pelagic Fishery Management Plan. Directed Sustainable Fisheries strongly supports Action 13.3 preferred Alternative 2, to adopt the SSC recommended acceptable biological catch control rule and establish ABC at 10.46 million pounds. DSF also supports Action 13.4 wherein annual catch limit equals optimum yield also equals the ABC of 10.46 million pounds, which is the average of the ABC values for 2011 - 13 as recommended by the SSC. The SF supports Action 13.5A, Preferred Alternative 1; do not specify commercial sector annual catch targets, ACT, for Atlantic Migratory Group king mackerel. The SF supports Action 14 preferred Alternative 2 for the commercial accountability measures for the Atlantic migratory group king mackerel; that is, to prohibit harvest, possession and retention when the quota is met or projected to be met. It further support the preferred Subalternative 3A; pay back commercial of any overage – I got that loused up – stock status. On behalf of the Spanish mackerel fishing fleet, we support Action 16.3, Alternative 1, no action; do not establish the recommended ABC control to set ABC at 5.69 million pounds since that will cause a reduction in the commercial Spanish mackerel annual quota from approximately 3.62 million pounds down to 3.13 million pounds, causing the loss of a half a million pounds of Atlantic's per year. This reduction would be a large economic impact to these fishermen's income for the next few years; and since Spanish mackerel is such a success story, quote Ben Hartig, the status quo is the only way the South Atlantic Council should choose to manage this stock. The new stock assessment for Spanish mackerel and also king mackerel is scheduled for 2012 under the auspices of the Southeast Data Assessment and Review, SEDAR 33 process. Hopefully, during SEDAR 33 the scientists will be able to set a biomass level for Spanish mackerel, something that SEDAR 17 failed to deliver that contributed to the SSC uncertainty. So that's pretty much it, George. As I say, it's all preliminary, and I'll follow up with a written final comment before I go to the SEDAR 25.

**MR. GREEN:** I am Scott Green. I'm representing Coastal Conservation Association, and I have submitted formal written testimony, which you have, Mr. Geiger, and my comments will be brief. The first part of it comments on the fact that we didn't have a whole lot of time to react to this. It's a pretty lengthy public hearing document that the council put out, and I think we've been able to digest it, but there are a couple areas where it would be helpful if we had a little more time to react to some of these issues. The balance of the written testimony is formal testimony, and I think I can be very brief about it. King mackerel, we recommend no change. It has been stable for a long time. The public side, I don't think they've ever met their catch limit from the public side, and we feel like if it's appropriate, just keep it where it is. It's a workable system the way it is. Spanish mackerel, I wish I could remember when we were looking at that and that stock. I don't think the public side has reached their allocation for over a decade; it's been a long time. We recommend that we just keep the allocation at the current level. The cobia issue is a little bit more troublesome. I think, since we don't have any --

**MR. GEIGER:** Well, you know we're not doing anything with allocations. What we are looking at for Spanish mackerel is a reduction to the bag limit, potentially, from 15 to 10.

**MR. GREEN:** Well, we would recommend that we don't do anything, that we leave it where it is. There are people that go out there and catch a lot of them from time to time in certain places. Certainly, it doesn't appear to have hurt the stock; and if you're going to change it despite the fact that we've studied Spanish mackerel over and over again, wait until we get more current data. I think in the case of king mackerel the last assessment was, what, 2008 or something like that?

MR. GEIGER: Yes, we've got a recent stock assessment.

MR. GREEN: You know, we can feel pretty comfortable about that and we just recommend that we leave it at current levels. The real worry, I think, at this point is cobia. I understand I guess in recent years, maybe last year, the council got data that indicated that the recreational side might have gone over the allocation, but the observations down here have been that there are a lot of fish out there. They continue to see more and more fish, and I understand that is anecdotal, but I wouldn't recommend and CCA does not recommend that we change the allocation until we actually get a stock assessment. I believe one is scheduled for next year. So, we need to have real data before we mess with the allocation. If we had a few years where we knew for certain that we went over the allocation, I can understand that and so can CCA, but under the circumstances let's leave it where it is. That's our recommendation for the time being, and that's what represented here. That concludes my comments.

**MR. BURTON:** My name is Robert Burton and I'm from Jupiter, Florida. I am here on behalf and I'm speaking for the Coastal Conservation Association regarding Amendment 18. I would like to thank the council for giving us this opportunity to address the wide assortment of actions and alternatives proposed on this amendment. Having said that, we must also express concern that releasing a 330-page public hearing document on April 5<sup>th</sup> and scheduling the first public hearing on April 11<sup>th</sup> is not conducive to obtaining constructive input if that is the goal of the public hearing process. CCA recognizes the pressure to meet the 2011 deadline to the MSA to set ACLs and other management measures for fisheries that are not undergoing overfishing, but the timeline for these public hearings is simply unreasonable. Allowing less than a week to review the public hearing document is unacceptable and once again casts doubt the council is sincere in its efforts to gather and utilize meaningful input from the recreational angling community. Regarding king mackerel, with regard to the Atlantic migratory group king mackerel, the stock was last assessed in SEDAR 16 in 2008. Subsequent council action set catch limits based on that assessment, and the recreational harvest of king mackerel has remained under those limits. As a result, CCA is recommending that there be no change in the management measures currently in place for king mackerel. Regarding the need to set an accountability measure for king mackerel as required under the MSA in the event that the recreational sector does go over its ACL at some point in the future, CCA recommends that the council remedy the overage by modifying the recreational bag limit rather than enacting closed seasons on king mackerel. Spanish mackerel; CCA believe the most significant consideration for the council in this fishery is the fact that the recreational sector has been under its limits for the past decade, and therefore we are recommending that there be no changes in the management measures currently in place for Spanish mackerel. It is also essential to note that while Spanish mackerel currently do not have an accepted peer-reviewed stock assessment and are therefore subject to the new council guidelines described earlier for setting an annual catch limit, a coastal migratory pelagic assessment for king mackerel, Spanish mackerel and cobia is scheduled in 2012. CCA maintains that for unassessed species – and that is for unassessed species – unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. Spanish mackerel are one of the most assessed species in the South Atlantic and there are no indications of trouble with the stock. Regarding cobia, like Spanish mackerel, cobia is an unassessed species and is subject of the council's new method of setting the annual catch limit at the level of the third highest landings over the last ten years. CCA maintains that for unassessed species, unless there is clear evidence that the stock is

declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. CCA recognizes that the council has data indicating that the recreational sector went slightly over its annual catch limit in 2010, but would like to emphasize that the council's conservative past management of this species has produced a stock that is steadily increasing. We believe this is a situation where the stock is most likely healthy. Larger year classes are entering the system and anglers are encountering cobia more often. We encourage the council to wait for the results of the assessment scheduled for next year before considering any new management measures for cobia. Thank you for this opportunity.

**DUCK KEY, FLORIDA  
HAWKS CAY RESORT**

April 19, 2011

**MR. BURTON:** My Robert Burton and I'm from Jupiter, Florida. I am here on behalf and I'm speaking for the Coastal Conservation Association regarding Amendment 18. I would like to thank the council for giving us this opportunity to address the wide assortment of actions and alternatives proposed on this amendment. Having said that, we must also express concern that releasing a 330-page public hearing document on April 5<sup>th</sup> and scheduling the first public hearing on April 11<sup>th</sup> is not conducive to obtaining constructive input if that is the goal of the public hearing process. CCA recognizes the pressure to meet the 2011 deadline to the MSA to set ACLs and other management measures for fisheries that are not undergoing overfishing, but the timeline for these public hearings is simply unreasonable. Allowing less than a week to review the public hearing document is unacceptable and once again casts doubt the council is sincere in its efforts to gather and utilize meaningful input from the recreational angling community. Regarding king mackerel, with regard to the Atlantic migratory group king mackerel, the stock was last assessed in SEDAR 16 in 2008. Subsequent council action set catch limits based on that assessment, and the recreational harvest of king mackerel has remained under those limits. As a result, CCA is recommending that there be no change in the management measures currently in place for king mackerel. Regarding the need to set an accountability measure for king mackerel as required under the MSA in the event that the recreational sector does go over its ACL at some point in the future, CCA recommends that the council remedy the overage by modifying the recreational bag limit rather than enacting closed seasons on king mackerel. Spanish mackerel; CCA believe the most significant consideration for the council in this fishery is the fact that the recreational sector has been under its limits for the past decade, and therefore we are recommending that there be no changes in the management measures currently in place for Spanish mackerel. It is also essential to note that while Spanish mackerel currently do not have an accepted peer-reviewed stock assessment and are therefore subject to the new council guidelines described earlier for setting an annual catch limit, a coastal migratory pelagic assessment for king mackerel, Spanish mackerel and cobia is scheduled in 2012. CCA maintains that for unassessed species – and that is for unassessed species – unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. Spanish mackerel are one of the most assessed species in the South Atlantic and there are no indications of trouble with the stock. Regarding cobia, like Spanish mackerel, cobia is an unassessed species and is subject of the council's new method of setting the annual catch

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**MR. NICHOLS:** I'm Gary Nichols. I'm from Conch Key and I am president of the Marathon Chapter of the Organized Fishermen of Florida and past member of the South Atlantic Council, the Spiny Lobster Advisory Panel. I have a Conch Key family business for 37 years; a lobster fisherman. I've got just a couple things that I need to update on. The one thing that I obviously I wanted to be make a comment on is that we support a high ACL even though I don't personally. I'm totally against the idea of the program for ACL, because I believe in the spiny lobster fishery we've developed a limited entry plan. We lobbied the state – I have personally lobbied every state senator and representative to get that bill passed. We had one of the most highly regulated fisheries in the state or in the nation. We have the first fisherman limited entry system. I believe that through our current reduction program and everything else we've already accomplished just about anything you can accomplish by doing the management procedures that you're going forward with here. Although having said that, I am happy to see that you set a high number of poundage, but who is to say that we might not come back and get back up into the previous years where we were up in the 7 million pound averages. And another thing that's important to note with doing this and all the rest of the Caribbean, our lobsters are – the DNA studies that we have from the biologists, which we've been attending quite a few of the forums, our lobster do not come from here. Unfortunately our spawning, less than 2 percent has returned to us and it's very critical that basically we take care of the stock that we have, with the animals that we have here. That's kind of disturbing to me that we have – I wish that more of our spawning stock did come back here because we do take care, we care about our industry, we care – you know, the fishermen that are here, with the limits that we have, the cost of doing business that we have, it's very important to myself and our other fishermen and our families to take care of what we do have. Being in this for 37 years, you know, I consider myself a farmer of the sea as much as a fisherman of the sea. Something that's very disturbing is this trap marking. I believe that if you were going with a turtle mortality, it was, what, two turtles, if I'm not mistaken as going back on some of the data, we have had very little interaction in my 37 years of lobster fishing and crabbing and pulling – you know, with our two boats, we have about 15,000 traps. I've had one to two turtle encounters per season at the most; and of that and normally I'm releasing a turtle that I find if it's entangled. Usually it's not the lobster trap or the crab rope; it's usually like a cargo net or any other floating piece of debris. I have a couple of pictures – I actually have released two turtles this year, and they weren't in lobster rope or crab rope, but I kind of feel good about that. One thing that we do by being out on the water, it's great that as commercial fishermen we do care about our environment and we really don't want to waste anything. I just don't see a lot of turtle interaction, though. Even with all the storms that we've had and everything else and I don't think – if anything if you were going to mark our rope, I would just say mark it in black, which is what it already is, and so be it if we have turtles, sawfish, whatever

it is, blame it on the spiny lobster fishery or blame it on the stone crab fishery, whatever, it's just not enough to – we don't have the whale interaction you have up north and I follow a lot of that. I get the supplements on what's going on with the whales and stuff. We just don't have that kind of thing here, so I don't really see the point. The amount of money is unbelievable. Another thing that's kind of concerning is if you put a marking on a rope, you possibly could attract a turtle or attract a fish or attract things that aren't attracted, and we haven't really had interaction so maybe that black rope is working for us. The other thing is probably for me – I fish mainly the Atlantic side. I fish a lot of deepwater traps – probably 90 percent of my fishery takes place on the ocean side on the South Atlantic. We fish a lot of the reef track and out in the deepwater, out to 250, 300 foot of water. We've worked with the Sanctuary process diligently to identify areas to close but not for the traps. I work diligently. I have a computer system in both of my boats. My daughter runs one of my boats, and we use the best plotting you can have of the Down Net Systems and the Max-Sea Systems. We do not put our traps on the rocks. If I see that people are putting their traps on coral, we try to talk to them and try to get them to take it off the coral. That's very important to us. Our children are taught not to put traps on the coral. We've identified these areas where the prolific coral are, and I see that there are some – we're out and amongst our working group that we've worked with. Until today it's kind of disturbing because we've been working on – we're a working group, and we had a little digest as to where the staghorn elkhorn was, but we never really sat down and found the areas that they were wanting to close until today as we got these maps. I didn't really have time to look at them diligently. The best thing to do is do like Carl Lessard did is go out on the water with the scientist/biologist and the Sanctuary people who will identify these prolific coral spawnings and close them down and put the marking buoys around like we have now. I want to say if anything we may want to expand some of the areas. When you look at a map, what happens to most people, they look at a chart and they think that, oh, this is just a little dot on a chart, but if you're out there actually fishing, it could be a giant area if they just decide to arbitrarily draw a circle on a map or on a chart and close that area. When we're fishing lobsters, I'm targeting little pieces of bottom and normally it's a sand strip or a place where the lobster would migrate; and by just arbitrarily drawing a line on a chart, you're not accomplishing anything and you're closing down a big sand link or something or a foraging area for the lobster. It would be better if you're going to close down or identify an actual coral reef or coral spawning, which we don't want to put traps on, I don't think we want people anchoring on it, I don't think you want people that are diving on it disturbing the area, so I think it's a lot more important that we physically work with the biologists and the scientists and the Sanctuary people that we visibly identify and kind of shorten up – we're going to get more bang for our buck with smaller areas and maybe more of them than giant areas just to make square miles of areas. That sounds like it's really important, because I'm just looking at some of the stuff and they just arbitrarily drew out places – and I know pretty much in my head that pretty much from above Alligator Light down to American Shoals, a lot of the bottom is just – you know, from being out there twelve, fourteen hours a day for 36 weeks out of the season or whatever it is. The other thing is obviously on the catch shares, I'm just really opposed to catch shares in general. I just don't see the point in lobstering and stuff. It's a political thing. Are we supposed to talk on the mackerel?

MR. GEIGER: If you choose to.

MR. NICHOLS: I just sat in on a presentation on mackerel a little bit longer, and it seemed to me that they're reducing some of the – I agree with the advisory panel's view on mackerel, and I can see them getting a little bit upset. I believe that there should be an increase in the landings

on the mackerel, both recreational and commercial, if the mackerel are available and they're being underutilized. I've seen just in my own experience, because I have mackerel permits for both of my boats, that the mackerel size density, I really believe they are an underutilized food species that is now becoming – you see the commercial landings, they're rolling, because for years we were only getting 30 cents a pound. Well, as the other species that we can catch have been taken away, a lot of the commercial guys like myself are taking our spare time and fishing for mackerel, because that price of mackerel has gone up a couple dollars a pound; at times a dollar fifty and that's why you're seeing that increase landings. I don't think you want to reduce the guys that are trying to make a living. It's actually giving the guys a little bit of – you know, in the economic times, it's actually given the guys a little bit of an uplift when they fish these mackerel. For God's sakes why on the recreational end, I don't really care about the total number of landings, I care more about the total number of the landings being taken than the individual, but why in the heck would you let the recreational fishermen go out there and catch 80 mackerel on a recreational boat; and 15 per person or 18 per person, it just doesn't make any sense at all. In today's world why do we not just take enough fish to eat? My whole idea of recreational fishing – I do it with my family and I love to fish – is to go out and get food for dinner. That gives you another incentive to go out and get food for dinner another night, nice and fresh. But, my God, 80 fish, I think that's totally – 60 fish seems crazy also but I guess if somebody wants 60 mackerel, you know, fine, if they're paying for a charter and they need the food, I understand that, but it seems like a lot of these limits are really just not going to make a lot of sense sometimes. That's about it. I think I said about all I can.

**MR. BERGH:** At present, I think it could be made better. I'd like to find out eventually what the data sets were that were used. What was the target for protection of the acropora corals; obviously not all of the little dots on the map have a no trapping zone proposed for them. So what was the – was it 20 percent, 10 percent, the 50 percent? What was the goal? I think It would be useful to have the members of the Sanctuary Advisory Council look at that and try to help. It would achieve the same goal more efficiently possibly by modifying the boundaries of existing protected areas, possibly by using the existing protected areas as lines in the water, so to speak, and a buffer. There would be no trapping within a hundred or two hundred or whatever the appropriate number of feet or yards is from those so that people will know where they can and where they can't use different types of gear for this fishery. Those are my general thoughts. Again, acropora needs our attention, they need our protection. I think we can do a better job than this existing draft.

**MR. CRAMER:** My name is Jeff Cramer. I'm the vice-president of the Florida Keys Commercial Fishermen's Association as well as the Organized Fishermen of Florida. I'm a member of the Sanctuary Advisory Council. I haven't done anything yet but I was also appointed to the South Atlantic Councils Coral Advisory Panel. I'm chair of a commercial fishermen's coral workgroup, which is about a dozen fishermen that we got together up and down the Keys; about 400 years of experience on the water. We formed this group to work with on the corals, but originally we started it and we worked with the Protected Species Division. We worked on some of these maps. Andy Herndon came down, and he sat down a couple times with us, but we sat down and we talked about the corals and what we thought would help. We had no problem with trying to protect the corals. We wanted to help him out and say this is what we think would help him out. They're over there in Tampa; they're not on the water everyday, and we are. We see areas of coral that we think should be protected that they may not know about. So we got together and everything was going pretty good and they assembled some maps,

these maps basically, but without the boxes on them. I think the last time we met with Andy was probably about a year, a year and a half ago, and we really haven't heard anything since then. Like I said, the last time I saw these maps the dots were there, but there were no boxes on them. So it's kind of a shocker that I actually heard about these boxes from someone in the Nature Conservancy asking me what I thought about them last week. We just kind of got left out of the loop a year a year and a half here. I think that we need to sit down, and I think that these boxes here aren't going to do as good of a job as we could do if we all sat down together and tried to figure it out. I also just wanted to go down the list of some of the other things on the lobster agenda. I support the highest yield for the spiny lobster, the 7.9 million pounds. I support Preferred Alternative 4 on the use of undersized lobster to bait traps, 50 per boat plus one for each trap on board. I oppose the trap line marking. It's a huge expense, a huge undertaking on part of the commercial fishermen, and really we don't know if marking this rope as a color tracer or something is actually going to – a lot of fish are going to – you know, fishing lures and stuff, you add a few colors in there and it actually attracts some marine species. Who knows it will help. But the main thing is if there were two turtle deaths and having a colored tracer in there wouldn't have made a difference. Do we really need to know that that's a lobster trap or a crab trap line that this turtle got entangled in? I don't know; it just seems like for us it is going to be a humongous burden for two turtles. We save a lot more turtles than that as commercial fishermen. During the cold event we saved a heck of a lot more; a lot of the years with the turtles. That's pretty much it. I'm done.

**MR. KELLY:** Bill Kelly, Florida Keys Commercial Fishermen. I've wanted to talk to you first about the spiny lobster. We would appreciate the council setting the annual catch limit on spiny lobster as high as they can. At 7.9 million pounds it looks like both councils and the state of Florida are on the same wave length based on the new genetic evidence of external recruitment and what's going on in this fishery. It's very sustainable. We need some protection for the industry. It's one of the largest in the state of Florida. The Florida Keys are the fifth largest commercial seaport in the state, and in the nation, excuse me. We are the second largest economic engine next to tourism in Monroe County; also one of the largest long-term employers. This genetic evidence I think is very dramatic. We're all very much aware of that. In essence we could harvest all of the legal spiny lobster in the Florida Keys each and every year and it would have no bearing on what the recruitment would be the following year because all of those lobster are coming from the Caribbean Basin. There are a number of rules that have been suggested based on a biological opinion that was requested by Dr. Roy Crabtree I believe in August of 2009. That biological opinion was based on studies and interaction of spiny lobster trap lines with turtles, acropora corals and smalltooth sawfish. I had a meeting yesterday with Mr. Andy Herndon, NMFS SERO; Sue Gerhart and Dr. Roy Crabtree, and we discussed some of these issues. In the biological opinion there is no jeopardy with regard to the interaction of those trap lines in any of those three species that were studied. In fact, over the four-year period there were a total of ten turtle entanglements; eight of those turtles were released alive. With regard to acropora corals, the study in over a four-year period indicated that the interaction of abrasion and so forth from those trap lines on acropora was calculated and extrapolated to be 0.0005 or 5,000ths of 1 percent; and that's with over a million traps in the water in cases of interaction with acropora coral. The amount or area is 0.032 or 3200ths of an acre of acropora corals in the entire Florida Keys and included in the Dry Tortugas and so forth that were impacted. 0.032 is a pretty small number. I'm not sure that that much of an acreage is as big as this room is. There are far greater perils to acropora corals, including climate change being rated as the number one; farm runoff, chemical runoff and sewage outflows and so forth that occur from the mainland. If you

Google any of the issues regarding acropora corals, you won't even find any interactions listed between the commercial trap fishery and acropora coral. Our suggestion to Dr. Crabtree and Mr. Herndon and Ms. Gerhart is that since there is no jeopardy involved here, possibly reasonable and prudent measures of RPNs would be much more effective, and we might have some compromise, in which case we would do maybe some varied trap line markings, but definitely not a continuous trap line marking that isn't even required under the Atlantic large whale take reduction plan where they have daily interactions between right whales and trap lines. We have no interactions whatsoever with marine mammals down here. I shouldn't say whatsoever, but they are rare or nonexistent and they primarily occur with turtles, loggerheads being the most prone to entanglement. Our anecdotal evidence from fishermen is that generally their interaction with the turtles is with the buoy and not with the line. If we start coloring lines, we're going to create additional problems. We might even incite action by loggerheads with these trap lines because they have a very high level of visual acuity and they are very easily attracted to blues, greens, light pinks and greens. So, it's kind of an open invitation to create a problem where none exists. In our conversations yesterday, again, with NMFS SERO, we said, well, maybe we could do some reasonable improvement things and that is take existing areas. We have these special preservation areas that we're developing with the help the commercial fishermen and specifically to protect acropora coral. Because these areas are well known to fishermen and already marked, that maybe we'll take those buoys and move them out some distance, maybe 50 feet in each direction or 100 feet or whatever case it would be, because we're rapidly losing real estate here faster than we did in the real estate bust of 2007. We need to preserve the industry. Secondly, with the trap line marking, we think that there are other favorable alternatives. We can take spools of line or our coiled line, we could hit them possibly black line which has the highest UV resistance, we would hit it maybe with a spray paint of the coil of white paint that would mark the line, give it a distinguished characteristic without us having to sacrifice those lines. In the horizontal bottom trawls, we use white line predominantly, so we could hit that with a black spray paint. The financial impact and the burden on the lobster fishermen in Monroe County would come to – it's calculated in our pro forma at \$12.6 million to replace those trap lines with new lines, and we would lose \$6.3 million in line value in what we're retiring in that fishery. We would be disposing of 8,267 miles of 5/16 or greater polypropylene line, and it represents about 275,000 cubic feet of solid waste that would have to go in a landfill someplace, and we don't think that that's a reasonable tradeoff. We've discussed that with NMFS CERO. I will provide this information in writing to the councils. We'd like them to take a little bit closer look at this and see if we can't find some mitigation here where we can balance this out. We don't want to solve one environmental problem and create another one. Some other things that we're concerned about; we would like to see an increase in king mackerel product, which I believe is 13.5 million or thereabouts is what you're proposing. The commercial fishery and recreational anglers have been very diligent for the past 20-some years while this stock is rebuilt. We see it's very vibrant; it's one of the healthiest stocks available. The levels that it's at we think exceed those of the pre-net levels of 20 and 25 years ago. We do have a very vibrant but a very controlled gill net fishery that exists here in the Florida Keys, and these guys are very efficient at what they do. We also have a very large hook-and-line contingent. As I mentioned, these men and women have been waiting patiently for over 20 years to rebuild this stock and the time is right. The SSC supports these increases, and we'd like to see the councils go along with it, too. Since some of the other items have already been discussed, I will see if I can't leapfrog a little bit because I know time is important here. I would like the council to know that here in Monroe County and the Florida Keys we are adamantly opposed to catch shares in any of our fisheries. We see the turmoil that's going on up in New England and we see the problems that they created

in the Gulf of Mexico. They do have some limited benefits as management tools and they have worked well in some areas, but by and large if you look around the world, catch shares have been a pariah to the industry that result in significant fleet reduction and job loss and we can't handle that here in the Florida Keys. Because if that happens, then we've got to get into job relocation, we'd destroy communities and we don't need that in our environment down here. The fishery management program should not change community character. We welcome the fact that we now have a culture anthropologist on both the South Atlantic Council and the Gulf Council to address this a little more thoroughly as happened in the days of Dr. Kathy Kitner. The other thing I would like to say is these new summary presentations that the South Atlantic Council is doing, the graphics and things make it much easier to digest large volumes of information, and I really appreciate the fact that you've made that change. And then I don't know if it's been mentioned before, but we had the considerable discussion about it in the other room there and it really would be nice to see these summary pages available in Spanish. We have a very large Spanish population here in commercial fishery and recreational; and when the June meeting rolls around here, if we could possibly see some of these summaries published in Spanish as well as a translator available, because I would suspect that we will have a large Hispanic population there. I think that many of these fishermen, these men and women stay away from the meetings because they unfortunately don't understand what you're saying. Other than that, we appreciate the very hard work of the councils and we appreciate the cooperative level of work that the councils are doing with us and in particular Florida Keys commercial fishermen. Thank you.

**MR. GEIGER:** Bill, during your discussions with Dr. Crabtree and the protective resource people, did you have an opportunity to talk to them about the maps that were produced that showed the new proposed protected areas on them?

**MR. KELLY:** We discussed those in a general format. Of course, Dr. Crabtree is not authorized to make decisions for either of the councils, that's your bailiwick, but we suggested that it might be much easier to expand some of these existing areas that were established specifically for those reasons, to protect acropora. It even says in the summary of pages – I won't take the time to flip it up – it even says in there that commercial fishermen do not as a rule set their traps on coral. We don't; we're in the business of protecting the environment as much as we can.

**MR. GEIGER:** Well I can understand that, but did you have an opportunity to discuss those sightings, those places that were identified on the charts with them specifically? We've taken considerable testimony this evening that has not been coordinated between the protected resources branch and the regional office and the Sanctuary or the fishermen, the commercial fishermen that have the most knowledge of the location of the coral that we're trying to protect. The locations that have been identified on the chart are not, in some cases, either the correct size, shape or location.

**MR. KELLY:** The direct answer to your question, George, is, no, we did not look at those maps and address those specific areas; and just since I've been here at this meeting tonight, in talking with Chris Bergh and Bruce Popham from the Florida Keys National Marine Sanctuary Advisory Council, that perhaps it does warrant some additional discussion here.

**MR. LESSARD:** I'm Karl Lessard, Florida Keys Commercial Fishermen's Association and former Chairman of the Gulf of Mexico Fishery Management Council. I'd first off like to run through Spiny Lobster Amendment 10. On Action 1, removing species from the unit; I've

always supported the Preferred Alternative Number 4. Do you want me to give my rationale for this or should I just state—I know you heard me on the advisory panels for a long time and I’ve also said—I’ll just run through the preferred alternative. On modifying the MSY, overfishing and overfished, I support the Alternative 4, the preferred alternative. On the overfishing threshold, I support Alternative 3 as a preferred alternative. With the fishing threshold limit of 7.9 million pounds; on the overfished alternative, I support the Alternative Number 3, the preferred. On sector allocation,, now this is a tough thing for me because having sat on a lot of the committees, I know that the allocation is usually 74 percent commercial and 26 percent recreational, and your preferred alternative is no action, do not establish. But I think that is something that the state of Florida will have to address at another time. I would hope that the councils will follow suit for continuous and consistent optimum management of the resource. On the ABC control rule, Action 4A, I support Alternative 2, Option B. On the annual catch limits, I support the preferred alternative of the OY is equal to the ABC. On Action 4, which is the annual catch target, I support the preferred alternative Option C under Alternative 2. Under the accountability measures, needless to say I support the preferred alternative of establishing an ACT for the accountability measures for Caribbean spiny lobster. I’m sorry, I got that wrong, this isn’t in the right order. Under the framework procedure and protocols, I think it’s time to adopt a new framework procedure. The framework procedure we’ve had has been there since 1992, I believe, and I think it needs to be updated a little bit. Under the use of shorts as attractants, I support preferred Alternative 4 which is the same as the state of Florida’s alternative of 50 shorts plus one per trap. Modifying the tailing permit, I support the third alternative, which is one that our organization set in that you must either land your catch whole or tailed, not a combination of the two; because I think that creates a loophole where shorts can be snuck in. Number 9, limits of the fishing areas of protected staghorn and elkhorn corals – first off, I’m going to say I think the whole biological opinion put out by National Marine Fisheries Service is one of the worse papers that I’ve ever seen them write. When you’re looking at having to put rope colors in for entangled sea turtles, in which only two died, two finetooth sawfish that were tangled in ropes and released the alive and approximately a quarter mile of acropora destroyed; to have to look at replacing approximately \$19 million of the industry is insane. As far as the fishing limits, I think that the councils need to work with the Marine Sanctuary on this. I was one of the people that designed all the original spots down here when I sat on the Marine Sanctuary Advisory Committee. We got the same maps that it looks like that you’ve got from the protective species people, which are the worse things in the world. So we ended up going out and diving on every section and seeing what was there before we designed these spots. We put them more where the acropora was the greatest; and I think if they were just to expand the areas that are presently under the spots, it would be a major asset for the resource and the people here in the Keys. I’d like to thank the council and the staff for coming down to get our opinions. I have one more thing to comment on. To allow the public to remove derelict or abandoned traps, we have a program with the state of Florida. I think we do a very good job at it. Our organization also has brief cleanups where we go out and collect traps that are left on the bottom. We had a tendency, last year, to find out that most of the traps that we recovered were recreational stone crab traps, which will always be a problem in the fishery. Again, I’d like to thank you all for coming here and hearing our comments.

**MR. PADRON:** My name is Dan Padron. I’ve been a commercial fisherman for the past ten years, and I’ve been recreational fishing all of my life. I participate in the Florida spiny lobster, stone crab, kingfish, gill nets as well as hook and line. I’m definitely in favor of a high catch limit for the spiny lobster. We have evidence out there to support an increase and I think it’s

more than fair enough for us to have them. As far as undersized lobster for bait, attractants; we definitely need them. We use them everyday. I certainly agree to the 50 per boat plus one per trap is more than fair. As far as trap line markings, like Mr. Brown said earlier, we use them for our lobster and stone crab, and just the cost benefit isn't there. It's just not worth the expense, the work, the time for two turtles, it's just not worth it. Territories as far as quotas, I think they're totally unnecessary. I understand that there are corals out there that need to be protected. Expand some of the existing territories that you have, but don't start new ones. It's very minimal. There is enough coral killed by things such as dive activities and anchoring that traps really don't impact those fisheries so more closure would definitely be unnecessary. I'd also like to say that raising the king quota to 13.5 million pounds, we've been waiting for a long time. I want to catch some fish. There are certainly more than enough out there, it's our time. I'd like to get some fish. As far as the Spanish mackerel is concerned, I'm not supporting a reduction at all. If anything I would like to have fisheries open to where we can get more of them, as far as the gill nets. I know that the net ban was a long time ago and there is probably never going to be a chance for us to get it again, but I certainly think that it someday should be brought to the table. There is a lot of fishermen that would participate in that fishery and that's certainly a renewable resource that I think should be utilized. Don't let those fish go to waste. As far as the cobia bag limits, I oppose reductions in those at all; and once again I am totally opposed to any catch shares in the Florida Keys. Several fishermen fish in different fisheries for different reasons. That's one of the things that is unique about our environment down here. We're able to participate in different fisheries at different times of the years. Catch shares makes certain fishermen have to focus on one particular species; where certain parts of the country, Carolinas, the Gulf Coast, they are able to focus on one fishery and make a living. Down here in the Keys we're different. We are able to participate in different fisheries across the board to make a living. That's it; thank you.

**MR. POPHAM:** My name is Bruce Popham. I'm chair of the Florida Keys National Marine Sanctuary Advisory Council and have been for the last five, six years. Actually we're having our council meeting today and discussing this. This is the first time we've heard about these areas that we proposed. The spawning areas within the Sanctuary have gone through a process. Those are specifically designed to hopefully stop conflicts of use. They've been in place for a long period of time and we've spent a lot of time and effort educating the public, the fishing public, diving, snorkeling, boaters to stay out of those SP areas. Also, from an enforcement perspective, it's very well known that those areas are well marked in the Keys. Part of our discussion today at the council was hopefully getting you guys to come down and work with us, with the council publicly to look at some of these areas, to go out and get in the Florida Keys National Marine Sanctuary and look at some of these areas and would identify. As Mr. Bergh pointed out, there is acropora in many other areas that are not marked on the maps. Some of these large areas, particularly in the Upper Keys, kind of concern me from the perspective that they are probably not going to accomplish the goal of protecting that acropora coral as much as it's going to close the area off and cause confusion and use conflicts. I think one of the other things, as Chris also pointed out, is that you can have an area closed and divers could come in there and be diving in that area right outside the spawning. The spawning area is proven to generate larger lobster and a greater abundance of lobster. So, we have a council meeting next June, I understand you guys will be down here around the same timeframe. Maybe there is an opportunity for us to get together sometime at that meeting or in conjunction with that, to have a public process to kind of take a hard look at these areas rather than just look at the marking on

the map. I am willing to help in any way or fashion, as the council always is. I welcome the opportunity to work with you guys again. Thank you.

MR. GEIGER: Thank you, and, of course, both of your comments are very well received and it's kind of shocking to me that there wasn't any coordination.

MR. POPHAM: Us to.

MR. GEIGER: I think that you can rest assured that we'll have some type of coordinating and actually try and achieve the goals that we're looking at performing here. Thanks.

**MR. NILES:** My name is George Niles. I'm a commercial fisherman in the Florida Keys. I also am a member of the Gulf AP for king and Spanish mackerel; and past president of the Florida Keys Commercial Fishermen's Association. I continue to set on the board. I'm going to make this as brief as possible. I'll go through lobster and then kingfish after that. I support the ACL set on spiny lobster of 7.9 million pounds. I think we need a lot better science than what we've been getting Caribbean-wide. I think that would impact the least amount of fishermen until we can get more sciences, seeing how this stock is Caribbean-wide. The recruitment seems to be coming from below us somewhere and not from this country. I support the use of undersized lobsters as attractants; it makes our fishery a lot more efficient with minimal loss. I'd like to see it the same as what the state has because it's a lot easier for enforcement to enforce the laws in the state rather than some artificial line out there in the water where the marine patrol has to decide whether they are in state waters or in federal waters. As far as the trap lines and their markings to protect sea turtles and sawfish, the only fisheries that we use trap lines for are stone crab and lobster, and I think to ask us to spend \$19 million to save two turtles in both those fisheries just to distinguish which one was lobster and which one was stone crab. We know it came from one of the two. I think that's a little ridiculous to just distinguish between those two fisheries down here. Also, as far as our more protected areas; I think that we work a lot more closely with the Marine Sanctuary down here to study this a lot closer. There are a lot of different agencies that we deal with down here, and for just one to come down here and want to close the different areas, I think we've proved with the Marine Sanctuary down here that it can be done a lot better than that with a lot more local input. That's all I've got to say about lobster right now. As far as king mackerel, we fish mostly on the Gulf group down here, and I know most of your presentation was about Atlantic group. By sitting on the AP, I realize that it has to go in front of you, too. I'd like to see the Atlantic Council support the Gulf group, raising the quota. Sitting on the AP, I know that it could have gone as high as 17 million pounds in recent years, and to ask for 13.5 I think is a huge compromise. It's been many years since this quota has gone up. And to use an example of how many fish are out there, the gill net fishery has gone from a four-day fishery four or five years ago to a three-day fishery two or three years ago to a two-day fishery this year. There are massive schools of kingfish out there available to us. I fish both gill net and hook and line. There's a lot of fish out there; it's been a long time since we had an increase. I started testifying in front of these councils when I was in high school. I'm 45 years old now and they told me to bite the bullet when these quotas come out and they'd give the fish back to us. We bit the bullet, the stock is healthy and we need an increase. It's way, way long overdue. As far as the Spanish mackerel quota being cut, I think it's a bad idea. It hasn't been met in recent years; and if it's not being met, why would you want to cut it. As far as cobia, I think until they do a new stock assessment – I don't think any stock assessment has been done on the Atlantic side from what we were told and only one in the Gulf approximately ten

years ago. To cut the bag limit, that doesn't make any sense until the new stock assessment comes out. You don't even know what's going on. Basically, that's it there. I'd just like to say one more thing as far as catch shares. I am against catch shares in any fishery in the Florida Keys. I'd just like to put that on the record. Thank you very much.

**MS. PRIETO:** My name is Elizabeth Prieto. I'm third generation commercial fishing, and, yes, I actually get on the boats and fish, guys. I support the annual catch limit because the more out there the merrier and everybody can use it. This is not only just the fishermen, the captains of the boat or the owners of the boat. You're providing food for the families of the crew that are also there. I support the undersized lobster. This is not fishing with catch where we kill the attractants and hang them. They are outside; they get to survive in the traps. Actually I think they survive better in the traps. I am opposed to changing our lines. I agree with the other guys and fishermen. We use our black trap line, which is expensive as it is, \$1.52 a pound, I believe right now or \$1.56. The guys have had horrible years. We finally had a good year, but I don't think that should make them have to spend what little they have made to survive now to go and get new gear. Like the guys said, a trap rope is a trap rope and if we only have two traps and one is lobster and one is stone crab and they are black, then your going to know it came from a lobster or a stone crab trap. I don't think it matters which one or the other. Closures, territory for protecting; there is already so much, like they are saying. And like the gentleman said before me, the anchors do more damage; the divers, unskilled divers do more damage than an actual trap can. I support an increase of the king mackerel. Like Mr. Niles said, there are a lot of fish out there. If you don't increase it, it's going to be like a derby out there next year. There is not anybody that I know of going new into the fishery. Basically it's just family members continuing the fisheries. The Spanish mackerel, again, the reduction, I'm not for it. For the same reason that I said of the other, every time you reduce a limit on anything, you're reducing food and shelter on your captain and your crewmen. We don't tell surgeons how many operations they can make. We don't tell lawyers how many cases they can take. The cobia bag limits, I believe they said the last assessment was in 2001. I think you need more data on that. Catch shares, I don't approve of them. Down here some of us are fortunate to have the snapper grouper unlimited license, which I do have. You use that to survive when the lobster season and the stone crab season has ended. Some people don't have it; therefore, they actually go to other boats to try to fish it. If you put catch shares, you're going to have the ability of someone to say, well, I'm not going to fish it, so, here, I'll sell you my shares. I don't think that's right. I'm done speaking now.

A lot of times when I tell people that I'm a commercial fisherman; I work at Keys Fisheries for 11 months out of the year. On my weekends off I'm on the back of the boat. In the whole month of July, you can see me at the trap yard actually working. Anything a crew member can do on the back, I can do it. Some of the stuff the captain can do in the front, I might do it, only because I fear the water. Fishing is in my blood and if regulations keep being reduced, reduced, reduced, reduce, it's all going to be what, for tourists? And then what are we going to survive on, nothing? We'll have to leave and then what's the history of the fisherman? I was here during that thing. It wasn't nice. Yes, people were bought out, but they were forced to leave or they were forced to do something else, and I wouldn't want to see the fishermen forced to leave and do what they love to do. Because if your fishing, you love it, it's not because you have to; it's because you want to. Thank you.

MS. PRIETO: Mr. Kelly had mentioned about a translator or having some of this information in Spanish because especially with the fishing out of the Miami area and the Key West area, they can speak some English and they'll understand some English, but I'd say 90 percent of them can't read the English. I think it would be very helpful.

**MR. SMITH:** (Recording starts here) -- manager of the Fishing Companies. I just wanted to make a comment. I don't think this was part of your reading, but there is an amendment regulating the recreational catches of charterboat fishermen for dolphin. It's supposed to go in effect in June, they've voting to abolish to sell them anymore. I just want to make a few comments that down here there's not that much commercial harvesting of dolphins. It's all done through -- I mean, the local dolphin we catch comes through the charterboat captains, who supply the restaurants through the summer and the local population. I just wanted to voice my objection to that amendment.

MR. GEIGER: You're voicing your objection to the sale of recreational bag limits?

MR. SMITH: Right, they are trying to eliminate that and I think that's a bad thing for here. Most of the fish we sell was imported, anyway, to tell you the truth. And to take that away, it's not really in the best interest of anybody. I understand the fishery is not being depleted by their sales. Thank you very much.

**KEY WEST, FLORIDA**  
**DOUBLETREE GRAND KEY**

April 20, 2011

**MR. PILLAR:** My name is Robert Pillar. I'm a director of Florida Keys Commercial Fishermen's Association. I've been lobstering and stone crabbing approximately 28 years in the Florida Keys. On the mackerel amendment I would really like to see the increase in the king mackerel to 13.5 million pounds. I don't see any reason to reduce Spanish mackerel. I mean since they've taken away the nets, I don't believe they fill that quota anymore, anyway. I oppose any kind of catch shares in the king mackerel fishery; to me it's just not fair right now. We've got a pretty good thing down here. People fish it when they need to fish it; and they don't fish it, catch shares, the guys that are kind of in and out of it, you're just going to take them out of it completely, but I guess that's what they want to do, anyway. In regards to the spiny lobster, I'm not sure what amendment that is, ten. We sat here today and listened to them talk about the spiny lobster ACL at 7.9 million pounds. I'm in favor of that catch limit, or higher, whatever we can get. I looked at the thing today showing the amount of pounds of what we caught, and what scares me is if we do get a banner year we're going to get cut off. One of the things that scares me is like if they catch the fish above us in Marathon or Key Largo before they get to us, we are going to get shut off that year, and that really bothers me. As far as the undersized use, 50 per boat and one per trap, we had that argument today about, the gentleman were talking about. They were not in favor of us using attractants for bait, but I mean everybody knows that without the attractant in there, the traps are not going to catch. And since we went to the live wells and everything else, we've shown that the lobster fishery has rebounded. By taking away the live well, all your going to do is you're going to do is you're to have people putting shorts back on the gunnel of the boat in a box; and when they see the marine patrol coming, they are just going

to thrown them over the side. And, as far as the one gentleman from North Carolina today stating that we should use all legals in our traps, he's like, well, how do you know if you're going to get robbed or poached or whatever. I mean it's just—the thieving out there, if they know you've got legals in your traps they are going to rip you off, it's incredible, especially this year with the Chinese buying lobster, the lobster prices are quite high, but they said seven, eight dollars a pound, which we've only had that happen one time before. So I mean, I know that's what they want but I can't see that as a viable thing for us. It's going to really penalize the honest fisherman and then it will really hurt the fishery really bad. Now the other really big thing that really scares us is this rope issue. They are talking about the turtles and the ropes. You know, turtles like light blue and they like green and orange. They eat man-o-wars and stuff like that. You go putting those colors in a black rope, you're just going to attract turtles, and you're going to have more turtle deaths to me. The other thing is when you put that one tracer strand in that rope, you make that rope weaker and its going to pop; it's going to pop easier. The black rope holds up better ultravioletly in the sun and I just don't see—I think in 28 years I think I've untangled three turtles. Honestly, I'm not trying to—for real. The other thing is the traps in the coral. I would support – if we need to close more areas for the really hard congested things of coral, I would support that as long as our organization is involved with you guys and NOAA in doing it; so that when they put the boundaries in they don't walk the boundaries too far; like we've got Looe Key, they've walked the Northwest buoy for Looe Key all the way into 38 feet of water, which is all mud, but it definitely kind of impacts us when we are trying to fish up the inside edge of the reef for our traps. But, I see that to quarter some of those pieces of bottom off for traps, I don't see no problem with that because we don't fish them, anyway. We try to stay in the mud and in the grass. In the wintertime most of our fishery is done in the mud, anyway. You don't catch anything on the rock or on the grass, but them fish are out in the mud and they are moving, they are getting it. That's about it.

**MR. ARNOLD:** Jeffrey Arnold, Fifth Generation Conch. I'm very concerned about the ACL putting up a certain many pounds and then stop the season. I got a mortgage payment. These guys over here catch a bunch of crawfish, we don't catch none. The season stops; we have to bring the traps home. Who's going to make the mortgage payment, I'm out of a job? The economy is in shambles right now. Everybody is looking for a job and we won't have a job. How are suppose to pay our bills if the season stops? The tailing permit, I don't even—I bring the tails in, I have a tailing permit, I've had it for 40 years. I just bring tails in enough to feed the family and a few friends they want some tails. The divers, I think that's the ones you've got to target for the tailing permit because they could spear the crawfish in the head and that's illegal to do, and its being done. Nobody can stop it because they are underwater. I don't know, it's just not right how we are being treated. We are being forced right out of the business. We work hard, real hard at what we do. We are just getting pushed around and pushed around; and I don't know, it's just not right. Thank you.

**MR. ARNOLD:** My name is William Arnold and I've been fishing fulltime since 1972. My father was a fisherman. My grandfather was a fisherman. That's my brother right there; he's a fisherman; so we've been doing it a long time. Years ago we had one meeting and I think it was at the American Legion, and I was concerned about my stone crab license and the people said, well, if you sell one pound you can keep your stone crab license. So I was told one pound, a couple pounds and that didn't happen that way. And then you had the trap tags and they said, well, this is for you; this is for the fishermen. When you get old you could rent your tags. If you die your wife could rent them out. That's not happening anymore. I used half of my tags for the

past, probably eight or ten years, and I can't rent the other half. I guess I'm a lot like Peter Bacle, I've heard these things and right now I'm concerned. It's like once you get your foot in the door, what you say and what happens is two different things. And I hate to say that negatively, but that's where I'm at right now. And the tailing permit, that's one of the few luxuries that I think fishermen still have. Years ago we use to be able to go to a hospital and get our medical for free. I bring in tails, I stay, I do it legally, I'm in federal waters, I'm like 50 miles to the west, and I stay out there, and I like bringing in those tails to give away, actually give away now. Out of a thousand pounds you might get ten if the tail makes it and you can keep that tail. And I feel like, well, it's not taking it out of the catch, when really I could sell it. But, I really would like to keep the tailing. I've been pushed out and pushed out. I had extra licenses for my sons to keep yellowtail snapper grouper, I lost that. Like I say, I've lost the stone crab. That changed, they went with tags and the last thing that we really have is craw fishing, the spiny lobster. And I was surprised when I seen all those things on there for spiny lobster because it's like what else is there? This is how we make the bulk of our income now is spiny lobster, and I think you need to be very careful what you do because it's coming at a difficult time with the economy and everything. Thank you.

**MR. BACLE:** Peter Bacle, the owner of Stock Island Lobster Company here in Key West. About 30 years ago, when they first started the federal councils, I served on the first spiny lobster advisory committee for the Gulf Council. Since then I've probably attended hundreds of meetings. I've served on stock assessment panels and most recently spent about two years with the Florida Fish and Wildlife Commission Lobster Advisory Board, which we went over and studied all the science, all the economics, all the factors involved and all of both recreational and commercial lobster regulations in the state of Florida. In that thirty years I have heard more rosy predictions about how great our industry was going to be with the newest regulatory model that was coming out. I think, though, the trap certificate program was probably the top one in which it was predicted that we would by now have doubled our catch per trap or catch-per-unit effort, as they use to call it. None of the predictions that I've ever heard have come to pass. I have very little faith in what's being done right now. Either that it's going to work for any — serve any purpose or that it's necessary. We started in on an industry, the spiny lobster industry, which was the most healthy, the most self regulating probably fishery in the United States. And here we are today with a thousand different acronyms that we don't even understand anymore; with studies and grants and new rules, new regulations and studies, scientific studies that are going to be triggered if we reach certain levels. I've heard myself talk about this stuff so much that I'm tired of hearing myself say it, that there is no necessity to have any kind of a quota in spiny lobster. A quota was set 15 years ago when they instituted the trap certificate program and started reducing our trap numbers, and that's a quota on effort. And it has been proven in those 15 years that catch is directly related to the number of traps in the water. So, it is impossible with the number of traps that we have today, less than 50 percent of what it used to be, that we could possibly impact the stocks. When we had unlimited traps in the water, we did our best to catch everything we could and we still couldn't make any impact on it. And now you are understanding one of the reasons is that our recruitment does not come from our waters. That alone should show that setting any kind of a quota here is really meaningless except for statistical and regulatory reasons. I realize that this Magnuson-Stevens Act supposedly mandates everyone to set quotas, and it appears that you're trying to do something here which is going to be in line with the Magnuson-Stevens Act and still allow us to catch whatever we are able to catch with the reduced number of traps. I'm not saying that you're not making what you consider to be the right decisions and the best effort right now, but I have to say after 30 years of experience with

regulation, that I have little faith that anything that is being done now has any meaning for our industry. Thank you.

**MR. DeMARIA:** My name is Don DeMaria, and I, like always, represent nobody else but myself. I just had a few things I want to comment on, on the spiny lobster amendment. The first one is about these tailing permits. It's my understanding these things came about so that people that like fishing in the west and trappers, Tortugas, to stay out for ten days or two weeks, could tail their crawfish and land a better product and for the shrimpers, too, but I'm not even sure that's an issue anymore with shrimpers because, there are so few of them, and I'm not even sure if they are allowed to take them. But it was not designed for divers in Northeast Florida to circumvent the law by spearing lobster and getting rid of the heads. And we all know that's a problem up there, and I say that because that's where I'm from is that area. I know years ago one of the divers took out some FWC biologists – and I can give you their names, I'd rather not do it on the record, but I could put you in touch with them – took out these FWC biologists and tried to prove the point that they needed to spear them because the ledges were so deep. And so they were spearing them right in front of them. So, if you do that you should expect some sort of repercussions. I think a reasonable thing on this would be like to draw a line somewhere, Dade/Monroe, and no tailing permits above that. There's not really that much—the trapping that goes on above that are all day trips. And the diving, you don't really – we know what's going on. And you get a little bit below Jacksonville, St. Augustine, Daytona and that, probably West Palm Beach to Fort Pierce – maybe Bill can talk a little more about that – that's not so much a spearing issue there; it's the use of bleach. We know that's going on. When you dive down the ledges and find squashed bottles of Clorox, you know what the deal is there. The ledges are deep and it is helpful to get the crawfish to come out, but it's doing a lot of damage. And again it's not something I like to really see happening, being a diver, but it is what it is. A tailing permit just for those fishing to the west, and I use to—I don't go out there much anymore, but going to Tortugas or somewhere diving for a week or so, it was helpful to me. But I know what's going on in North Florida; that's pretty obvious, especially when fishermen take the biologists out there and show them what they are doing. The other one would be limiting fishing to protect corals. I don't know, it's like trying to close the door after the horse has already run out of the barn. The coral is dead here. And I know the elkhorn and staghorn I believe now is listed as endangered, which it's good that people are paying attention to it, but I think it is going to create so many problems. I've got live rock site and I can't bring in any—even if a polyp of elkhorn or staghorn settles on my rock, I can get in trouble for bringing it in now, so it's kind of—there's going to be some problems with that one. And like I said, most of its dead now, anyway. I'm not sure what we could do at this point in the way of limiting traps. Gear marking, there was some talk about using different colored ropes for traps. It's difficult enough for these guys just to get black rope; at times their out of that. I can imagine trying to get different colored ropes; that would be a hard one. Removal of derelict traps, the real issue ought to be just marine debris removal in general. There is so much junk along the mangroves, particularly the southeast side. A percentage of it is derelict traps and buoys and whatnot, but I think just singling out one part of that junk is not really the way to go. If you to the southeast side of Marquesas, there are numerous Cuban refugee boats washed up in there, there are five gallon plastic things of diesel just sitting in the sun ready to burst. There are hypodermic needles probably from saline injections – I don't think it's a drug thing; but just garbage everywhere. If you just go snorkel where House Boat Row use to be, I was just there today helping somebody with a benthic survey, right across the street here. It's just junk on the bottom, old tires. There's lawn chairs, refrigerators and the derelict traps make up a small percentage of that. You can tie it to someone with the tags on it, I guess that's a

concern, but I would think that the Sanctuary, rather than traipsing around the world going to different conferences and telling everybody what a great job we are doing here and preaching to others how to run their environmental programs, they ought to clean up their backyard first. And this place is a dump. If you stick your head under water in certain areas. you go through the mangroves, it's an embarrassment. I was hoping that this House Bill Coastal Jobs Creation Act, which had a lot of parts in it for marine debris removal, that was HR-4914, would go somewhere, but then the BP oil spill came up and I guess it got sidetracked. But that's something we really need to do down here is marine debris removal. It's not just the derelict traps; that's a small percentage of it. I think that's about all I have to say. And if you want the biologist's names, I can give it to you off record.

**MR. DIAZ:** My name is Ricardo Diaz and I'm a commercial fisherman. I just want to comment on some of these actions here. I think on the tailing permits, the Alternative 1 is the one we should leave for the sole reason for the boats that fish offshore, that can't make it back to port daily, that they stay out longer than 48 hours, they need the tailing permit. It's something that is a must. To keep product aboard the boat, to keep it fresh, normally the boats try to keep them on ice and they don't stay no longer than six days on ice. So if you plan to make your trip a little bit longer than six days, you have to be able to be flexible to tail your product on the first couple days of your trip, to extend your trip longer than six days. On the different colors of the rope, I also agree on number one. I don't think we should be changing colors of rope. I fish trolls, strictly trolls. All of my traps are tied together and I've got about \$60,000 worth of rope; and to go trying to change that rope or different colored rope, besides we've tried it in the past and we put different strands in the rope, and there is something with the strand that goes into the rope when you change it, that it doesn't hold up to the sun and it rots out. And then we're just going to have a big nightmare of traps popping off. What is in place right now with the black trap rope is the best thing out there. We've tried everything. We tried to identify our gear by rope color, like I said, and it doesn't work. It doesn't hold up to the sun. So we wouldn't like to see that; we'd like to keep it black the way it is. For the closure of the bottom on the coral, I don't think that we need any more closures, like everybody's already put the testimony in. Well, we haven't, but with the Sanctuary, they did a lot of studies, Bill Causey did, and we was a part of that when they were doing the closures down in the Dry Tortugas. We have his testimony on deposition there at the American Legion when Peter Doltch was down, and his testimony was the prettiest coral that he's seen is where we do our hundred percent fishing on the bottom, showing that there is no impact on the gear that we use. Unfortunately. what's happening up further this way, closer to home is like the one gentleman commented is the water quality, the bleach, you know, the chemicals coming from shore and we are able to reach the bottom and touch the bottom. I think that was all of them; wasn't it? That's it, thank you.

**ADAM DISSON:** My name is Adam Disson and I represent the fishing vessel 2<sup>nd</sup> Destiny and AJD Marine. Currently I am the only independent fisherman in Key West that owns his own dock. I have the largest vessel in the fleet of spiny lobster fishery right now, and I've been through the gamut of stuff for the last twenty years. I mean, I don't know if you want to hear how much they've given me and taken me away, but it's just unbelievable. My basic feeling on what's going on right here is I understand that they have to do something now, but for all these year's the federal government wasn't involved in the spiny lobster. It wasn't even on the fishing report that we filed every time we came in. There wasn't even a space to put spiny lobster or how much you caught, yet I did it every time for the last 20 years because I knew some day this meeting would come. And now, all of a sudden they want to do stuff and take control of the

lobster when they never even cared about it before this year. It seems kind of strange to me when guys like me have been fishing this, poured their heart and soul and bought property, bought boats, bought gear, support families for years; the whole town runs off our backs right now because everything else is dead – if it wasn't for the fishermen, a lot of these stores would be closed in this community. In terms of these points and all this stuff, I can't get into all that; I'm not a very educated man. In terms of the coral, everybody has got to protect the habitat. The habitat needs protecting, but you closed all these areas already, took the same amount of fishermen and gave them less bottom; caused more problems, put more stress on the bottom we're fishing. We didn't do that; the federal government did that. So you have this many people used to fish this much area but now your fishing this much area. You don't have to be a scientist to tell that it's going to stress the area that's left because it's the same amount of fishermen, but yet we're paying the price of somebody else's decision. If you take more bottom there's going to be even more of a tight squeeze for the people that already fish this. There's not enough room right now, but if you take more bottom you're going to make the situation worse because we're all going to fish real close together on a little piece of bottom and that's going to be dead. And then, you're going to say, look, that bottoms dead, oh, the fishery has got to stop; but yet we didn't desire it that way. It was fed to us that way. In terms of the rope, I don't fish single gear. Every year I lose less than 20 traps if there's no storm. Those traps have no rope on them when I lose them. I fish longlines. I've had the same line since 1992, 1994. I've got rope as old as 1990 I'm still fishing, so how does this apply to me when I have no record of ever having a problem losing my traps? Never had an infraction of any of my traps being found after the fact, but yet I'm supposed to go and replace all of my rope? That doesn't seem fair when I'm not a single fisherman. I'm a trotline deepwater fisherman. And, by the way, I became to be a deepwater fisherman because of you all making your decisions years ago, pushing me further and further away. I bought the biggest boat to fish out west where I was, hell, you closed that, you took Pulley's Ridge; I was the only one there. So, I mean, the taste in my mouth is unbelievable right now because of what's happening. It just seems to me that if it were such a big concern all these years, you would have been involved in the spiny lobster fishery just a little bit more; except for right now, even though they changed the law, it was right—all the information would have been given to you, you would have had a hand in the pot the whole time. I don't understand why right now everything has got to change into this when we don't have a permit for it; you don't even permit us for it. You permit us for tailing but not for the spiny lobster itself, but yet you're going to take control or mandate what the state has to do after the state was given control all these years. So it's kind of confusing to a guy like me that's been through – let's see, I went through the golden crabs, told me to go fish them, then they took my permit from that because there was too many people. After I'd just put \$80,000 gear on my boat, they changed the date and told us we couldn't go fishing. Then they told me to go shark fishing; then they told me don't go shark fishing. Then, let's see, net fishing I got closed out of because my boat is so big I can't go for two strikes, it doesn't pay. My boat is just too much of a boat to go for two strikes. I was a fish trapper primarily, did all of that rigmarole with the fish traps, put the trawling in, inspecting the traps waiting for this, doing for that; never had a problem fish trapping, the best fishery in the market because there is no bycatch. When it's done legal and right it's a good fishery. I understand the problems with that. Then they took that from me, then I went longlining, guess what? You took that from me. I mean, it just seems to me, am I done, should I tell my son to go do something else? I mean, this is the last fishery that I'm in. I've been chased out of every other fishery that I've been in. I can't go grouper fishing. I use to catch 30 to 40,000 pounds of grouper a year; I got 6,000 pounds. I can't go fishing for 6,000 pounds. My boat is 70 feet long; that's one trip. I can't go one trip a year – gear up and do all that for one trip a year. It's not

economically feasible, besides the mates won't do it, not for one trip. So, right now I'm at the last fishery of what I've got. I'm in the spiny lobster fishery. I'm an innovator. I've got the only boat with a real live well. I've done a lot of stuff to make the product valuable and viable in the market. I've gone all around; I traveled all around the country to sell my product. Now, is this it? I mean, am I going to get an answer, because I'll just sell everything now. I don't want to fight them. I don't have nothing else to fall back on and now you guys are attacking the lobster. So, if you could see it from my point of view after going through all these years of taking and doing—go do this, then take it away—go do this, then take it away; now we're down to the last fishery that I have. This is it, if you take spiny lobster from me, I'm out of business in terms of fishing because my boat is too big. I can't go yellow tailing. You just can't do certain things when you have a big boat. And to come down to it the reason why I have a big boat is because of you guys; you told me to go fish trapping way out west. When you closed down the reef off here, I had to go to federal waters, and I had to go deep because it was the only place to go. So now, I mean, I'm stuck with a big boat and a fishery that's my last straw. I'm trying to make it work and now here we are. So, my question to you guys is look at what it does to the people that are really invested in this fishery, not the part-timers who go crabbing and go do all this, I'm a hundred percent lobster fishing, that's all I do. I don't go crabbing; I don't do nothing else. I don't have that—when you do this for real, you don't have time to do nothing else. Like I said, I'm not an educated man; it would take me a long time to understand all these points, to come back to you, but yet I'm a vested person in this fishery, heavily. I have got a dock with a mortgage. Not one other fisherman has his own dock in this town; so if that doesn't prove to you that I'm a vested fisherman that has an interest in what you say, but yet my voice will not—it's just one out of a million I guess, I don't know. I hope you guys make the right decision; and if you want more information on what's really going on, let's get with the fishermen a little bit more that actually do this on a real basis, day after day, and have them work with you and show you what's going on with this fishery; how it actually works and what the impacts of your past decisions have done to get us to this point. Because, right now we have a serious problem with what you all did with the take zones that you already closed, and that's caused us a big problem in this fishery. And we're seeing it now because these areas are going dead when they shouldn't go dead. And we as fishermen see it, we want to change it but we can't, but yet it's going to be up to you guys, the ones – I don't even know if any of you all been on a deepwater trawl, have you ever seen it done? Has anybody ever showed you what's going on out there in the deep and how this all goes on? I mean, I don't know, where does the science come from to get to this point? I don't know if that question can be posed, if I'm just making a comment or that's about it. It's very confusing to me at this point in my life; and it's kind of scary too, because I don't know what else to do. Once you've been a fisherman, it's hard to stop.

**MR. GALE:** My name is Mitchell Gale. I'm a commercial fisherman out of Big Pine Key since 1978, and I'm on the board of directors of the Florida Keys Commercial Fishermen's Association. What I'd like to address today is Action 7, using shorts as attractants, and I would support preferred Alternative 4. In my business we use attractants; I mean, we treat them like gold. The areas I fish, we don't get a big influx of undersized lobster to use as attractants early in the season. Ours come a little later on, so the ones that we do get we take a lot of care of. You're probably aware that in this season we've had a Chinese market of live lobsters, so we've all put upgraded live wells and aerators, so our lobster are getting treated as well as they've ever been treated. In my business we treat our bait very carefully. I know that they feel that the mortality from these lobsters when they remain in the traps too long, but we often change lobster out when they see that they're weak or not up to par, because in that case they are not really

valuable to us. That was really my main point. There are other points such as area closing and marking trap lines, but our Executive Director Bill Kelly will probably touch on those and give my opinion. He'll represent my opinion on that. And also in closing I'd like to stress the other main opposition was to catch shares. I think our fishery, the way it is set up manages itself. Now I know catch shares is going to be a mandatory or might be a mandatory procedure, but I think in our fishery with our trap reduction plan we're pretty well managed sufficiently right now. I appreciate your time and I just want to make that statement. Thank you.

**MR. HARRIS:** Good evening, I'm Rob Harris. I represent myself. I'm here to speak on the spiny lobster amendment. I live and fish here in the Florida Keys, specifically out of Key West. I'll try to keep this short and sweet. With regard to Action 1, I really don't support any of the actions on there because of the fact that I don't like having the spiny's not included with the grouping. I think it needs to remain in that grouping. Action 2, 2-1, 2-2, 2-3, 4-2, 4-3; when I read through those particular amendments, I kind of grouped those together because they all kind of fall in together. Because of the fact that they talk about assigning the ACL's, which I know that there is pressure that some sort of ACL has to be reached and achieved, I really truly, especially after sitting next door in the brief, I don't believe that there is really enough information out there. And when you look at the graphs for the years catch histories, you see such wide swings in there. I also understand that there is no AMs that are going to be triggered as far as shutting down the fishery. But my big concern is being here in the Keys and knowing how the lobster fishery is down here, that you have cyclic swings, and just the populations, and, of course, we have hurricanes to deal with, and it's going to be very hard to track a lot of that data; especially considering that there is no recreational input, truly, into that spiny lobster number that's figured. I understand that the numbers we're talking are less than 25 percent of the overall catch, and I think that's probably accurate, and I think that's probably high. It is probably a little bit higher for the commercial and the recreational, but the point to that being that we've got to figure out some way to have some sort of actual assigned reporting system. And I know that the state does it through the lobster stamps that we have to buy so at least we have some sort of measure to build those numbers from, but for us down here in Monroe County, well, we're only allowed six per person per day; whereas up on the mainland you get twelve. We have a big push of folks to come down here for a mini-season and they take and rape and pillage and do everything they want to and then they go home; but for those of us that live here, I've got a permit, my wife has got a permit, and I can tell you that I eat maybe six lobster a year. And I'm right here and I see them all the time when I'm diving, but just because I have a stamp doesn't mean I'm actively out there doing it to the degree that I think the MRFSS System put that emphasis on; so possibly a new way to collect some of that data, online reporting, something. In Action 7, I also support the Spiny Lobster AP's recommendation with Alternative 2. Action 8, I support the AP with Alternative 2; Action 9, I support Alternative 2 and a degree of 2 and of 1, I understand that the AP recommended no action on it. I do think that there is actual cause to go out and look to see where these traps are. I'm completely – well, I won't say completely; I am adverse to wide area closures, closed areas, but I think that there is some way to limit where these traps are going in and where they have the potential to impact some of the corals and live bottom that your trying to protect, because they need protecting, nobody can deny that. I know that some of the folks that put the traps out say, well, there's very little—I've lived down here during Wilma and I was running my boat down to the west, and so I know when I see these clumps of 50, 75 traps together, that they didn't all come together all at once, they had to drag across something. Whether or not those areas were in critical areas, I don't know, I won't pretend to know. I think that there is a happy medium that can be reached between no action and

complete area closures. On Action 10, I also support the AP's recommendation with Alternative 2 and with Action 11, I also support the AP's recommendation of Alternative 2. Thank you very much for your time and good to see you.

**MR. HERNANDEZ:** Jesus Hernandez, Jr. I work with my Dad on the lobster boat. He's been doing fishing for like 30 years. I've been fishing with him off and on over the years for a long time myself. I just want to make a couple comments here. First of all, why are they basing the — like the 7.3 million on the last ten years when the graph shows 20 years' record. And if they go back 20 years if you look at the graph, the first ten years the catch was way higher than what it is in the last ten years. So, why would they have a graph for 20 years and only base what they're deciding on the catch limit to be on the last ten just to make it lower or I don't see what the scientific reason for that would be. And the other thing is I know they have a catch limit on fish, like king fish and all that, but the spiny lobster is not the same or shouldn't be put in the same category as a fish. I mean, you catch a fish and you've got to put him back in the water or he dies. I get a dozen lobsters, take it home, throw it in the sink, and wake up the next morning, they are still moving around. So they don't get impacted by the environment as much as a fish does. It's a scavenger; they eat all the crap that they see on the bottom of the ocean. That's why we put rotten cowhide to attract them. They are not going to die. They have been compared to your domestic cockroach at home because they multiply, so I think when the scientific decision to do what they're doing, trying to implement a catch limit and all that, maybe they're not looking at the lobster as being totally separate from kingfish, a grouper, all of the other limits that they have set in the past. One more thing I would like to say is about 80 per cent of the fishermen in Key West, at least, are Spanish speaking. They don't understand English that much. They understand it, but they don't speak it as well. So when they implement all these rules and stuff and these meetings, they should have somebody here speaking Spanish so that most of the fishermen could come out here and listen and know what's going on. When you're going to change their livelihoods and all that, most of them don't even attend because they don't know what's going on as far as that goes. So, I'd like to think they need to make more better decisions, educated decisions on this, they need more information from the fishermen themselves. And if most of them can't come up here and speak to you, you're not going to know what's going on.

**BILL KELLY:** My name is Bill Kelly. I represent the Florida Keys Commercial Fishermen's Association. I did give comment last night, as you know. I just wanted to clarify some information that was discussed today on the use of undersized lobsters as attractants in baiting lobster traps. The bycatch mortality rate is estimated at 10 percent in the use of shorts as attractants, which is the lowest in any of the managed fisheries by all the councils. By comparison it's as high as 20 to 30 percent in finfish categories. It is known that by utilizing shorts as attractants, we catch at a rate that exceeds an unbaited trap by two to three times more productive. In many cases as this fishery begins and develops in the north and east, fishermen catch their catch faster because they're recruiting or harvesting those lobsters that are in that area. The fish then, through the course of the season, they work their way to the south and west and deeper water. By using those shorts as attractants and getting those catches further, it often times reduces the soak time on traps because the fishermen retire their traps early, and not only does it then curtail any further mortality that's occurring with the undersized lobster, but it also reduces significantly bycatch on other finfish such as pinfish and tomtates and grunts that might have found themselves in those traps. It's a significant improvement in the fishing and is, of course, very successful for this industry. I just wanted to point that out and would appreciate your efforts here the past couple of days listening to us. Thank you.

**MIKE LOTASINA:** Mike Lotasina, commercial fisherman. First off, I'd like to applaud you on your approach for your total allowable catch thing. You didn't use the one size fits all thing that the federal government normally uses and doesn't take into account local areas and different fisheries, and it looks like you're trying to do something good on that. As far as the tailing permits, we need tailing permits in this area because of the boats that fish offshore. You can't freeze or ice whole crawfish very well, they turn black, you'd have to soak them in so much bisulfate they'd be inedible. Color-coated ropes, I don't know who came up with that one. They are surely not of this world, because that's the most impractical thing you could ever think of. We don't even have enough colors in the rainbow to cover all the fishermen we have. There are four different people in my little area alone fishing the same color buoys. I mean, we can't differentiate the colors as far as that, and how are we going to do it with ropes? I don't know what you're planning on enforcing with it. If you find a purple rope, you're going to go to the guy that's got the purple rope and fine him? There's going to be a hundred guys with purple ropes out there. And right now we're having a hard time buying rope at any price at any color; and to get those companies – and there's only I think two of them in the whole United States right now that are in operation. And to get them to make a whole bunch of different colors of rope is just going to be impossible. That whole plan is just an unenforceable and impractical rule right there. As far as putting the traps on the Aquapura bottom, anyone that puts a—no one that puts a trap on that kind of bottom is not going to get it back up, because the ropes are going to get tangled around and you're going to lose your traps. Any traps that are in that area are put in there by storms or by accident. People don't normally fish that bottom. First off, the fish won't go in the traps. They like the grass bottom to get your maximum catch. Fishing that hard bottom just destroys your gear, anyway, and most of that coral is dead, anyway, I don't know where you're going to find any live aquapura. All Looe Key is nothing but dead stumps. It once was beautiful trees of this stuff and now it's just stumps about that tall, green covered with algae. You're never going to bring that coral back until the water quality changes. That's what killed that coral; it needs clear water. You look at where it grows throughout the whole Caribbean and it's only in the clearest, cleanest water where that type of coral grows and, we don't have that any more. The Sanctuary said they were going to clean up the waters, but that's just more hogwash to get another bureaucracy on top of us. I guess that's about all I've got to say.

**BILL PARKS:** My name is Bill Parks. I'm from Palm Beach County. I was a commercial diver, fisherman, tropical fish collector for about 30 years and now my body is telling me to get out of it., but I did want to comment on a couple of things. First, what Don mentioned about the tailing permits, and the bleach. I wasn't going to talk about bleach, but since he brought it up, I will. In the years I've been a commercial diver, the majority of the commercial divers in Palm Beach, Martin and St. Lucie counties, the ones that do a lot of lobster are all using Clorox. I've seen the damage it can do firsthand. Shoot it up under a ledge, you see the margates and the coral shrimp and everything just drifting out dead and rolling, but they do use it. If you have a deep ledge and you shoot Clorox under it, it will run every last crawfish out, and you'll see them start to do the leg dances. The Clorox is burning their gills that are attached to their legs and they'll ultimately – most of them will die, but it gets every one of them out and they catch them. It is a problem. I don't think the way the state's bleach possession law is written is very effective; but if you want to look at it some time, the bleach problem, keep that in mind. This leads into the tailing permit. At the very least, I don't think divers should have — I can't talk about Monroe County, but Palm Beach, Martin and St. Lucie going north, I don't think divers should be allowed to have tailing permits; because when I was in the business years ago, you hunted with a pole spear whether you used bleach or not and it was called jing and ring, you jing 'em and ring

'em and go. The tailing permits were a good dodge to get around that. If you had one that the hole happened to be in the head or the hole hit the tail, you hid the tail, but in general the tailing permits for divers up there was a dodge, so you could get around the no spearing law. It's something to consider. Anyway, I've done enough damage for the day and thank you very much.

**MIMI STAFFORD:** Good afternoon and thank you for your time. My name is Mimi Stafford, I've been a commercial fisherman in the Keys since 1974. My husband Simon runs one boat; I run another boat. I do lobster fish in the area that is being considered for some changes in terms of closed areas for coral protection. I'm a biologist by background; I'm very supportive of protecting the natural environment. Any of the good fishermen will tell you the same thing that the environment is extremely — a healthy environment is crucial. If we don't have a healthy environment, we won't have a catch next year and a future. My son is also involved in the business now and is looking to stay involved in the future, so I want to make sure that it's maintained both for the sake of the fishing industry, but also for the sake of the whole ecosystem. I share my husband's concern about the annual catch limits. I was on the state's lobster advisory board. We talked a lot about allocation of the resource and about coming up with a limit, and we have a limit already. This would be a double limit on our fishery. We have the trap certificate program which we have voluntarily done a great deal of reducing our impact on the environment and on the lobster fishery. To put another ceiling on it, I don't know that there is another fishery that has had a double layer of regulation like that. I would ask that every effort be made to either set the limit very high or if there is a method that can be used to exclude this species based on the fact that it's already being limited, I would really encourage you to do that. I also have concerns about the closed areas for the coral. As we've said, we have this ecological reserve right next to where we fish. Fishermen do not wantonly put traps on corals. We do everything we can to avoid it because you'd be a really poor fisherman. You're not going to catch much and we don't care to harm the environment either. I would ask that that is carefully reviewed so that we know what kind of true impact that we have before we close additional areas. We've had a lot of loss of bottom already. The other thing I think I wanted to speak about was the ropes. My understanding is that the impact from our trap line has been pretty small in terms of endangered species. I'm concerned about — especially with turtles, I'm concerned about the coloration of the lines because there is documentation that implicates that turtles are attracted to color. I think if we start coloring our lines, we may actually be doing more damage in that you don't want to attract them any more than you do now. And my understanding is that the impact is very minimal, and it would cost our industry a tremendous amount of money to have to change over our lines at this point. We use the black because they are the most resistant to ultraviolet and so they maintain longer that way. Those are my main concerns. I appreciate your time, thank you very much.

**SIMON STAFFORD:** I'm Simon Stafford; I'm a commercial lobster fisherman. I'm a member of the Gulf of Mexico Spiny Lobster Advisory Panel. I guess I'm speaking for myself as well today. Really, this last year I'm feeling optimistic about this fishery for the first time in a decade. I feel optimistic about I've seen clearer water quality. I've heard Jim Porter from the University of Florida has stated that he's been monitoring the coral reef. He has seen not a decline this year; he has even seen a slight increase in coral coverage this year. I personally have had my back-to-back best catches ever. It beats the nineties. I fished with just about the same amount of gear as I've always fished with since then. I'm seeing people invest in the fishery. It's coming back for whatever reason, whether we've just been through ten years of hurricanes and messes, hard to say, I don't know if anybody really knows what the story is, but I would be a

trifle disappointed at this point if an annual catch limit was put on this fishery. I would think we've passed fairly substantially this year; the catches have been that good. To get sort of cut off from an arbitrary decision to impose an annual catch limit in this fishery – I know you're mandated to do something like this, but I would certainly like to see you be as optimistic as you can. I think you have been trying to do that; but barring hurricanes, which, of course, we have no idea what's going to happen this year, I think we're looking at a very good fishery. We've seen a great reduction in the number of traps, impacts to the coral. I fish right out here. I fish out of Stock Island to the east there. We've got one of the biggest ecological reserves in the National Marine Sanctuary. It's like three miles long all the way to the beach from the reef. I'm sure your impacts to the coral are probably absolutely no different between that area and any other area that you could study. I'm sure that Endangered Species Act requires that you do that analysis. You've got quite a good study area there. I would say we've got a good fishery and I'd really ask you not to try and impose too many more regulations. It seems like things are coming back and, like I said, I'm invested in it and I see things rolling along very nicely. I think management measures have worked very well so far.

# SAFMC Public Hearing Letters

April 29, 2011

Bob Mahood, Executive Director  
SAFMC  
4055 Faber Place Drive  
Suite 201  
North Charleston, SC 29405  
Mackamend18comment@safmc.net

The underlying theme of this fishing management plan is to place these stocks in compliance with the reauthorized Magnuson Stevens Act, while allowing fisherman, both recreational and commercial as much uninterrupted yield as possible. The use of landing data makes the chance of accountability measures going into effect very likely due to the lack of new stock assessments.

What fisherman do not want to happen is the black sea bass scenario repeating itself with king mackerel, Spanish mackerel or cobia. I suggest lowering recreational bag limits to ensure a year round fishery in all of the above. When new stock assessments are complete raise the bag limits to whatever the stocks deserve.

I have a few thoughts about cobia. There has been conflicting regulations on cobia between Florida and SAFMC for years. Why not change Federal regulations to match Florida's? This is in favor of the fish and will allow the for-hire and recreational fisherman to fish all year round for cobia. A reduction from two fish per person to one fish per person in the commercial sector is insignificant because of the very low percent of commercial landings. Once again this could be revisited after new stock assessments have been done.

Sincerely,



Brock Anderson  
Bottom Dollar Charter Fishing  
Port Canaveral, Fl  
321 452-1800 (home)  
321 536-0802 (cell)

**From:** [Walter Wilson](#)  
**To:** [MackAmend18Comment](#)  
**Subject:** Amendment 18  
**Date:** Thursday, March 31, 2011 9:11:58 AM

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I think we would be better off in doing away with the SAFMC all together. All of you must be bought off by WalMart or somebody similar. Obviously you do not know what you are talking about, are mis-informed, and don't mind losing millions of dollars in revenue for our folks who love fishing. Why don't you all make a personal visit to come fishing with us here in Florida. I offer you a free trip any time you want to go.

**From:** [Kalaitzis, Patti](#)  
**To:** [MackAmend18Comment](#)  
**Subject:** Another SAFMC Battle  
**Date:** Thursday, March 31, 2011 9:14:39 AM

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First closing Red Snapper, Grouper, vermillion snappers and other fisheries made it hard for a lot of recreational fisherman (such as myself) and especially to the charter captains ~ financially and recreationally. Many factors such as drought and fire may lead to a water body being closed for fishing on a temporary basis buy not for months or even years. Now This is too drastic & not truly necessary. I believe if changes need to be made due to establishment in the growth of king Mackerel, Spanish Mackerel, Cobia, Wahoo and Mahi Mahi ~ Dolphin (Dorado) putting pressure to drop this Amendment 18 is a must! If this needs to be put into place than there should be records or documentations backing this implementation of changes of limitations of species on board or per person. My husband & I have lived in Jacksonville for 12-years. We choose Jacksonville, Florida because of the St Johns River, easy access to the ocean & mainly the enjoyment of fishing. I am retired US Navy and have been stationed twice in Jacksonville/Mayport. The people are great and the fishing is AWESOME. By putting pressure to drop Amendment 18 entirely, this would be a detrimental impact to our Florida economic growth especially for Charter boats, recreational fishing (such as ourselves), Sea Tow, Boat US, West Marine, Bait shops, Insurance companies, etc. Our children's future of the great outdoors in the sport of fishing has also a Hugh impact ~ what happen to "Hook the Future". Fishing is a way of life to some, but for us, it's our only get-away. It is truly a great feeling being on the open waters, a breeze in your face, salt water in the air and reeling up a surprise at the end of the line. To us, it is a sense of freedom, hitting the jackpot or the lottery. By putting pressure to drop Amendment 18 should not be the end of the line, there are other alternatives that really need to be looked into & investigated toughly. We need to keep the sport alive not only for us but in our children's eyes. Please reconsider your actions by taking a better look.

Thank you for your patience, time and cooperation in this matter.

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*Patti Kalaitzis* 

Coastal Conservation Association  
Comments on Amendment 18  
to the Coastal Migratory Pelagic Fishery Management Plan  
for the Gulf of Mexico and South Atlantic  
Public Hearings  
April 2011

Good evening, my name is Trip Aukema CCA Florida and I would like to thank the Council for giving us the opportunity to address the wide assortment of actions and alternatives proposed in Amendment 18.

Having said that, we must also express our concern that releasing the 333-page public hearing document on April 5 and scheduling the first public hearing on April 11 is not conducive to obtaining constructive input, if that is the goal of the public hearing process. CCA recognizes the pressure to meet the 2011 deadlines of the Magnuson-Stevens Act to set annual catch limits and other management measures for fisheries that are not undergoing overfishing, but the timeline for these public hearings is simply unreasonable. Allowing less than a week to review the public hearing document is unacceptable and once again casts doubt that the Council is sincere in its efforts to gather and utilize meaningful input from the recreational angling community.

The following testimony has been prepared by Coastal Conservation Association to address proposed Annual Catch Limits (ACLs) and accountability measures (AMs) for king mackerel, Spanish mackerel, and cobia. With regard to the formula the Council uses to set ACLs, CCA commends the Council for its willingness to explore a more reasonable manner of setting limits for an unassessed stock. The previous proposal to set the ACL at the median of the last 10 years landings was fraught with problems. We are more encouraged by the Council's current method of setting the ACL at the level of the third highest landings over the previous 10 years.

#### KING MACKEREL

With regard to Atlantic migratory group king mackerel, the stock was last assessed in SEDAR 16 in 2008. Subsequent Council action set catch limits based on that assessment and the recreational harvest of king mackerel has remained under those limits. As a result, CCA is recommending that there be no changes in the management measures currently in place for king mackerel.

Regarding the need to set an accountability measure for king mackerel as required under the Magnuson-Stevens Act in the event that the recreational sector does go over its ACL at some point in the future, CCA recommends that the Council remedy the overage by modifying the recreational bag limit, rather than enacting closed seasons on king mackerel.

#### SPANISH MACKEREL

CCA believes the most significant consideration for the Council in this fishery is the fact that the recreational sector has been under its limits for the past decade, and therefore we are recommending that there be no changes in the management measures currently in place for

Spanish mackerel. It is also essential to note that while Spanish mackerel currently do not have an accepted, peer-reviewed stock assessment, and are therefore subject to the new Council guidelines described earlier for setting an annual catch limit, a coastal migratory pelagic assessment for king mackerel, Spanish mackerel and cobia is scheduled for 2012.

CCA maintains that for unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. Spanish mackerel are one of the most assessed species in the South Atlantic and there are no indications of trouble with the stock.

#### COBIA

Like Spanish mackerel, cobia is an unassessed species and is subject to the Council's new method of setting the annual catch limit at the level of the third-highest landings over the last 10 years. CCA maintains that for unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment.

CCA recognizes that the Council has data indicating that the recreational sector went slightly over its annual catch limit in 2010 but would like to emphasize that the Council's conservative past management of this species has produced a stock that is steadily increasing. We believe this is a situation where the stock is most likely healthy, larger year classes are entering the system and anglers are encountering cobia more often. We encourage the Council to wait for the results of the assessment scheduled for next year before considering any new management measures for cobia.

Thank you for this opportunity to present our comments on these issues.

Coastal Conservation Association  
Comments on Amendment 18  
to the Coastal Migratory Pelagic Fishery Management Plan  
for the Gulf of Mexico and South Atlantic  
Public Hearings  
April 2011

Good evening, my name is Greg Craddock and I would like to thank the Council for giving us the opportunity to address the wide assortment of actions and alternatives proposed in Amendment 18.

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Regarding the need to set an accountability measure for king mackerel as required under the Magnuson-Stevens Act in the event that the recreational sector does go over its ACL at some point in the future, CCA recommends that the Council remedy the overage by modifying the recreational bag limit, rather than enacting closed seasons on king mackerel.

## SPANISH MACKEREL

CCA believes the most significant consideration for the Council in this fishery is the fact that the recreational sector has been under its limits for the past decade, and therefore we are recommending that there be no changes in the management measures currently in place for Spanish mackerel. It is also essential to note that while Spanish mackerel currently do not have an accepted, peer-reviewed stock assessment, and are therefore subject to the new Council guidelines described earlier for setting an annual catch limit, a coastal migratory pelagic assessment for king mackerel, Spanish mackerel and cobia is scheduled for 2012.

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CCA recognizes that the Council has data indicating that the recreational sector went slightly over its annual catch limit in 2010 but would like to emphasize that the Council's conservative past management of this species has produced a stock that is steadily increasing. We believe this is a situation where the stock is most likely healthy, larger year classes are entering the system and anglers are encountering cobia more often. We encourage the Council to wait for the results of the assessment scheduled for next year before considering any new management measures for cobia.

Thank you for this opportunity to present our comments on these issues.

April 8, 2011

Comments on Amendment 18 to the Coastal Migratory Pelagics Fishery  
Management Plan

Dear SAFMC,

Overall this amendment is reasonable and achieves the goals without resorting to drastic and unnecessary measures. It is also proactive in nature and attempts to keep healthy fish stocks healthy instead of waiting for a problem to occur. I do have some input on measures to be considered for this and future amendments for Coastal Migratory Pelagic fish.

**King mackerel:** Keep the current bag limits at 3 per person/day from Georgia through New York and 2 per person/day off the east coast of Florida. Keep the minimum size limit for both commercial and recreational fishermen at 24 inches (fork-length). For recreational and charter boats add a 10 per boat limit. King mackerel is not considered good table fare and certainly does not keep when frozen. Many charter vessels encounter them and if they keep their limit this is 18 king mackerel per boat. There is no reason for keeping that many of these fish, they will only be wasted.

**Spanish mackerel:** Change the current allocation of 45% recreational and 55% commercial to 50% recreational and 50% commercial. Reduce the annual commercial quota accordingly. The reduction of the recreational bag limit from 15 to 10 fish per person/day is a good measure. Add a 40 per boat limit for recreational and charter vessels. Spanish mackerel are fished by recreational boats commonly for table fare. I have noticed that in the last 4 years the large schools of 2 plus pound Spanish mackerel that would be in Charleston harbor in July – September have gotten noticeably less frequent.

**Cobia:** Keep the 2 per person/day bag limit and a 33 inch fork-length minimum size limit and add a 6 per boat limit for all recreational and commercial vessels. If this is done this stock should stay healthy for the foreseeable future without spawning season closures. SAFMC should investigate stocking programs paid for by recreational and commercial license fees and/or federal grants. These fish are known to spawn and release well from captivity. These measures would be supported by fishermen and should provide a return on investment into local economies. See the pictures below showing why a boat limit is needed for these, and other fish. When schools of hungry cobia show up at artificial reefs they are susceptible to high fishing pressure. With four or more people in boats out there this can result in 8 to 12 fish per boat being kept. Cobia are not picky eaters and there has been a shift lately with more smaller boats pursuing them.

Thank you for your time and consideration on these issues,



Fowler B. Del Porto



1 six Pack Charter Vessel – 12 Cobia = **TOO MANY!**



1 six Pack Charter Vessel – 6 Cobia = **JUST RIGHT?**

**WELL – It's a good start and I do not think anyone can say this was not a good day of fishing!**

On 4/12/11 11:59 AM, "Del Porto, Fowler" <[DELPORTOF@charleston-sc.gov](mailto:DELPORTOF@charleston-sc.gov)> wrote:

Robert/Kim,

Please see my comments regarding the Coastal Pelagic Management measures and see that they get distributed. I will be unable to make it to the meeting this evening.

I must say I was disappointed that the dolphin bag limit did not get reduced. I and most anglers I know really think that everyone would benefit from a 6 per person and 36 per boat limit. Was there some interest that did not want this? All the anglers I know agree that keeping 60 dolphin in a single trip is too much. If a boat trolls for 6 hours with 6 people they would have to be landing 1 dolphin every 6 minutes to get their limit of 60. That is pretty hard to do unless schools of small slinger dolphin are encountered. This essentially leaves the recreational fleet fishing for dolphin with a limit that exists on paper, but rarely comes into effect when fishing.

The result is that the massive recreational dolphin fishery, one of the most participated in fisheries, if not the most participated in offshore recreational fishery on the entire east coast is essentially still unregulated and faces an inevitable further decline unless a more reasonable limit than 10 per person is enacted soon. I will refer back to my previously submitted statement that no one can say coming home with 36 dolphin was a bad day of fishing.

Fowler B. Del Porto

# DIRECTED SUSTAINABLE FISHERIES, INC.

A Consulting Company

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Bob Mahood, Executive Director  
South Atlantic Fishery Management Council (SAFMC)  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

MackAmend18Comment@safmc.net

Regard: Amendment 18 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP)

Wednesday April 20, 2011

To: Bob Mahood,

Directed Sustainable Fisheries, Inc., (DSF) would like to submit on behalf of the Atlantic Group hook & line commercial king mackerel fleet this written comment to the SAFMC about proposed actions in the draft Amendment 18 to the CMP FMP.

DSF strongly supports Action 13.3, Preferred Alternative 2 to adopt the SAFMC Scientific & Statistics Committee (SSC) recommended acceptable biological catch (ABC) control rule and establish ABC at 10.46 million pounds (MP).

DSF supports Action 13.4, Preferred Alternative 2 where annual catch limit (ACL) equals optimum yield (OY) and also equals the ABC of 10.46 MP, which is the average of the ABC values for 2011-2013 as recommended by the SSC.

DSF supports Action 13.5a, Preferred Alternative 1 to not specify commercial sector annual catch targets (ACT) for Atlantic migratory group king mackerel.

DSF supports Action 14, Preferred Alternative 2 for the commercial accountability measures (AM) for the Atlantic migratory group king mackerel that is to prohibit harvest, possession, and retention when the quota is met or projected to be met. DSF further supports Preferred Sub-Alternative 3a to payback commercial landings overage regardless of stock status.

On behalf of the Spanish mackerel fishing fleet, DSF supports Action 16.3, Alternative 1, No Action. Do not establish the recommended ABC control rule to set ABC at 5.69 MP since that will cause a reduction of the commercial Spanish mackerel annual quota from approximately 3.62 MP down to 3.13 MP, causing a loss of a half a million pounds of landings per year. This reduction would be a large economic impact to those fishermen's income for the next few years and since Spanish mackerel is such a success story, Status Quo is the only way the SAFMC should choose to manage this stock.

A new stock assessment for Spanish mackerel, and also king mackerel is scheduled for 2012 under the auspices of the SouthEast Data, Assessment and Review (SEDAR 33) process. Hopefully during SEDAR 33, the scientists will be able to set a biomass level for Spanish mackerel, something that SEDAR 17 failed to deliver that contributed to the SSC uncertainty.

*Rusty*

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# DIRECTED SUSTAINABLE FISHERIES, INC.

A Consulting Company

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Saltwater Fisheries Consultant  
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Deep-Sea Fisherman and Shrimp Boat Captain  
Recreational, For-Hire & Commercial Fishing Life Experience, 1959-2011  
Retired 100-ton United States Coast Guard (USCG) Licensed Sea Captain  
Seafood Coalition (SFC) member  
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Advisory Panel (AP) commercial member  
Atlantic States Marine Fisheries Commission (ASMFC) Coastal Shark (CS) AP Florida (FL) commercial & for-hire recreational member  
Former South Atlantic Fishery Management Council (SAFMC) Marine Protected Area (MPA) AP FL commercial member  
Former NMFS Atlantic Large Whale Take Reduction Team FL member (ALWTRT)  
Former NMFS Bottlenose Dolphin Take Reduction Team FL member (BDTRT)  
Current American Elasmobranch Society (AES) member

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# DIRECTED SUSTAINABLE FISHERIES, INC.

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Bob Mahood, Executive Director  
South Atlantic Fishery Management Council (SAFMC)  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

MackAmend18Comment@safmc.net

Regard: Amendment 18 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP)

Monday April 18, 2011

To: Bob Mahood,

Directed Sustainable Fisheries, Inc., (DSF) would like to submit on behalf of the Atlantic Group hook & line commercial king mackerel fleet this preliminary written comment to the SAFMC about proposed actions in the draft Amendment 18 to the CMP FMP.

DSF strongly supports Action 13.3, Preferred Alternative 2 to adopt the SAFMC Scientific & Statistics Committee (SSC) recommended acceptable biological catch (ABC) control rule and establish ABC at 10.46 million pounds (MP).

DSF supports Action 13.4, Preferred Alternative 2 where annual catch limit (ACL) equals optimum yield (OY) and also equals the ABC of 10.46 MP, which is the average of the ABC values for 2011-2013 as recommended by the SSC.

DSF supports Action 13.5a, Preferred Alternative 1 to not specify commercial sector annual catch targets (ACT) for Atlantic migratory group king mackerel.

DSF supports Action 14, Preferred Alternative 2 for the commercial accountability measures (AM) for the Atlantic migratory group king mackerel that is to prohibit harvest, possession, and retention when the quota is met or projected to be met. DSF further supports Preferred Sub-Alternative 3a to payback commercial of any overage regardless of stock status.

On behalf of the Spanish mackerel fishing fleet, DSF supports Action 16.3, Alternative 1, No Action. Do not establish the recommended ABC control rule to set ABC at 5.69 MP since that will cause a reduction of the commercial Spanish mackerel annual quota from approximately 3.62 MP down to 3.13 MP, causing a loss of a half a million pounds of landings per year. This reduction would be a large economic impact to those fishermen's income for the next few years and since Spanish mackerel is such a success story, Status Quo is the only way the SAFMC should choose to manage this stock.

The new stock assessment for Spanish mackerel, and also king mackerel is scheduled for 2012 under the auspices of the SouthEast Data, Assessment and Review (SEDAR 33) process. Hopefully during SEDAR 33, the scientists will be able to set a biomass level for Spanish mackerel, something that SEDAR 17 failed to deliver that contributed to the SSC uncertainty.

*Rusty*

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Coastal Conservation Association  
Comments on Amendment 18  
to the Coastal Migratory Pelagic Fishery Management Plan  
for the Gulf of Mexico and South Atlantic  
Public Hearings  
April 2011

Good evening, my name is Scott Green and I would like to thank the Council for giving us the opportunity to address the wide assortment of actions and alternatives proposed in Amendment 18.

Having said that, we must also express our concern that releasing the 333-page public hearing document on April 5 and scheduling the first public hearing on April 11 is not conducive to obtaining constructive input, if that is the goal of the public hearing process. CCA recognizes the pressure to meet the 2011 deadlines of the Magnuson-Stevens Act to set annual catch limits and other management measures for fisheries that are not undergoing overfishing, but the timeline for these public hearings is simply unreasonable. Allowing less than a week to review the public hearing document is unacceptable and once again casts doubt that the Council is sincere in its efforts to gather and utilize meaningful input from the recreational angling community.

The following testimony has been prepared by Coastal Conservation Association to address proposed Annual Catch Limits (ACLs) and accountability measures (AMs) for king mackerel, Spanish mackerel, and cobia. With regard to the formula the Council uses to set ACLs, CCA commends the Council for its willingness to explore a more reasonable manner of setting limits for an unassessed stock. The previous proposal to set the ACL at the median of the last 10 years landings was fraught with problems. We are more encouraged by the Council's current method of setting the ACL at the level of the third highest landings over the previous 10 years.

#### KING MACKEREL

With regard to Atlantic migratory group king mackerel, the stock was last assessed in SEDAR 16 in 2008. Subsequent Council action set catch limits based on that assessment and the recreational harvest of king mackerel has remained under those limits. As a result, CCA is recommending that there be no changes in the management measures currently in place for king mackerel.

Regarding the need to set an accountability measure for king mackerel as required under the Magnuson-Stevens Act in the event that the recreational sector does go over its ACL at some point in the future, CCA recommends that the Council remedy the overage by modifying the recreational bag limit, rather than enacting closed seasons on king mackerel.

#### SPANISH MACKEREL

CCA believes the most significant consideration for the Council in this fishery is the fact that the recreational sector has been under its limits for the past decade, and therefore we are recommending that there be no changes in the management measures currently in place for Spanish mackerel. It is also essential to note that while Spanish mackerel currently do not have an

accepted, peer-reviewed stock assessment, and are therefore subject to the new Council guidelines described earlier for setting an annual catch limit, a coastal migratory pelagic assessment for king mackerel, Spanish mackerel and cobia is scheduled for 2012.

CCA maintains that for unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment. Spanish mackerel are one of the most assessed species in the South Atlantic and there are no indications of trouble with the stock.

#### COBIA

Like Spanish mackerel, cobia is an unassessed species and is subject to the Council's new method of setting the annual catch limit at the level of the third-highest landings over the last 10 years. CCA maintains that for unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. The logical option would be to simply cap the harvest at current levels until data is available through a current assessment.

CCA recognizes that the Council has data indicating that the recreational sector went slightly over its annual catch limit in 2010 but would like to emphasize that the Council's conservative past management of this species has produced a stock that is steadily increasing. We believe this is a situation where the stock is most likely healthy, larger year classes are entering the system and anglers are encountering cobia more often. We encourage the Council to wait for the results of the assessment scheduled for next year before considering any new management measures for cobia.

Thank you for this opportunity to present our comments on these issues.

**Florida Saltwater Anglers, Inc.**

2324 Lee Road

Winter Park, Florida 32789

**COASTAL PELAGICS AMENDMENT 18**

On the issues our positions are as follow:

**ACTION 1 – removal of fish from Federal management plans**

We support Preferred Alternative 3. Remove the following species from the Fishery Management Plan in the Atlantic:

Option a. Cero

Sub option ii: In the South Atlantic region

Option b. Little tunny

Sub option ii: In the South Atlantic region

Option c. Dolphin

Sub option ii: In the South Atlantic region

Option d. Bluefish – and amend to include Atlantic waters

**Action 2 (Modify the Framework Procedure) Alternatives**

We support the Broad Framework Procedure

**Action 3. Establish Separate Atlantic and Gulf Migratory Groups of Cobia**

We support Alternative 2. Separate the two migratory groups at the Miami-Dade/Monroe County line.

**Action 13.3**

We support Alternative 1. No Action. Do not establish an ABC Control Rule for Atlantic migratory group king mackerel.

**Action 13.4**

We support Preferred Alternative 2. ACL = OY = ABC = 10.46 million pounds which is the average of the ABC values for 2011-2013 recommended by the SSC.

**Action 19.3 ABC Control Rule and ABC for Atlantic Migratory Group Cobia**

We support Alternative 1. No Action. Do not establish an ABC Control Rule for Atlantic migratory group cobia.

**Action 19.4 (Allocation) Alternatives**

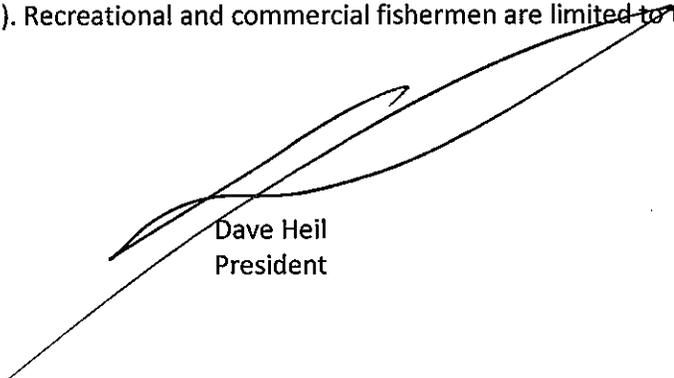
We support Preferred Alternative 3. Define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS, and headboat databases (92% rec/8% comm)

**Action 19.5**

I do not support any of the alternatives; the Annual Catch Limit must be set at 100% Allowable Biological Catch

**Action 21 Management Measures**

We support Preferred Alternative 1 (No Action). Recreational and commercial fishermen are limited to two cobia per person.



Dave Heil  
President

## Too many King Mackerel Permits

The NMFS issued 7 to 8 times the number of King Mackerel permits then they should have in the past. They issued 1770 permits or more when the correct number of permits is 200 to 250. That's 200 permits for both the Gulf and the Atlantic combined commercial quota of seven million pounds.

7,000,000 divided by 35,000 (pounds) is 200 permits. I used to catch over 70,000 pounds a year before my Fishery was over-run by too many fishermen.

Our winter quota is 1.1 million pounds on Florida's East Coast. Divide 17,500 into 1,100,000 and the correct number of permits 63 to 75. 17,500 pounds in a 21 week season is lousy (bad) fishing. Today there are over 250 active King Mackerel permits from Boca Raton to Daytona. That's more than four times the number of permits than there should be in this area.

This too many fishermen, has resulted in the market being flooded in just a few days. This year the price of King on April 1<sup>st</sup> was 3.40 a pound. On April 3<sup>rd</sup> the price was 2.85. The wind blew the next three days, and on the 7<sup>th</sup> of April the price was down to 2.15 a pound. Too many boats had flooded the market in two days! This is during Lent, and the price should have stayed at 3.15 a pound. This cost me about 1,500 that week.

Large schools of King Mackerel are normally about 2 ½ miles long and about ¼ of a mile wide this time of year. You can't fit 130 to 150 boats in this small of an area. This over-crowding is going to result in violence.

The past four years the East Coast has been shut down during March and during February twice. This is a result of way too many king-fishermen.

These closures and low prices caused by too many Fishermen have cost me over 70,000 dollars in the past four years. To add insult to injury, I've had one jack-ass threaten to damage my boat because I'm Pro-IFQ.

This year I expect to lose 30 to 50,000 dollars due to too many King-fishermen. It will only get worse because the NMFS will not correct this problem they created.

Until the NMFS reduces the fleet to a reasonable level I'm going to suggest that the Quota system in use now be replaced with the start and stop dates as follows.

The Gulf Western zone (Tex; La; Miss;) 3,000 pound a day July 1<sup>st</sup> thru Nov 1<sup>st</sup>.

The Fla. Panhandle to Bonita Bch. 1,250 pounds a day July 1<sup>st</sup> thru Dec 15<sup>th</sup>. (The fish show up here the last week of Sept. or the 1<sup>st</sup> week of Oct.) During this time of year our dangerous North East winds are Off-Shore over here. This is the safe place to fish during Oct. and Nov.

The Florida Keys, 1,250 a day Nov. 1<sup>st</sup> thru April 1<sup>st</sup>.

Florida's East Coast. 500 pounds a day Nov. 1<sup>st</sup> thru April 1<sup>st</sup>. (have Fish House take possession of all fish over 500 pounds)

I've been informed that the last Gulf King Mackerel stock assessment says that we are fishing at 25% of MSY. If that is true we can fish the start and stop dates suggested and still be fishing at less than 45% of MSY.

One of the reasons the King Mackerel stocks on the FL. East have increased on a geometric scale (Nov-April) is that sixteen years ago we asked to have our daily catch reduced from 1,000 pounds a day to 50 fish a day.

Prior to this reduction our winter Quota was filled by New Year's Eve, give or take a week.

Fishing at 50 fish a day our winter season lasted until April 1<sup>st</sup>. We were not filling our quota; we didn't care because we were making more money by catching less fish! We were leaving 250,000 pounds or more of our quota survive every year by fishing at 50 fish a day.

Ten years of this conservative fishing that we requested has resulted in an extra 20 to 30 million pounds of fish off our coast during the winter run.

Let us do the math. Start with the 250,000 pounds that we didn't kill. At ten pounds a fish that's 25,000 fish. These fish grow about three pounds a year.  $25,000 \times 3 = 75,000$ .  $75,000 \times 16 = 1,200,000$  (16 years).

Add 1,200,000 to the original 250,000 and these 25,000 fish weigh in at 1.45 million pounds. This is just a fraction of the true number. These fish have spawned two or more times a year for 15 years. They wouldn't have spawned again if we would of killed them back in 1995. Some of their off-spring have spawned four or more times. I'll suggest that these 25,000 fish and their off-spring are about six million pounds strong today.

From 1995 to 2004 we let about 3 million pounds of our quota live because we decided to fish at 50 fish a day. That 3 million pounds and their off-spring are about 30 million pounds strong today. Add that 30 million pounds to the wave of Kingfish the 2004 Hurricane pushed into our Coast, then add the fish that was set aside by the quota system and you have a stock of King Mackerel that's growing on a geometric scale.

Because the fish stocks are in good shape, and because there are four times too many Fishermen over here. We who did great work at rebuilding our fish stocks are being punished at the tune of 20 to 30 grand a season. It gets worse.

In 2009 there were so many new boats fishing in Louisiana that our season lasted 9 short weeks, then this flood of boats filled the Panhandle quota in less than a month.

This year I expect 25 to 30 boats to King-fish in La and the Panhandle that didn't fish over there prior to 2009. This flood of boats will cost me another 30,000 dollars or more this year. This year I expect the Western Zone quota to be filled in seven short weeks. This year there will be so many new boats in Louisiana that we will flood the market in just one trip.

The NMFS is guilty of destroying my fishery with way too many fishermen.

The NMFS is destroying my life with their incompetence.

The National Marine Fishery Service should shut down. They can't manage any fishery.

Daniel C. Kane      Huri-Kane Dan

4-18-2011

## Reduce the Number of boats in the King Mackerel Fishery

There are about 250 to 300 too many King Mackerel Permits in use at this time and more every week are going into use.

If the NMFS can't figure out how to reduce the Fleet to the correct number of participants, here's one way to do it.

Allow everyone that made a living catching King Mackerel prior to 2006 to keep their King Mackerel Permit. The boys that fished for King Mackerel only during the May run should not be considered as making a living King-fishing. Now you have room for about 40 or 50 more boats.

Take the 250 to 300 new King Mackerel fishermen and have a drawing (lottery) to pick the 40 or 50 boats that will stay in the fishery. The ones that are not picked should be paid ten to twenty thousand dollars for their King Mackerel Permit.

DAN KANE

4-18-2011

From: Robert Pelosi [<mailto:rp2fish@bellsouth.net>]  
Sent: Tue 4/12/2011 2:45 PM  
To: Gregg Waugh  
Cc: [togle46@embarqmail.com](mailto:togle46@embarqmail.com)  
Subject: Re: Fwd: AP Comment

Gregg,

I am worried about the rec cobia quota. We were as you say almost to the ACT & ACL last year and I mentioned the popularity of cobia fishing has exploded on the east coast of Florida. I returned Friday to find a cold current had moved inshore pushing hundreds of cobia to the beach with everything that could float chasing them. They were all taking the federal limit of two since the FWC officers don't enforce the state limit of one. Since the middle of January we have had unusually calm seas and clear clear water making them easy to spot. I would bet the quota will be exceeded this year if the intercepts are being made now on the east coast. I really think the council should go to a 1 fish bag limit for the recreational angler but keep the commercial at two for now.

Bob

# SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



## EAST COAST FISHERIES SECTION (ECFS)

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Bob Mahood, Executive Director  
South Atlantic Fishery Management Council (SAFMC)  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

MackAmend18Comment@safmc.net

Regard: Amendment 18 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP)

Monday April 25, 2011

To: Bob Mahood,

Southeastern Fisheries Association (SFA) East Coast Fisheries Section (ECFS) would like to submit this written comment on behalf of the SFA ECFS membership to the SAFMC about proposed actions in the draft Amendment 18 to the CMP FMP.

SFA ECFS supports Action 1, Preferred Alternative 3 to remove the following species from the CMP FMP; Option a, Cero mackerel, Suboption ii: In the South Atlantic region. Option b, Little tunny, Suboption ii: In the South Atlantic region.

SFA ECFS supports Action 2, Alternative 3, Preferred Option 1, to adopt the base Framework Procedure to allow SAFMC flexibility to make changes in specific management measures and parameters in a timely fashion, typically in less than a year.

SFA ECFS supports Action 3, Alternative 1, No Action and maintain one group of cobia. Cobia is scheduled to be assessed during 2012 at the SouthEast Data, Assessment and Review (SEDAR 33) process. It would be best to wait for those results before making any changes.

SFA ECFS supports Action 13.3, Preferred Alternative 2 to adopt the SAFMC Scientific & Statistics Committee (SSC) recommended acceptable biological catch (ABC) control rule and establish ABC at 10.46 million pounds (MP).

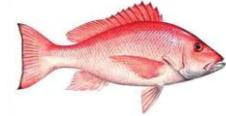
SFA ECFS supports Action 13.4, Preferred Alternative 2 where annual catch limit (ACL) equals optimum yield (OY) and also equals the ABC of 10.46 MP, which is the average of the ABC values for 2011-2013 as recommended by the SSC.

SFA ECFS supports Action 13.5a, Preferred Alternative 1 to not specify commercial sector annual catch targets (ACT) for Atlantic migratory group king mackerel. The commercial ACL allocation percentage of 37.1% of the ABC will yield 3.88 MP annually.

SFA ECFS supports Action 13.5b, Preferred Alternative 4 to specify the recreational sector ACT for Atlantic migratory group king mackerel equals sector ACL[(1-PSE) or 0.5, whichever is greater] and equals 6.18 MP.

SFA ECFS supports Action 14, Preferred Alternative 2 for the commercial accountability measures (AM) for the Atlantic migratory group king mackerel that is to prohibit harvest, possession, and retention when the quota is met or projected to be met. If the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings to not exceed the recreational landings over a range of years. For 2011/12, use only 2011/12 landings. For 2012/13, use the

# SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



## EAST COAST FISHERIES SECTION (ECFS)

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average landings of 2011/12 and 2012/13. For 2013/14 and beyond, use the most recent three-year (fishing years) running average.

SFA ECFS supports Alternative 3, Preferred Sub-Alternative 3a to payback commercial landings overage regardless of stock status.

SFA ECFS supports Alternative 4, Preferred Sub-Alternative 4a to payback recreational landings overage regardless of stock status.

SFA ECFS supports Action 16.3, Alternative 1, No Action. Do not establish the recommended ABC control rule to set ABC at 5.69 MP, down from 7.04 MP since that will cause a reduction of the commercial Spanish mackerel annual quota from approximately 3.85 MP down to 3.13 MP, causing a loss of over 700,000 pounds of landings per year. This reduction would be a large economic impact to those fishermen's earnings for the next few years and since Spanish mackerel is such a success story, and its population near equilibrium, Status Quo is the only way the SAFMC should manage this stock.

A new stock assessment for Spanish mackerel, king mackerel and cobia is scheduled for 2012 under the auspices of the SEDAR 33 process. Hopefully during SEDAR 33, the scientists will be able to set a biomass level for Spanish mackerel, something that SEDAR 17 failed to deliver that contributed to the recent SSC uncertainty with setting an overfishing level (OFL). Reliance upon questionable historic data has led to poor assumptions about the past historic Spanish mackerel stock size and annual catch is wrong and needs correcting in the SEDAR process.

SFA ECFS supports Action 16.4, Alternative 1, No Action where currently total allowable catch (TAC) or ACL equals 7.04 MP based on an ABC of 5.7 MP - 9 MP. ACL should equal OY and equals ABC.

SFA ECFS supports Action 16.5a, Preferred Alternative 1, to not specify commercial sector ACT for Atlantic migratory group Spanish mackerel.

SFA ECFS supports Action 16.5b, Alternative 1, No Action and not specify recreational sector ACT for Atlantic migratory group Spanish mackerel.

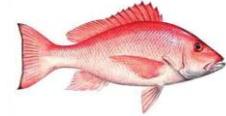
SFA ECFS supports Action 17, Preferred Alternative 2 for the commercial AM for the Atlantic migratory group Spanish mackerel that is to prohibit harvest, possession, and retention when the quota is met or projected to be met. If the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings to not exceed the recreational landings over a range of years. For 2011/12, use only 2011/12 landings. For 2012/13, use the average landings of 2011/12 and 2012/13. For 2013/14 and beyond, use the most recent three-year (fishing years) running average. SFA ECFS supports Preferred Sub-Alternative b to reduce the bag limit to ensure the landings do not exceed the recreational sector ACL for the following fishing year.

SFA ECFS supports Alternative 3, Preferred Sub-Alternative 3a to payback commercial landings overage regardless of stock status.

SFA ECFS supports Alternative 4, Preferred Sub-Alternative 4a to payback recreational landings overage regardless of stock status.

SFA ECFS supports Action 18, Alternative 1 No Action and keep the individual bag limit for Spanish mackerel at 15 per person.

# SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



## EAST COAST FISHERIES SECTION (ECFS)

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SFA ECFS supports Action 19.3, Preferred Alternative 5 for Atlantic migratory group Cobia by adopting the GMFMC ABC Control Rule as the SAFMC Interim Control Rule and establish an ABC equal to the mean plus 1.5 times the standard deviation of the most recent 10 years of landings data where ABC equals 1,571,399 pounds whole weight. The SAFMC SSC chose this ABC at their April 2011 meeting.

SFA ECFS supports Action 19.4, Preferred Alternative 3 to define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS and headboat databases. The allocation formula yields 8% commercial and 92% recreational. The commercial and recreational allocation specified for 2011 would remain in effect beyond 2011 until modified.

SFA ECFS supports Action 19.5, Preferred Alternative 2 where  $ACL = OY = ABC$  and using the SAFMC Interim Control Rule, ABC equals 1,571,399 pounds of Atlantic migratory group cobia.

SFA ECFS supports Action 19.6a, Preferred Alternative 1 to not specify commercial sector ACT for Atlantic migratory group cobia. This alternative could yield 125,712 pounds unless the SAFMC staff has not updated the CMP FMP Amendment 18 summary, then it could be higher.

SFA ECFS supports Action 19.6b, Preferred Alternative 4 to set recreational sector ACT equals  $ACL [(1-PSE) \text{ or } 0.5, \text{ whichever is greater.}]$  This alternative could yield 1.2 MP unless the SAFMC staff has not updated the CMP FMP Amendment 18 summary, then it could be higher.

SFA ECFS supports Action 20, Preferred Alternative 3 for the commercial AM for the Atlantic migratory group cobia that is to prohibit harvest, possession, and retention when the quota is met or projected to be met. If the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings to not exceed the recreational landings over a range of years. For 2011/12, use only 2011/12 landings. For 2012/13, use the average landings of 2011/12 and 2012/13. For 2013/14 and beyond, use the most recent three-year (fishing years) running average. SFA ECFS supports Preferred Sub-Alternative b to reduce the bag limit to ensure the landings do not exceed the recreational sector ACL for the following fishing year.

SFA ECFS supports Alternative 4, Preferred Sub-Alternative 4a to payback commercial landings overage regardless of stock status.

SFA ECFS supports Alternative 5, Preferred Sub-Alternative 5a to payback recreational landings overage regardless of stock status.

SFA ECFS supports Action 21, Preferred Alternative 1 for No Action that maintains the recreational and commercial fishermen limit of two cobia per person.

Jimmy Hull, Chairman  
SFA ECFS

From: [ospreycharters@lowcountry.com](mailto:ospreycharters@lowcountry.com) [<mailto:ospreycharters@lowcountry.com>]  
Sent: Tue 4/12/2011 6:23 AM  
To: Gregg Waugh  
Subject: Cobia proposal

Gregg,

I just received an email from Dave Harter citing the proposed reg change reducing the cobia limit from 2 to 1 from April 1 to June 30 and I am in total agreement. I'm also elated to see it covers the offshore wrecks as well since most of the multiple catches per individual happen out there.

Good work and let me know if there is anything I can do to help.

Mike

Capt. Mike Upchurch  
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**From:** [nick hill](#)  
**To:** [MackAmend18Comment](#)  
**Subject:** mackerel and cobia  
**Date:** Monday, April 25, 2011 6:36:03 PM

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NO CATCH SHARES NO SECTOR ALLOCATIONS.

The whole paragraph in your press release march 24, on the spanish mackerel is evidence of the total disregard for and science or logic or sane decision making process. Everyone that I have let read it thinks is is a joke or a fake document.

Your own data in a publication by NOAA FishWatch states the the spanish are not overfish and the bio-mass has doubled since 1995. This is a link to that page, [http://www.nmfs.noaa.gov/fishwatch/species/spanish\\_mack.htm](http://www.nmfs.noaa.gov/fishwatch/species/spanish_mack.htm).

We do not understand how you can make a decision to reduce the TAC by such a large amount when by your own data it shows that the spawning stock bio-mass is large enough to sustain the current TAC.

The agenda that you have is not science based and we all know that.

We do not know who the mandate is coming from but would like to know.

Amendment 18 is more evidence that your management style has no merit and has an agenda that is more than just protecting the fishery as in you above noted publication is not at all in danger of being over fished.

WHAT THE HELL ARE YOU DOING TO THE FISHING INDUSTRY IN THE USA AND SOUTHEAST.

Nicholas Hill  
4945 ovens ave  
Grant FI 32949  
321-795-1038

**From:** [Will Brown](#)  
**To:** [MackAmend18Comment](#)  
**Subject:** No new Recreational limits  
**Date:** Wednesday, March 30, 2011 1:59:59 PM

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Dear sirs,

As a recreational fisherman, I understand the need for fisheries regulation in order to sustain our valuable fish populations. In North Carolina, last year we enjoyed banner catches of cobia and Spanish mackerel. These species do not appear to be stressed to the casual observer. However king mackerel catches were lower than usual last year for recreational fisherman, but these are primarily a catch and release for most fun fishers.

My biggest issue with any new regulations is that the commercial fishing sector always seems to get lower restrictions. Recreational fisherman can tolerate tighter temporary control, but it seems that the commercial industry still seems to get higher quotas. I know that Spanish mackerel is split 45/55 with the commercial groups getting the majority. This makes no sense, because recreational fisherman give so much more to the local and state economy than the few commercial fisherman that target these fishes. Just check license sales, boat sales, tackle sales, and marina profits. It is easy to see that the huge number of recreational fisherman should have a bigger interest in fisheries regulations. The public's ideals should come before those of the few in the commercial industry. If any tighter regulations are needed for these species, it should first be put on the commercial sector.

Recreational fisherman have always willingly accepted tighter regulations because we see the benefit to fish populations. Commercial fisherman are much more destructive to fish populations, and therefore should be more restricted than the public. I hope that if any tighter regulations are warranted, that you impose those solely on the commercial fishing sector, and let the recreational limits remain the same.

Will Brown  
8813 New Forest Dr  
Wilmington NC 28411

**From:** [Debarr, Devan S CIV USAF AMC USAF MOS/TR](#)  
**To:** [MackAmend18Comment](#)  
**Subject:** Questions on Ammendment 18  
**Date:** Wednesday, March 30, 2011 2:06:20 PM

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I began Commercial Fishing in 2009 after I retired from the USAF and returned home to Fla. I have been trying to obtain a King Mackerel Federal Permit since then. The ones that are for sale are ridiculously expensive (4-10K Per permit). Will there be an opportunity to procure one if an IFQ is set for King Mackerel? It would seem only fair! Since getting started in the commercial fishing business, IFQ's seem to dominate everything. Yet from what I've seen, the people with these permits are getting fat on leasing shares and allocations. I don't believe this was the intent of the IFQ program. All I'm asking for is a chance to get a permit so my business can grow without shelling out thousands for one permit.

Thank You and looking forward to your response;

Mr. Devan S. DeBarr  
Tanker Plans Instructor  
USAF EC MOS Det-1,  
Hurlburt Field, Fl  
850-884-5516  
DSN: 579-5516

**From:** [Kim Iverson](#)  
**To:** [Stan Jarusinski](#)  
**Cc:** [Mike Collins](#); [MackAmend18Comment](#); [Gregg Waugh](#)  
**Subject:** RE: Testimony give at New Bern, NC meetin on 4/11/2011  
**Date:** Tuesday, April 12, 2011 2:14:41 PM

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Captain Jarusinski,

Thank you for taking the time to attend the public hearing in New Bern, NC and for your email. A copy of your comments will be forwarded to all members of the South Atlantic Fishery Management Council and included as part of the Council's administrative record.

Please don't hesitate to contact me if you have any questions.

Kim

Kim Iverson  
Public Information Officer  
South Atlantic Fishery Management Council  
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843/571-4366 or Toll Free 866/SAFMC-10  
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**From:** Stan Jarusinski [mailto:[seajay@ec.rr.com](mailto:seajay@ec.rr.com)]  
**Sent:** Tuesday, April 12, 2011 9:47 AM  
**To:** Kim Iverson  
**Subject:** Testimony give at New Bern, NC meetin on 4/11/2011

Please confirm your receipt.

My name is Capt. Stan Jarusinski, 135 Mill Creek Rd., Stella, NC 28582-9648

I am representing the 6000 members of the Southern Kingfish Assoc. of St. Augustine, FL. that sanctions 50 king mackerel tournaments from N. C. to Tex., a total of 50, 32 on the Atlantic Coast and 18 in the Gulf of Mexico. I have been a member of the SKA for the past 10 years.

The announcement for this meeting stated the following and I quote:

"No additional restrictions would be necessary, the stock is not overfished nor undergoing overfishing.....The allocation for king mackerel would stay the same."

We at the SKA took pride in reading that statement especially because we have been going thru a culture change in our sport in the past 10 years that helped to make these results possible. We were at a crossroad; continue as we have been or conserve and preserve our resource. Your statement validated that we are on the right road, now we know it.

We faced some difficult challenges, the actions taken caused a decrease in our membership and the loss of several tournaments. Here are just some of the changes that were made:

Tournament Sanctions lifted for weighing multiple numbers of fish.  
Except for our National Championship which is a 2 day aggregate, all other tournaments are 1 day, big fish.

The one fish satisfies the requirements for Junior, Lady and Senior Anglers. In the past each category weighed a separate fish.

Banishment of members that gaffed fish while prefishing, releasing them to die.

10 pound minimum weight to earn points.

Our members have learned to tail and net unwated fish for release alive.

Presently lthe South Atlantic ACL for king mackerel is 3.71 million lbs.....1.38 mil. lb.s for  
Commercials and 2.33 mil. lbs. for Recreationals.

The SKA is proposing a 3rd category be added, Competition, or whatever name you may choose. Since 99.99% of our members are Recreational fishermen, we also request that 1,000,000 (1 million) lbs. of the Recreational ACL be transferred to this new "Competition" category. This "Competition" ACL to be used only for Charity King Mackerel Tournaments. The amount requested is reasonable when the number of non SKA sanctioned king mackerel tournaments are taken into consideration and when king mackerel are one of the targeted species at numerous tournaments.

Our members can assist in identifying all of these tournaments. When they are identified, it is suggested that they complete the same forms that are submitted by all SKA sanctioned tournaments, identifying every weighed fish. We are willing to assist in any way we can to have this information submitted to the Council or sent to us to include in the data base that we have been working on for the past 16 years. We also welcome you to make use of the scientific information contained in our data base and will gladly furnish information to the Council on an as needed basis.

We will continue to monitor and police king mackerel tournaments to the best of our ability, not only for business purposes but for the numerous charities that are dependent upon our success and the viability of the king mackerel resource. An example of one such tournament is the one that I am the Director of, the Onslow Bay Open KMT in Swansboro, N. C. Our all volunteer tournament has raised \$192,200 in 10 years for KIDS charities such as: underpriviliged children, terminally ill, those in need of emergency medical attention, N. C. Special Olympics and orphans. This is just one example of many SKA charity tournaments that have raised millions of dollars and depend on us annually for their support.

Please consider our request for a new ACL "Competition" category and an allotment of 1 mil. lbs. for charity tournaments.

Your contact at the Southern Kingfish Association in St. Augustine, Fl. is the Managing General Partner, Jack Holmes, 904 819 0360.