

APPENDIX A SCOPING MEETING SUMMARIES AND WRITTEN COMMENTS

SUMMARY REPORT SCOPING MEETING – KEY WEST, FL REEF FISH AMENDMENT 32 January 11, 2010

Attendance:

Ed Sapp, Gulf Council
Steven Atran, Gulf Council Staff
Trish Kennedy, Gulf Council Staff

21 Members of the Public

The scoping meeting was convened by Chairman Ed Sapp at 6:00 p.m. Steven Atran reviewed the PowerPoint presentation with the public. The public was then invited to participate in an informal question and answer session. Following that public testimony began.

Chris Johnson – SeaSquared Charters, Marathon, FL, opposed VMS for charter/head boats. He believed it was ridiculous for commercial vessels to have to use them and VMS does not help with tracking quota, only allows enforcement to keep track of them. He felt that fish traps are bad based on his experience in the Northeast. He stated the fish traps were a constant killing machine. He noted there are a few still being used illegally. If the stock required cut back on commercial hook-and-line fishing then why would regulators allow an overfishing opportunity via fish traps that indiscriminately fish. He was opposed to sector separation since they are fishing the same regulations and methods.

Jeff Glidewell – recreational fisherman, Key West, FL, was opposed to fish traps noting it took 10 years of a painstaking process to get rid of them and now they were being reconsidered. He felt that fish traps were a killing machine with no telling of what goes in/out. In the keys there are a lot of reefs and shoreline that is protected and if a storm comes in it could drag the traps across the protected areas and considerable damage could be done. He opposed recreational VMS feeling that it would only track what he was fishing for and where. He does not want to pay for VMS and he would either not fish that species or sell his boat. The current regulations were already economically hurting the general public, commercial, charterboat, recreational. Regarding electronic reporting of catch, he would support it if it was free and if it was by choice.

Rob Harris – owner of two charter boats, Key West, FL read a prepared statement (see attached). He opposed sector separation, VMS on for-hire vessels, and fish traps. He favored keeping the recreational black and gag grouper season open for as long as possible.

Don DeMaria - charterboat operator, Key West, stated he had experience with fish traps in Haiti in 1975 and he saw fish traps in many other countries. He pointed out that lost traps, dying fish, difficult to enforce. Florida banned the fish traps in 1981 and it took the federal system one quarter of a century to get rid of them. He believed bandit fishing is a more sustainable type of fishing. Regarding comments made that fish traps could work in the northern Gulf since the studies that showed negative results for fish traps were only done in the Keys; he compared that logic to dynamite fishing, it's bad no matter where you do it.

While diving he found 4 lost traps with incredible amounts of bones in them. The escape panels were held shut by non-destructible latches. They filmed them twice, over a 4 year period. The next dive a

portion of the material was cut away to determine how long the trap would last as constructed. Two independent tests were done and one report stated the traps could last 20-25 years and the other was indefinitely. This information was previously provided to the Council and he will provide it again here (attached). He noted that the traps being proposed now were not functional, i.e., the legs on the bottom would raise it up off the ground to prevent crabs, but the height was not enough to prevent crabs from getting in. The panels were so flimsy that the fish could push them open. The response was that the sides could be closed with a fixture. He was told that the fish trap design by WWF was award winning but his research found that the trap did not win any awards as advertised.

In 1978 when he began fishing in the Gulf there were no longline vessels, only bandit boats that were displaced with longlines entered the fishery. At the end of the qualifying years there were no landings for the historical fishery and the reward went to longliners who did the most damage to the resource. The current proposed fish trap was patented so it would have to be purchased from the original creator not on the open market.

Greg Oropeza – recreational angler, Key West, FL, noted that fishing was important part of society and when distributing fishing it should be fair and equitable. Fish traps are not fair and equitable with recreational fishermen. Fish traps are not sustainable. There are 120 longliners being forced out of an area, that they have an opportunity to fish by using vertical lines, so they should not be allowed to use fish traps that will cause harm to other areas.

Good data is available on fish traps from FFWCC which have cameras on them to do research on what the traps do/catch. He believed that using funds on fish traps would be better used on enforcing current regulations. Regarding regional management, gag grouper were not really targeted in the Keys like red grouper and that the Keys would be a good place to try out concept. He added that Riley's Hump is a great example of spawning aggregations and is an area that could be considered regional management.

The Magnuson-Stevens Act needs some amending and he encouraged the Council be proactive in having the MSA amended.

Scott Donahue - Associate Science Coordinator for Keys National Marine Sanctuary stated he represented them and the SE Region of the National Marine Sanctuary, and they are not supportive of reintroduction of fish traps due to indiscriminate catch and potential damage.

Peter Bacle - Key West, FL, noted that fish traps was an experimental method in the early 1970s and saw firsthand how destructive they were in shallow water. He opposed the use of fish traps thereafter.

The commercial industry was forced to have VMS and he opposed them. He noted then that whatever the commercial industry got the other industries would get. He noted that the SAFMC was starting video monitoring for "observer" coverage but he felt they would be forced on every boat. He believed that IFQs were a disaster for small boat businesses. Once instituted in every fishery then the commercial fisherman's income will be completely limited. The IFQs usually landed in a few large corporate entities and a few individuals and was not conducive to small boat businesses in the Keys.

Randall Painter - Cudjoe Key, FL held a commercial fishing license since they first came out. He only fished in the wintertime in Gulf and Atlantic and followed all the rules and regulations. Now that he is retired and could afford to fish the rules have changed and are based on landing history. When quotas only go out to large vessels, the small boats will never give respect to the Council. Small boats will respect the fish and preserve their catch unlike larger vessels. He felt that fish traps were absurd and no

true fisherman would support to them.

Lee Starling - commercial fisherman, guide fisherman, charterboat fisherman, Key West, FL stated that years ago at the start of licensing and permitting he told everyone to get them to legitimize their business. He felt that those licenses were not being used to punish them and are rewarding the people who hurt the fishery the most, longliners and fish trappers. Their effort caught the most of the fish and they got the most of the quota. He tried to buy some quota and it was being offered for \$10 per pound and he should not have to pay to catch the fish that were free to him before the system started. He noted that 2 years ago the longliners were complaining they were going broke and now they are millionaires since they can sell their quota for \$10 for gag grouper and \$5 for red grouper. He pointed out that longliners were now asking for economic relief to stop using their longlines and to convert to fish traps. Meanwhile the individual fishing quota system would put 750 boats out of business who did not get quota shares due to fishery consolidation and they were not receiving any economic relief.

He hated his VMS and it killed a battery in his boat every 8 months. If the VMS breaks, he cannot leave the dock and has to make a call. He opposed VMS for the charterboats and felt it was creating something out of nothing. If he thought that VMS was a safety feature he could have bought it.

He favored regional management and eco-based management. When killing a spawning fish there was repercussions down the line.

Gordon Sharp - Key West FL, related he recently retired from FFWCC. He heard many years ago that commercial fishing would be outlawed in the state of Florida within 20 years and now he sees that end coming. Public outcry in the Atlantic fishery caused a closed area quickly because the area to fish was so limited. In the Gulf the fishing area is so expansive, there is little to no monitoring of the fishery. Regarding fish traps, if a 10% loss of gear per year was allowed, the results would be severe. The golden crab trap fishery was impossible to monitor and a trap lost out in those depths of water would cause great deaths.

In his career he's seen large amounts of illegal harvest, gear, fish, etc. There was still illegal catch of any fish that has a closure. There are still fish traps in the Atlantic fishery even though it's been closed for 20 years.

He noted that fish traps were an efficient and effective method of catching fish but any reef that had legal fish traps had become void of fish because of the traps.

Mutton snapper was closed to commercial due to the spawning season but was open to recreational fishermen and that did not seem to be logical.

During the last 5 years of employment with FFWCC he avoided the commercial fishermen out of pity since they were so singled out of fishing and put out of business. One of the most successful fishermen in the Keys Peter Bacle showed him about maintaining a quality fish and now he was being regulated out of the fishery. He strongly opposed fish traps.

Additional people attended and completed cards but did not speak:

Mark DeLorenzo
Bill Weldbr
Marlin Scott
Frank Wassen
Doug Gregory

Richard Quail
James McKillip
Ray Shimukuso
Gill Geeslin
Harry Kennedy

The meeting was adjourned at 8:20 p.m.

SUMMARY REPORT
SCOPING MEETING – BILOXI, MS
REEF FISH AMENDMENT 32
January 12, 2010

Attendance:

Kay Williams, Gulf Council
Dr. Assane Diagne, Gulf Council Staff
Karen Hoak, Gulf Council Staff

3 Members of the Public

The public hearing was convened by Chairwoman Kay Williams at 6:00 p.m. Dr. Diagne reviewed the PowerPoint presentation with the public. The public was then invited to provide comments and ask questions.

There were questions about why fish traps were withdrawn in the first place and how allocation was originally set for the two sectors. There were also comments regarding the survivability of red grouper, especially since sharks were a problem, even if the fish survived being brought to the surface. Regarding the first fish caught option, some felt that even after the bag limit was caught, fishing would continue and highgrading would inevitably occur since enforcement of laws prohibiting that practice would be virtually unattainable.

Mr. Voght commented that since the phase-out process for fish traps took so long, he felt it was very illogical to even consider allowing them again after all the time and money spent.

Charlie Bergmann, who spoke neither for nor against traps, explained for the sake of discussion that if a red grouper entered a trap, nothing else would enter. Gag grouper do not normally go into a fish trap. This information was found based on work done at the Panama City lab.

Ms. Williams asked for alternative ideas on how the commercial industry could continue to fish without catching gag. Fish traps would not be reinstated unless there was a lot of public support and scientific information that made it feasible. Currently it was just one option to consider for the scoping document.

Mr. Eicke also spoke against fish traps citing that resources are wasted collecting derelict traps and present safety hazards to people, other fish, and turtles. He wondered about the economics of the current allocation set-up and cited the Gentner report. He commented that the recreational sector clearly produced more economic gains for the coastal communities than the commercial sector did but the commercial fishery was often given as much, if not more consideration in management measures. Catch shares could make reconsideration of allocation even less likely.

Further comment regarding overfishing by the recreational fishery, the reliability of the MRFSS data, and the possibility of revisiting allocation were exchanged. **Ms. Williams** commented that the Genter report had been reviewed by the SEP and they did not support those findings. She explained the concept of “values added” and how those values distorted the economic impacts, therefore, per the MSA, our management measures may not be based solely on economics alone. She noted we needed better real-time data in the recreational fishery and both sectors needed to concentrate on finding ways to get answers that would allow fishermen, both recreational and commercial, to fish.

Ever declining fish populations was the issue to be tackled. Ground-truthing would be necessary, so discussions occurred on how to accomplish the task of improving the data collected. Ms. Williams also asked if they were speaking in support of the first fish caught option, and as mentioned above, enforcement would be an issue with this measure. Then the option of tagging was brought up. **Mr. Eicke** felt that since closed seasons lasted most of the year, tagging would not lead to improvement anyway.

Dr. Diagne commented that over time, improved fishing practices and better equipment have lead to ever increasing catch probability, but the fish stocks have not improved in their ability to reproduce. **Mr. Voght** agreed, stating that the biggest detriment to fish populations was GPS. **Ms. Williams** asked what proposals might lead to recreational fishers being able to go fishing when the conditions were right for them. Tags were mentioned as well as lottery style shares. In other areas, open-ended hunting was all but done away with, but not for fish. Another proposed idea was large scale area closures. Enforcement might still be difficult, but not as difficult as looking in every fish box out on the water. Where to put the closed areas always becomes the issue. Putting a closed area outside one state while leaving another state wide open would pose inequities in the fishery. All agreed that it was an extremely difficult task at hand.

Similar to hunting, **Dr. Diagne** inquired about whether they would be in favor of a system that required everybody to pay some type of fee for using the resource. **Mr. Eicke** replied that for-hire captains would rebel against that idea because that would add additional expense for them. Lottery style shares would not work for them either. He proposed a licensing system similar to moose or elk licensing. The variance in how much people fish is great. Some fish daily, some several times a week, while others fish a couple of times a year. He also questioned the concept of leasing shares and whether allocating part of a public resource for the financial gain of one individual was right.

Ms. Williams expounded that one concept being considered was for the sectors to be able trade shares between the two sectors, incorporating some type of tagging system to account for commercial shares that moved to the recreational fishery to be fished. There would have to be monies collected to administrate a program to monitor the recreational catch as happens in the commercial IFQ programs.

Mr. Eicke did not express much confidence in the ability of the two sectors to trade shares because the recreational fishery was too disjointed.

Going back to the analogy of hunting, **Ms. Williams** recalled that some areas were considered open hunting areas using tags and the fees were relatively small, while other areas were more restricted and hunting in those areas was more expensive. She pondered whether a similar tagging system might work for fish, so that people can fish when it is convenient for them. **Dr. Diagne** stated that a tagging system would probably be more effective in a contained environment, such as a lake, rather than the entire Gulf.

Deep water fishing is always difficult to discuss because deep water fish die when caught and brought to the surface. When talking about tagging, a lot of issues would have to be worked out in order for this idea to work. Ms. Williams asked for everyone to ponder these concepts and encouraged them to come back to the Council with any ideas that may surface.

The meeting was adjourned at 7:05 p.m.

SUMMARY REPORT
SCOPING MEETING – GALVESTON, TX
REEF FISH AMENDMENT 32
January 11, 2010

Attendance:

Joe Hendrix, Gulf Council
Assane Diagne, Gulf Council Staff
Karen Hoak, Gulf Council Staff

12 Members of the Public

The scoping meeting was convened by Chairman Joe Hendrix at 6:00 p.m. Assane Diagne reviewed the PowerPoint presentation with the public. The public was then invited to provide comments and ask questions.

David Conrad- A captain for Circle H Charters, indicated that for accountability purposes, he is in favor of sector separation for the recreational sector.

Scott Hickman – Also a captain for Circle H Charters, spoke in favor of implementing accountability measures, and therefore sector separation. He commented that the purely recreational sector continues to grow every year, but the for-hire sector is not growing due to the moratorium on permits. He noted that the remaining for-hire businesses needed to be protected by way of sector separation and accountability for all in the recreational fishery.

Dan Bulla – Representing the Recreational Fishing Alliance spoke against the current data collection methods. Regarding catch shares, he commented that they drove some fishers out of the commercial industry while making the remaining fishers quite wealthy. He felt the same thing would happen in the for-hire industry. He also indicated that it was unwise to separate the recreational fishery, as purely recreational fishers would get an unreasonably small portion of the allocation. He went further by saying that the purely recreational fisher has never been responsible for the problem of overfishing. It has always been due to fishing practices of the commercial or for-hire fishers (testimony attached).

Marc Wilkerson – Owner of Blue Streak Fishing Charters spoke in favor of sector separation. He noted that accountability should be from the use of VMS or some other web based reporting system or the use of logbooks (testimony attached).

Tom Hilton – Supported GOMARS and fish stamps for data collection only, but not for limiting entry into the fishery. He supported a first fish caught rule. He supported telephone or web based reporting systems. He also asked if the SOS plan was a done deal to which Assane Diagne answered no. He did not support VMS and saw them as unnecessary. He did not support catch shares or sector separation (testimony attached).

Others who were present but did not speak included Dave McKinney, Jeff Barger, Keith Roberts, and Monty Weeks.

The meeting was adjourned at 6:30 p.m.

SUMMARY REPORT
SCOPING MEETING – ST. PETERSBURG, FL
REEF FISH AMENDMENT 32
January 12, 2010

Attendance:

Julie Morris, Gulf Council
Ed Sapp, Gulf Council
Steven Atran, Gulf Council Staff
Charlene Ponce, Gulf Council Staff
Charlotte Schiaffo, Gulf Council Staff
Dr. Carrie Simmons, Gulf Council Staff

53 Members of the public

The meeting was called to order by Chair Ed Sapp at 6 p.m. He read the Chair Statement and identified the Council Staff present. He then reviewed the format of the meeting, explaining that Mr. Atran would first give a PowerPoint presentation on Amendment 32, and then the meeting would be split into two rooms- one for a round table discussion, and one for public testimony.

Mr. Atran then reviewed the presentation for the audience. He explained that Gag was overfished and undergoing overfishing and that red grouper stock had declined since 2005. He added that the current annual catch target exceeded both the 2010 optimum yield and the 2010 acceptable biological catch. He noted that Amendment 32 would include a rebuilding plan for gag, adjust gag and red grouper annual catch limits and possibly annual catch targets, and explore other management changes.

The meeting then broke up into two rooms; the round table discussion was not formally recorded. Below is the public testimony which was recorded.

Mr. Spaeth, of the **Southeastern Fishing Alliance** stated that there was more information on fish traps now than in the past and that Reef Fish Amendment 16 of the South Atlantic Council had shown retrieval of traps had improved, adding that there were more turtles since the South Atlantic Fishery Management Council had renewed traps, noting that there was more interaction because there were more turtles. He explained that formerly, trap regulations could not be enforced so they received a bad reputation. He noted that new designs worked well and lowered bycatch and mortality, and stated that he would show designs at the next Council meeting. He stated that less than 1% of gag were caught in traps, and that the Council needed to make sure decisions were based on science and not politics, adding that traps would reduce gag and turtle mortality. He supported vessel monitoring systems (VMS), stating that they helped keep boats out of sensitive areas.

Mr. Rodriguez of **Economy Tackle** in Sarasota stated that data being collected on catch quotas showed less grouper being caught, and that this was due to fewer people fishing because of the economy. He pointed out that less fishers = less catch, not less fish, especially with the lower bag limits that had been enacted. He added that red snapper predation also hurt the gag fishery, and that the commercial fishery was overharvesting gag, not the recreational fishery, and asked why more limits were being imposed on the recreational fishery and not the commercial. He stated that the recreational fishery was a multi-billion dollar industry, and if the fishery was shut down, there would be deep economic impacts. He suggested

that the allocation between the fisheries should be split more fairly; noting that numerous other businesses that depended on the recreational fishery would go out of business if the proposed rules were enacted.

On the data collection issue he said that information on red snapper was incorrect, that they were numerous and were decimating the grouper population. He advised increasing the size limit, and stated that longliners were responsible for a majority of grouper mortality and bycatch. He emphasized that the collection methods currently used must be improved, that extending the closed season or dropping the recreational quota would be devastating and that the stock could be managed more wisely. He closed by stating that if the stock was so low, commercial harvest should not be allowed.

Ms. Fetherston, of the **Ocean Conservancy** testified that she would be submitting detailed comments to the Council. She noted that the overfishing shown in the data was more than two and half times the allowable threshold, and that the ratio of male to female was thus skewed in the data. She urged the Council to take measure to end the overfishing and added that data collection needed to be dramatically improved. She noted that January of 2011 was the Council goal to end overfishing and that a 50% chance of rebuilding had been recommended, adding that allowing ten years for rebuilding to occur was too risky. She stated that annual catch limits and annual catch targets needed to be considered to end overfishing and ensure future recruitment of gag. She added that bycatch of the fishery was a major cause of turtle mortality. She recommended lowering the size limit to lower bycatch and opposed allowing fish traps back in the fishery, explain that there needed to be a demonstration of how they performed before allowing them back in the fishery.

Mr. Twinnan, a commercial fisher, stated that he agreed with the idea of a recreational grouper stamp, and noted that there needed to be better information collected on the recreational sector. He explained that stamps would give an accurate count of recreational fishers in the Gulf so accurate data could be recorded. He supported separation of the recreational and charter industries, and added that they all be required to have VMS and electronic logbooks.

Mr. Jim Gillepsie, a writer and member of the **Sarasota Sports Fishing Club**, stated that the red snapper population had exploded and added that venting killed more fish than it saved, according to Mote Marine Laboratory studies.

Mr. Sapp interjected that venting issues would have to be readdressed, and that new information would probably require changes in methods.

Mr. Furr, a marine repair and tackle store owner, stated that red snapper were so numerous they had forced gag out of many of their normal spots. He added that a closure would cause people to sell their boats, and thousands of people would lose their livelihoods. He stated that economic factors were not figured in to the amendment.

Mr. Hilton, a charterboat owner, stated that the data used in the amendment was flawed and had no basis in fact. He opposed the reintroduction of fish traps, stating that they had destroyed reefs in the Keys, and promoted bad fishing habits. He posited that bycatch by recreational anglers was lower than commercial fisheries, and stated that there were new tools that ensured fish survival without venting. He was for sector separation, but opposed to VMS requirements, stating that they were an extra expense. He supported electronic logbooks, stating they would help stop misreporting. He questioned why the recreational fishery was closed during spawning, but the commercial fishery was not. He suggested that red tide data showing that it had supposedly decimated the red grouper fishery were incorrect, since the fishery could not have recovered if the recreational sector had depleted it so badly.

Mr. Fischer, a commercial fisherman, supported a fish tag for the recreational sector, and stated that science based models needed to be used to gather data, since data gathered by the *Marine Recreational Fisheries Statistics Survey* (MRFSS) was questionable. He stated that reintroducing fish traps would create conflict within the fishery and that bandit rigs could not get grouper because of traps, and that if they were approved, a few people would benefit while the majority of the fishery would not. He added that enforcement of trap regulations would be difficult. He supported individual fishing quotas (IFQs) adding that there needed to be a threshold per boat. He supported any fishing method that did not hurt the fishery. He urged the Council to address how people cheated the system and noted that declarations of gear time could be manipulated. He suggested that if longline gear was on a boat there needed to be a process to show the gear was not being used out of season.

Mr. Hernandez, a recreational fisher, supported grouper tags and stated that statistics used in the amendment were based on flawed data, noting that only 1% of fishers were surveyed to get the data. He objected to more stringent regulations being placed on the recreational fishery and not the commercial.

Mr. Bryant of the **Fishing Rights Alliance (FRA)**, urged the Council not to repeat the mistakes made in the red grouper fishery that were due to bad data, adding that any actions taken needed to consider the economic implications on the recreational fishery. He agreed that MRFSS data was severely flawed and was never designed as a management tool. He noted that other methods had been suggested in 2006 to improve data collection, but the Council still insisted on using flawed MRFSS data. He pointed out that there had been a large reduction in bag limits and an increase in size limits since 2004, however, these measures had not been given enough time to see if they worked. He stated that recreational fishing was a discretionary activity, and was one of the first to go in an economic downturn. He emphasized that the economic impact on an \$800 million industry for the state of Florida needed to be considered.

Mr. Mahoney, a charterboat owner, supported sector separation. He felt the current data collection methods were flawed, and that VMS and electronic logbooks would improve data collection.

Mr. O'Hern, president of the **FRA**, stated that he had grave concerns over the fatally flawed MRFSS and red tide data, adding that the recreational fishing and landing figures were highly overestimated, and that annual catch limits and annual catch targets were inaccurate without better data collection methods. He stated that allowable biological catch was a shell game and that accountability measures only went against recreational fishers, not commercial, and emphasized that recreational estimates must be improved. He bemoaned anti-fishing groups' actions that skewed data collection, and stated that IFQs have higher discards than were shown in current data. He advocated a 24" minimum size limit for gag, but opposed a "first fish caught" rule, stating it would hurt the biological quota. He did not support tags until the flawed data system was fixed, and noted that some of the same people responsible for the data collection were on the Data Collection Committee, and that there was no recreational representation, adding that 97% of fishing trips in the recreational sector were taken on private boats, and only 3% on charterboats. He adamantly opposed sector separation, stating that the recreational side kept the fishery afloat. He opposed the reintroduction of fish traps and longline gear. He was disappointed that Ms. Morris had not answered concerns about these questions when asked before, and recommended that at future public hearings, the presentation be done on a rolling basis, as people came in, and not just one time at the start. He explained that the SAFMC did it this way and it worked well for them, adding that the GMFMC needed to adjust how it did its public hearings.

Mr. Paladeno, a charterboat captain, supported grouper stamps, and VMS, adding that data collection needed to be better.

Mr. Walker, a fishing guide, argued that the data from the 2005 red tide occurrence was flawed, and that using it to bring down the total allowable catch had been a bad idea. He stated that the new quotas proposed would not be enough to make a living. And that the red tide model was unreliable. He suggested enacting whatever size and bag limits would be the least painful to the fishery and that keeping the season open longer would be beneficial to charterboats. He advocated raising the size limit on gag to 26", stating this would reduce bycatch mortality, and that having a one fish limit would keep the season open longer. He suggested using prepaid postcards for people to report their catches instead of grouper tags, and disagreed with the MRFSS data. Even though he owned a VMS, he was against wide-spread implementation of their use, stating they were more trouble than they were worth. He suggested making the penalties stricter instead of requiring VMS on charterboat, and that any closures needed to include spearfishing.

Mr. Brooks, a charter boat captain, supported the use of fish traps if supported by science, however, he did not think many people would use them.

Mr. Brunington, a spearfisher, noted that the dive industry was seasonal, and that a grouper closure would be devastating to the industry, with the 8 month closure being suggested a sure way to close down his business permanently. He noted that it cost a bare minimum of \$6000 to operate a vessel in addition to a \$4000 per trip expense, and these costs could not be recouped in a short season, and strongly emphasized that there should be no closure between April 1st and October 1st, suggesting that if there had to be a closure, to make it during October through January. He noted that his business had seen a 50% drop in the last 5 years. Mainly due to less fishing effort, and that more control did not make sense. He added that the data used was incorrect and illogical, and that the Council needed to talk to people in the industry to get accurate data. He stated that MRFSS data showing an increase in effort was statistically impossible with all the sales, trips, and effort down so significantly.

Mr. Furman, a member of the **Conservation Coastal Alliance (CCA)**, stated that he was against fish traps unless new traps are proven to be better than the old ones. He would prefer no longline gear and clearer regulations. He suggested using tackle shops as sources of data, and supported grouper stamps. He disagreed with data showing an increase in effort in the recreational fishery.

Mr. Tice, a tackle shop owner, said that MRFSS showed skewed data, and that fishing effort was down, not up. He questioned why NMFS data did not reflect a decrease in effort. He felt that anecdotal evidence was not given enough weight, and noted that his business was down by \$300,000 from just three years ago. He stated that the random phone calls used by MRFSS were useless, noting that even though fishers did not go out for grouper, MRFSS still counted all trips taken as grouper trips. He questioned how the biomass could be down if more fish were being caught. He offered to take Council members on trips to show them the stock had increased. He insisted that the gag population was phenomenal, and that the fishery was not overfished. He expressed frustration for what he saw as Council and NMFS disregard of recreational anglers input.

Mr. Schmidt a charterboat owner testified that it was not possible for recreational effort to be up, and that the data used was severely flawed. He noted that anglers did not want bycatch, but to be able to catch grouper and make sure the fishery was rebuilt. He proposed limited support for fish traps if they could be shown to be changed from previous designs, adding that ghost traps (traps that had been abandoned were a concern. He suggested that traps be numbered and serialized in order to be tracked, and that traps would be a less harmful method than some others. He stated that the new designs showed very rare interaction with turtles and other non-targeted species.

Mr. Dorst, a charterboat operator, suggested using a lower quota for gag now instead of waiting until 2011 to prevent an 8-month closure. He feels that better data is needed on red grouper before a decision is made, and supports electronic logbooks and sector desperation. He urged accountability for the recreational sector, noting that charterboats were already required to have federal permits. He also agrees with the idea of stamps and/or permits for recreational anglers. He proposed that if a quota were unused, it could be turned in to get a credit for the next year.

He stated that dolphin predation was a major cause of grouper mortality, and added that the mortality from catches on his boat was less than 10%. He concurred that closed seasons might be a good idea in some areas, but not a wholesale closure. He advised keeping a closure during spawning season for both commercial and recreational. He also suggested having a slot program similar to the one in the snook fishery.

Mr. Foster, a charter boat operator, stated that gag were in trouble, especially outside the 20 fathom area. He agreed that many areas were overrun with red snapper, which were having a deleterious effect on gag. He did not feel IFQs were fair, and he supported sector separation.

Mr. Erwin a recreational fisher, testified that red grouper was not overfished, and that red tide had a very small effect, although it was given much weight in models. He agreed that gag was overfished and suggested the proposed size and limits be instituted. He noted that the recreational fishery had a major impact on red grouper, while gag was more affected by the commercial fishery. He advocated more regulation of the recreational fishery.

Mr. Koweck, a recreational and commercial fisher, referred to the New England fishery having the same problems that were now happening in the Gulf. He urged the sectors to come together instead of fighting with each other, and suggested that spearfishers should have to abide by commercial and recreational regulations. He agreed with closures during spawning season, but was adamantly against fish traps, stating that they destroyed habitat. He reiterated earlier testimony that dolphin predation was a major concern, adding that cormorants also had an effect on the fishery. He noted that there were too many people in both fisheries who broke the law, and urged better enforcement. He closed by saying a sustainable fishery was the most paramount issue, and that livelihoods, while important could not be the main issue.

Mr. Pecknold, a spearfisher, stated that the Gulf of Mexico needed enforceable legislation to maintain a sustainable fish stock. He referred to a 5-year study that showed hunting and fishing had a 35 billion dollar impact and supported over 80,000 jobs in 2007. He proposed having more artificial reefs to give shelter to spawning and juvenile fish and to provide coral a base on which to thrive. He advised that care be taken with anchors to minimize reef destruction, and suggested marine preserves as another way to help the stock. He emphasized the need for harsher punishments and more education, and stated that management of the commercial fishery was not working. He opined that bycatch was the major issue of commercial fishing, and that allowing different weight and size limits for the commercial fishery was not a good idea. He noted that closures were not a cure-all, because closing one fishery put more pressure on other species. He supported grouper permits and opposed fish traps.

Mr. Blue, a charterboat captain, reiterated that the data presented was deeply flawed. He noted that he had worked with NMFS on several studies, mainly on red drum, and that the red grouper studies had been done in the same, incorrect way which gave skewed results. He stated that more fishing did not mean the fish population had changed, and that looking at fish I only one area would give inaccurate results. He

agreed that there had been a large increase in the red snapper population, and that data showing fewer red snapper in the panhandle had been extrapolated incorrectly for the entire Gulf. He added that Goliath groupers were voracious eaters which affected other fish populations.

Mr. Weible, a commercial and recreational angler, was against sector separation, adding that the commercial fishery was more detrimental to fishing than the recreational fishery. He noted that new technology made commercial fishers more effective.

Mr. Sam Maisano, a charter boat operator said that a grouper closure would be detrimental to tourism and other industries that depended on fishing. He stated that effort was down due to the economy, not because of less fish, and noted his opposition to wholesale closures. He agreed with spawning season closures.

Mr. Pecknold clarified his earlier testimony. He wanted to emphasize that he had been talking about recreational anglers who had commercial licenses they used for their own gain, he was not trying to vilify the regular commercial fishing industry.

Mr. Joe Maisano, a charterboat captain, suggested concentrating on fish closures in shallow water, not in deeper areas. He stated that the red snapper population was overwhelming the grouper fishery, and agreed with previous comments that a wholesale closure would kill businesses that depended on the recreational fishery.

Mr. Kein, a recreational angler, felt that data used in the closure proposals was flawed, and that flawed data permeated fishery management. He believed this flawed data, along with no restrictions on commercial gear, accelerated the bycatch problem. He added that the economic impact would be devastating to Florida. He agreed that red snapper were affecting the grouper population, and that new data collection methods were needed. He felt that a 66% reduction was an overreaction, and that there was no scientific data to support the red tide model. He disagreed with the idea that the Council was only enforcing federal mandates and had no control over the outcome, since the Council sent the federal government flawed data, it was responsible for what they decided on the fisheries. He suggested more artificial reefs to help stock biomass.

Mr. Sapp adjourned the meeting at 9:00 p.m.

Mr. Pecknold and Mr. Furman also submitted statements which are attached.

Members of the public who did not speak:

Raymond Bourge
Bennie Falou
Bill Fehl
Alexi Fowler
Chris Gauer
Kristie Gifford
James Gillepsie
Sanford Haggart
Brad Gorst
Frank Helies
TJ Marshall

Eric Rilenreud
Joshua Smith
Robert Smith
Sonia Smith
Andy Strelcheck
Mark Turner
Khana Vixayo

SUMMARY REPORT
SCOPING MEETING – FT. MYERS, FL
REEF FISH AMENDMENT 32
January 13, 2010

Attendance:

Julie Morris, Gulf Council
Ed Sapp, Gulf Council
Steven Atran, Gulf Council Staff
Trish Kennedy, Gulf Council Staff

96 Members of the Public

The scoping meeting was convened by Chairman Julie Morris at 6:00 p.m. Steven Atran reviewed the scoping document with the public. The public was then invited to participate in an informal question and answer session. Following that public testimony began.

Sean Gucken, St. Petersburg, FL, represented CCA and he had several concerns about the actual discussion of fish traps. The longliners pushed out to 35 fathoms would like to access those fish. If they want to they can do it like others – handlining. The waters can no longer support factory fishing. If not, there will be no fishing. Also, he opposed the give-away of a public resource to a few individuals or corporations with exclusive access where no one else can have. Sector separation appears to be a divide and conquer process to get rid of the individual recreational fisherman by pitting the recreational fishermen against each other. There is a clause that says the individual fishing quotas can be taken away but like taxes he did not think they would be taken away. He pointed out that the recreational quota stays the same, and the commercial guys now that they own it, can sell it, lease it, bequeath it to their heirs. Their quota can be reduced but they still have the right. The recreational industry as it expands still will not have the quota for that expansion. The recreational industry value is 3x that of the commercial.

Thomas Kasprzak, Punta Gorda, FL, CCA Charlotte Chapter President, stressed that care was taken by the recreational fishermen to protect the fish and release them alive. He questioned who owned the fish in the Gulf and he could not find a law that says the commercial fishermen were entitled to receive a share of the public resource. The Magnuson-Stevens Act does not say they have the entitlement.

He questioned who sponsored the LAPP program. Ms. Morris responded that the LAPP was proposed by the government. Mr. Atran noted that the LAPP program was just a beginning idea with only one meeting trying to determine the goals. Mr. Kasprzak was concerned that the public resource was handed over to a commercial interest.

Per the Gentner study, the annual recreational economic value was 223 million, commercial 94 million. The commercial fishery should have to stay out to 50 fathoms and there was no need to use fish traps in 35 fathoms. He spent 32 years as a marine enforcement agent in the northeast. He has been checked by Florida Fish and Wildlife officers, but not by federal officers. Some of the data used was faulted because of the lack of real input from avid recreational fishermen. He fished approximately 4 times per week.

He felt that the Council needs to rethink the “give-away” program (grouper individual fishing quotas) and accurately gather information for the recreational sector or there would be further litigation.

He believed that the surveys were not in tune with the fishing effort.

Charles Mann, recreational fisherman, Cape Coral, FL, stated he was a grouper fisherman his whole life

and fished on the west coast of Florida since 2000. He observed that the fishery was much better this year, and it would take less than an hour to limit out on gag and red grouper. On the reefs he dove there were so many fish he could not believe how the reefs could support any more fish. The data collection needs to improve, noting he has never been surveyed. He supported electronic logbooks and was surprised that they were not already required. He noted he had never been surveyed. He believed the fishery cannot be overfished since all people along the coast report more fish than ever.

Regarding the options paper, many of the citations were listed as personal communications and not on data documents that were available to the public to review. Looking at Table 9 on mortality rates he could not believe where the rates were from. For 70 feet or less of water there was no way that the mortality rate would be 10%. He thought he has seen maybe 1 in 100 or 200 give the appearance that they may not survive.

He opposed sector separation. He did not want to provide input on further restrictions, but size increase would be the only one he would consider.

He also opposed fish traps.

Emily Hutson, Lady Renee Charterboat, Ft. Myers Beach, FL, chartered for 41 years out of Ft. Myers Beach. Many speaking prior to her touched on her points already. She stressed that Florida was the main area where grouper were caught. The panhandle area and the big bend area were shallow water. The central, west central part had much deeper waters. The Ft. Myers area had shallow water. Grouper were 20 to 50 miles out, in 50 to 80 feet of water, mortality was a factor for deep water but it is a lot less in their area since the water is so shallow. The implementation of venting tools, circle hooks, and dehooking devices are meant to help with mortality. All those participating in the charter fishery take effort to reduce mortality.

The Ft. Myers area/southwest Florida, has a natural closure of gag grouper from October to April. The red grouper have a natural closure in the summer. Those in attendance agreed with her. In the summer, their area was a nursery for small red grouper. This information needs to be publicized, which she presented a year ago, but there are very few Council members left from that time.

She was opposed to fish traps and stressed the mortality was very high using them.

Gary Colecchio, Bonita Springs, FL, Charter Captain, stated he was the SW Regional Director for the Florida Guides Association, which is five times larger than the SOS group and the largest guide association. He opposed changing the rebuilding times, if the stock assessment has not been validated and populations were not agreed upon providing large allocations to the commercial sector in the face of rebuilding would prevent stock rebuilding success.

1.3.1 No change in allocations. No target should be changed until a data methodology has been changed and is defensible. The current data is unsound and fundamentally absurd. Those in the room do not measure their fish in numbers of pounds rather in numbers of fish and it would be impossible to make that calculation.

1.3.2 No targets should be changed until a data collection methodology has been changed and verified. There was no way to really convert size of fish to pounds of fish and no fisherman measured his yearly collection of fish in pounds.

1.3.4 Yes, conversion to multi-use shares should be eliminated for red grouper, but not for gag grouper.

1.3.5. Bad assessments should not be used to adjust the seasons and there was no verifiable data to base that decision upon.

1.3.6 For bycatch issues, he supports time and area closures for commercial fishermen, electronic VMS, and set aside.

1.3.6.1 He felt that reducing the commercial size limits to reduce bycatch was a joke.

1.3.6.2 He was absolutely opposed to fish traps.

1.3.6.3 Regarding keep the first fish – he cannot determine what the recreational bycatch was and it could not be calculated for this section.

1.3.7 He supported implement fish tag programs. How they would be allocated and enforced – he had no idea since there was no enforcement now.

He would support the fish stamp program for data collection only not as a method to implement an allocation or individual fishing quota program.

1.3.8 He felt that MPAs are not an effective management tool.

1.3.9.1 He opposed sector separation, some charterboat operators use both recreational and commercial licenses. There should be no commercial entitlement to recreational fisheries.

1.3.9.2 He also opposed VMS on charterboats.

1.3.9.3 and 1.3.9.4 He supported the telephone reporting system and electronic logbooks.

1.3.9.5 He did not support the grouper endorsements.

Richard Cain, charterboat operator, Ft. Myers Beach, FL, fished for over 50 years. Regarding the financial end of the for-hire sector he had to speak for his own interest. He sympathized with recreational fishermen but for him to get a grouper he must run someone else's boat or buy the fish from Publix. It was time for the charterboats to be their own sector to preserve their industry. He would prefer to keep the grouper fishery open year round and he can sell a trip if they can catch grouper, whereas he cannot if there was a grouper closure. He must cooperate to get better data, and no one agrees with the data. The credibility was reduced since the stock assessment said the stock was bad, then once sued, the assessment was redone and it came back that the stock was in good shape.

He favored a charterboat days-at-sea program. This southwest region's tourist season was from November through April and the fishery needs to be open then. The closure in February and March was to protect the spawning aggregate that was fished in areas reached by Florida recreational fishermen, not charterboats. The grouper fish were not seen in this area in spawn during February and March.

Fish caught in Ft. Myers do not exceed 30 inches, when the fish get bigger they go offshore where the commercial sector then catches them. He supported the commercial sector being pushed to 50 fathoms.

He stressed that fish traps were the most destructive method of fishing in this area and it took 20 years to get them out. Longlining was also very destructive and should be prohibited. The Gulf Council had many opportunities over the years to manage the fishery. Dr. Crabtree who oversees the fishery should not receive a pension after 30 years of service unless the stocks are recovered which would prove he did a good job. The stock assessments were not valid. He currently had 17 licenses/permits on his boat, Coast Guard, Captain License, state, county, etc. and did not need any more to manage.

John Gettinger, Punta Gorda, FL, stated he was 68 yrs old and just a recreational fisherman. He has lived in Florida his entire life living on the east coast. He used to go to the "snook hole" in Marco Island to catch his grouper in the '50s and '60s. Upon retirement he moved to the west coast to catch fish. In the last year there's been more big grouper caught in Charlotte Harbor than since he had moved here in 1990. He felt that the regulations could be reduced since the fish were coming back. He believed the data must be flawed if an old fisherman like him was able to go out and fish and fill his limit any time he wanted.

Kevin Shimp, Punta Gorda, FL, relayed that due to the manatee situation inshore he moved to offshore fishing. He does 10-15 fishing trips per year in approximately 100 feet of water. The data was awful and he did not see what he read that the stock was down. This year was the best fishing he's ever seen, especially big fish. Duck hunting, buy tackle, rods, reels, bait, gear, etc. to try to catch grouper, regardless if

When he completed his duck hunting form he would note that he shot at about 300 but only killed about 2 since he was not good at it, but fills out a survey every year and suggested that reporting system should be used for recreational fishing. He questioned how he was allowed to take only 2 or 3 fish per trip was taking too many fish when there were boats who were allowed to land 35,000 pounds. The number of recreational fishers was increasing in Florida and they should be allowed to fish.

He did not fish where there were fish traps because there were not any fish there. He opposed fish traps and felt that the longliners should be out at 50 fathoms. He opposed replacing one bad fishing method with another bad fishing method.

James Collier, Cape Coral, FL, agreed with those who spoke before him. He was a charterboat captain who was trying to make a living. The recreational impact was much greater than the commercial impact. By shortening the season and only allowing them to go target fishing was not good.

He referred to Table 12, page 32, recreational gag landings in pounds. The data seems to indicate that the commercial take of gag was less than the recreational take which he disagreed with. Those in the room agreed with him.

He asked why there did not have regional management by at least county or by larger regions like a southwest quota/season. On page 7, the graph looked to be about the same, he had a hard time believing the commercial sector took 2 times more than the recreational sector.

He has seen longline boats at the dock, loading and unloading, and seem them fishing, and it was a very efficient method. He favored a stamp of some kind but questioned what they would do with the money. He supported the longliners fishing out at 50 fathoms and strongly opposed fish traps. All fish traps catch fish, not all come back on the boat and he was opposed to them. He supported a larger season, and noted he could sell a trip on being allowed to catch even one grouper rather than no grouper.

Regarding the keep the first fish idea, he opined there will not be any fish left or saved because any fish caught will go in a box on the boat and high grading would occur.

He did not believe there was a 67 % mortality rate as noted in the document.

He favored opening the goliath grouper fishery.

Frank McCallister, Fort Myers, FL, represented the Southwest Florida Spearfishing Club, he agreed with many of the points already made about the invalidity of the data. He favored size limit increases rather than closures. He opposed the keep the first fish caught idea since it would limit the effort of the fishermen and the spirit of fishing. He felt the Council needed to fix the fatally flawed data estimates. He pointed out that the new Data Collection Committee was stacked with catch share advocates.

He opposed sector separation, or appointment of any recreational shares to the commercial sector.

James Hoffman, Punta Gorda, FL, represented the Punta Gorda Isles Fishing Club and was a recreational fisherman in this region since 2003. Starting in 2004 he ran offshore to catch grouper and it was hard work to catch grouper. In 2008 it was easier to catch grouper anywhere he wanted to fish. Due to the hurricanes and the price of gas in the last few years the effort has been down and the grouper stock must have rebuilt itself during that time.

He objected to the current data particularly the estimates of fishing effort after the multiple-hurricane season Florida had. Circle hooks, venting tools, have improved the mortality of the fish he released. He had used venting tools ever since he started fishing for grouper.

To collect better data, he would support a grouper stamp, for one dollar and have that money used to mail postcards to those stamp holders and to receive the responses back on their fishing effort.

He wants to be able to know what data was being used and how to track it so he can keep the documents (amendments) honest. He requested staff put a link on the Council website directing them to the sources of the data collection, like MRIP and MRFSS, etc.

He referred to Table 2 on page 28, showing red grouper proposed allocation, and stated the recreational grouper attribution to the economy of Florida far exceeds the commercial economic impact. The Council needs to get credibility and that could be achieved if the data could be presented in black and white to the fishermen. When the commercial gets 76 percent and the recreational sector gets 23 percent the recreational sector will not be willing to accept any further reductions.

Marty McCaffrey, Punta Gorda, FL, was a recreational fisherman who retired to Florida 5 years ago to fish. He appreciated having materials at the meeting for them to take home and study.

He was appalled that in 27 years the commercial sector had 76 percent of the quota, while there are millions of retirees in Florida who wanted to fish for grouper. He would like to see the data of where the grouper were caught by region and post it on the Council website, i.e., make the data or links on the site so they can easily find the data without having to know all the programs like MRIP, etc. and find their web sites.

He would like the demographics of the fisheries in Florida to be considered and regionally modified. He suggested a recreational closure of two different months rather than two consecutive months.

When the regulations changed to allow two red grouper he appreciated that change in his favor which made the trips more cost effective. He questioned how the commercial sector could be allowed to catch smaller fish and especially not smaller than the recreational fish. He noted that small recreational fish would not have much meat on them and would be less desirable.

To gather data he suggested surveying people who attended the meetings, using say 5 questions, and gather that data, which would be better than no data. He would support a grouper tag if the funds collected for that tag would go for data collection.

Paul Caruso, North Ft. Myers, FL, represented the Coastal Angler Magazine and noted he was on board of directors for the Snook Foundation as a non-paid position. The board was mostly comprised of charter and recreational anglers rather than scientists. He believed the data was flawed. By changing the regulations so frequently it makes it difficult to see the results of the regulations and therefore harder to gather support for any further changes.

He opined that slot limits seemed to make the most sense and would be more favorable than closures.

To be allowed to catch goliath grouper would bring people from around the world to target that large of a fish and would provide a great economic boom to the area.

He opposed fish traps and felt that when they were taken out of the document the commercial sector would then ask what would they be given since the fish traps were taken away; even though it was just included as a concept for discussion.

Jim Joseph, Port Charlotte, FL was a charterboat fisherman and participates in stock assessments in a local level. He was confused by the data in Table 12 on page 23 and the statements below the chart. Ms. Morris explained that the bycatch amount was factored into the total amount of fish allowed, so if the bycatch was lower than the quota would be higher. Mr. Joseph stated that was not clear on page 23.

He asked if there was sector separation and the charterboats have to have VMS and similar regulations as being a commercial fisherman, could he then lease shares from a commercial fisherman and fish them on his charterboat. Ms. Morris noted that the Council had just begun conversations about that option or some method of transferring shares.

He supported a grouper stamp if the money collected was directed to data collection, and those with stamps were actually surveyed.

Adam Wilson, stated that the stock assessments do not seem accurate. He fully supported a grouper stamp. He did about 150 dives in the Gulf from January to November and gag grouper were everywhere, from Steinhatchee to Ft. Myers in deep and shallow water. On single dives, he would shoot his two gags and be swarmed by many other groupers. He would like to have his 5 gags back and he did not favor red grouper because he did not like worms in his fish. He had never seen a red grouper without worms. He opposed closed areas. If he had to give something back, he would probably agree with the higher size limit. He opposed fish traps and noted they only stop ghost fishing once they are so full of fish bones that no more fish could fit into them. Additionally he supported the FRA's positions.

Paul Giordano, Ft. Myers, FL spoke on behalf of CCA Florida and read a prepared statement (attached). The CCA opposed fish traps. The CCA favored the grouper allocation being divided more fairly between sectors.

Jack Thomas, Ft. Myers, FL, also believed the data was based on flawed science. He has seen the fishery in its good days in the 1970s then bad days in the 1980s and now it was much better. He noted that fishing in 150 feet of water as people in his area do would not create as high of a mortality rate as being used in the document.

He opposed a seasonal closure. He supported the current size limits and he would only consider raising the size limit if he had to give something up.

Due to the bad economy he figured many more people were not fishing. After going out past 10 miles it was possible to not see another boat especially on a week day, due to the costs of fishing that far out. He suggested the Council give the current regulations a chance to work and stop making changes every year or so.

He opposed fish traps saw firsthand their destruction in the Keys when he fished there. He supported keeping the longliners out past 50 fathoms.

He supported a grouper stamps and supported a harvest permit if the money collected would go for strong data collection.

Ozzy Fisher, Ft. Myers, FL, stated he was a 2nd generation captain and he and his father guided from this region since 1971. He always fished within 10 miles. He has seen when the stock was down and currently the stock was as good or better than in the mid 1980s. His largest gag caught was 18 pounds. He felt that if his son turned in a school science project based on the type of data included in the document his son would get an F grade.

If the commercial catch mortality was only 11 percent how could it be that the commercial size limit was reduced to stop dead discard because the fish they caught were dead since they were caught so deep.

He supported regional management and Council members being selected by region rather than scientists that do not know anything about actual fishing.

He noted that charterboat captains were a dying breed, and none were entering the industry.

He opposed any closed area, and opposed a closed area in his area due to a natural closure since the fish did not come in during the summer.

Charles Sabczuk, Sanibel, FL, represented Sanibel Fishing Club with 75 members, and he agreed that the data was flawed. He noted that those in the room has responded to a question earlier that no one had been asked about their catch and only two had been asked about their fishing effort but not about their catch. With that in mind he strongly urged that grouper be managed by zones. He pointed out that duck, deer, etc. were zoned. He felt that the data was from the panhandle and not his region.

He opposed closures, but suggested reducing the limit for a short period of time if a reduction was required.

He opposed fish traps stressing it was a horrible idea. He supported banning longliners. He believed in a grouper stamp.

He felt that more of the fisheries would be replaced by aquaculture as the shrimp industry was being decimated by aquaculture shrimp.

He felt that the fishery was so good due to the two red and two gag limit and the Council should be commended for that effort and improvement.

Tony Agin, Ft. Myers, FL, owned Captain Tony's Fishing Adventures which provided party and private charter boats from Ft. Myers Beach. He opposed fish traps. He captained boats that fish trapped and his opinions are from his own experience. The fish traps were too efficient, and would take too many fish.

He opposed longlines and had fished them so he knows their efficiency. Longlines should only be allowed out at 50 fathoms.

He opposed the first fish caught due to high grading. He was against the fish tag, fish stamp program, time and area closures. He supported bag limits. He opposed mixing sectors, either recreational or commercial.

He supported electronic logbooks for the for hire sector. Landings for the commercial sector may be accurate but was not accurate for the recreational fishery.

No need for additional endorsements, since he already had a license to catch grouper and coastal migratory pelagic.

People who attended and completed cards but did not speak:

Taylor Brown	Richard Brennan
Brent Argabright	Jack Spies
Christopher Nappi	Wayne Parker
Ron Anderion	Len Harris
Dan Maloney	Henry Rossi
George Bobku	Bill Schwartz
Frank Gable	Russ Toops
Robin Leonard	Roy Bennett
James Glenn	Fred Milleman
Ken Dieffenbach	
Gordon Mull	

The meeting adjourned at
9:12pm

SUMMARY REPORT
SCOPING MEETING – ORANGE BEACH, AL
REEF FISH AMENDMENT 32
January 14, 2010

Attendance:

John Greene, Gulf Council
Dr. Carrie Simmons, Gulf Council Staff
Phyllis Miranda, Gulf Council Staff

9 Members of the Public

The public scoping meeting was convened by Chairman John Greene at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments.

Ben Fairey, charterboat captain, Pensacola, FL. He felt that there was an urgency in the for-hire industry because many fishermen were in dire straits due to financial issues from loss of business. He added that the Council needs to move forward as quickly as possible to help those fishermen. He stated that there needed to be accountability for both for-hire and recreational sectors to get accurate data of how many people are fishing and how many fish are being caught so that the Council could make informed decisions. He was in favor of sector separation and felt that the Council would be able to develop better management plans for the for-hire industry which had its own unique needs compared to the purely private recreational sector. He felt there should be a limited entry system for the private recreational fishers as well. He believed that there would be a benefit in considering a the stamp program to provide accurate data on what was being caught. He was in favor of VMS for the for-hire industry, not only for law enforcement purposes, but so that there would be more flexibility in the fishery so fishermen could come and go when they had business instead of having a limited season. He stated that he was in favor of keeping the first fish caught for grouper fishing. He felt that release mortality was too high and that the size limits needed to be looked at with a possible consideration of no size limit on deep-water grouper to reduce fish mortality. He stated that the seasons for the for-hire industry were too short and should be longer. He was not in favor of fish traps if the commercial fishermen would also still be able to use their longline gear. He would like to see further research work on fish traps to develop the technology of the gear. He voiced concern about fish traps tearing up the bottom and that if there was a way to make a better fish trap that did not damage the bottom, it would be a more favorable idea.

Michael Sprinkle, recreational fisherman, Pensacola, FL. He stated that he was for sector separation and that the Charterboat should be separated from commercial fishermen and also from the recreational sector. He felt that for-hire manages their own fish because they do not overfish their spots or they would not have repeat customers. He was in favor of keeping the first fish caught for all reef fish and felt that when they were thrown back in the either would die or were eaten by other fish. He would also be in favor of website reporting.

Tracy Redding, charterboat captain, AAA Charters, Foley, AL. She stated that she supported a four grouper aggregate limit, one grouper per person to extend the fishing season. She was in favor of sector separation, electronic logbooks, and VMS units in the for-hire sector. She felt that sector separation was a top priority. She added that the fish needed to be counted and that real-time electronic logbooks should be mandatory on all boats, possibly linked with GPS. She felt that VMS had helped with enforcement.

She stated that the Council should look at the closed seasons for grouper and amberjack and see how they affect each other. For example, open one and possibly close the other.

Tom Ard, charterboat captain, Orange Beach, AL. He was in favor of a smaller bag limit, a longer season, and keeping the first fish caught. He felt that would reduce bycatch mortality. He was unfamiliar with fish traps, but felt that if the commercial sector used it as a tool to decrease bycatch, that it would be beneficial. He was in favor of sector separation, VMS, and electronic logbooks as long as the true private recreational fishermen would also have some kind of accountability measures.

Allen Kroscoe, charterboat captain, Orange Beach, AL. He felt that it is imperative to manage the fishery to enable the for-hire sector to stay in business. He stated that good data was needed to be able to manage the business, and was in favor of electronic logbooks and VMS. He added that the Gulf was getting very crowded because recreational sector keeps growing and also needs to be limited. He stated that short fishing seasons have hurt many fishermen. He felt that the for-hire sector do a great job managing their own sector. He was in favor of a reduced bag limit for grouper if the season was extended.

Others who attended but did not speak:

Chris Blankenship

Robert Turpin

The meeting was adjourned at 7:00 p.m.

SUMMARY REPORT
SCOPING MEETING – PANAMA CITY, FL
REEF FISH AMENDMENT 32
January 14, 2010

Attendance:

Bill Teehan, Gulf Council
Ed Sapp, Gulf Council
Dr. Steve Branstetter, National Marine Fisheries Service
Dr. Carrie Simmons, Gulf Council Staff
Charlene Ponce, Gulf Council Staff
Phyllis Miranda, Gulf Council Staff

65 Members of the Public

The public scoping meeting was convened by Chairman Bill Teehan at 6:00 p.m. He then reviewed the format of the meeting, explaining that Dr. Carrie Simmons would first give a PowerPoint presentation on Amendment 32, and then the meeting would be split into two rooms. The first room would be for a round table discussion Chaired by Ed Sapp, and the second room would be for public testimony Chaired by Bill Teehan.

Dr. Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments.

Gerard Ramsden, recreational fisherman, Panama City Beach, FL. He stated that he was concerned about annual catch limits for red grouper and gag. He noted that fishing is the main thing that many of the snow birds that come to Florida and contribute to the economy come to do. He was concerned that if the season was to be changed from beginning in April to beginning in June, the snow birds would lose out on the season and would need to look elsewhere for recreational fishing. He stated that he would like to see the grouper season remain opening April 1st so that they would still have an opportunity to fish.

Capt. Mike Eller, Destin Charterboat Assoc. He noted that the reason for the recreational sector not catching their quota in 2009 is because the fish were not there to be caught. He stated that the back-to-back storms in 2005 moved and buried large quantities of adult groupers out of their traditional habitat, and that the recreational fishermen were catching more than 20 groupers on their trips because groupers were pushed in toward shore. He added that following those storms there was also almost a year-long red tide episode. He believed that these combined events had caused a decrease in population of groupers. He questioned why in Section 1.3.9.1, “providing a consistent allocation for recreational and for-hire” was in the scoping document because it did not make sense. He stated that he believes that the recreational and for-hire sector already have a consistent allocation. He was against fish traps because he did not believe that fish traps were the solution. He felt that if a fish trap that could not be lost or broken off could be devised that he would be more receptive to the idea. He added that he felt if commercial fishermen were allowed to use fish traps, then recreational fishermen should also be able to use fish traps. He felt that there should be eligibility requirements for grouper endorsements and participation in the reporting process. He was against catch shares but felt that sector separation would be a possible management tool in the future. He stated that if the sectors were separated, then each sector would not get enough fish. He stated that 10 years for the rebuilding of the fishery was a better idea than 5-7 years. He

felt that keeping the first fish was not the way to go and believed there were better ways to reduce bycatch mortality, such as education on the boats and slowing down how quickly the fishermen catch fish. He supported the use of electronic logbooks. He felt that there should be some type of federal license, permit, or stamp needed to participate in the fishery in federal waters so that those who are fishing federal waters would be identified and it could be tracked who is catching what type of fish. He felt that there should be a longer grouper season, even if it meant having a smaller bag limit. He was not opposed to time area closures and felt that spawning sites should be protected.

Capt. Chuck Guilford, charterboat captain, Mexico Beach, FL. He stated that he had been in the fishery business for 33 years, was retired from the U.S. Army, was a graduate of the University of Nebraska, and currently his business was living off of a bank loan due to changes in regulations, the restrictions on catch limits, and the decline in the economy. He added that he had seen fish stocks decrease and bounce back because of natural forces of nature and was surprised to see that was recognized in our summary of Amendment 32. He noted that he believed size limits and catch limits had caused the fishermen to kill more fish than they could possibly have caught because of bycatch mortality. He believed that the data that is being used by the Council and NMFS was insufficient and flawed in many areas. He stated that the required VMS system was installed on his boats and that it was required to retain his commercial permits. He felt that longlining had killed more in-shore and deep-water grouper than any other method. He added that he was against sector separation.

B.J. Burkett, charterboat captain, Panama City, FL. He was of the opinion that nature should be regulating the fishing. He was against catch shares, but was in favor of logbooks and felt that the recreational sector should also be required to use them. He was against sector separation. He added that he would rather have a reduced bag limit than a shorter season. He believed that the dolphins are a problem contributing to bycatch mortality and something needed to be done. He also felt that there was a need for more enforcement.

Deborah Logan, My-Way Seafood, Panacea, FL. She felt that with the IFQ system just implemented, if further restrictions were put on the fishermen, many businesses would close. She noted that many fishermen did not receive enough shares to stay in business under the IFQ system.

Samuel Logan, Seaweed, Inc., Panacea, FL. He stated that he owns two reef permits which allowed him a fair amount of grouper allocation. He felt that further changes in the regulations would put a strain on the fishermen and would cause many businesses to close. He felt that there was a lot of snapper and that the limit should be increased.

Benjamin Kelley, charterboat captain, Panama City, FL. He felt that sector separation would not reduce the grouper catch and that sector separation had nothing to do with good management. He noted that catch shares was not enforceable because the people with more money would own most of the shares and those who did not have a lot of money would not be able to own shares. He added that a closed season was the worst possible thing to do for grouper fishermen. He believed that a reduction in the bag limit would be more beneficial. He stated that a longer season for snapper and grouper was needed to keep the fishermen in business. He added that he is opposed to catch shares.

John Law, charterboat captain, Panama City Beach, FL. He stated that he was against sector separation and that the fishermen could not tolerate a shorter season or closures. He was also against trip shares.

John Geisler, recreational fisherman, Panama City Beach, FL. He stated that he is a snow bird from Michigan and has had a Florida recreational fishing license for the past 5 years. He believed that shorter fishing seasons would harm the tourist industry. He felt that if season could be extended in to April and May, it would be beneficial because of the tourist dollars spent in the state of Florida.

Bart Niquet, Niquet Fisheries, Lynn Haven, FL. He stated that the grouper issue is overwhelming everybody and that there is a lot of red snapper. He felt that the red snapper bag limited to should be increased to 3 on recreational boats and that the season should be extended to six months long. He added that checking the recreational boats before they come through the passes would help with enforcement. He stated that instead of shortening the grouper season, the bag limit could be decreased.

D. Kirt Senft, Quincy, FL. He stated that he was against fish traps. He felt that turtles would get caught in the lines, and that there was no way to discourage gag grouper from going into the traps instead of red grouper. He was against sector separation and felt that it would not be accepted. He stated that the red snapper eat the grouper as they are being caught. He questioned if the data was being collected at different times in the same areas. He felt it would be a good way to tell differences in the stock of an area. He felt that collecting the data randomly does not work. He added that Internet surveys of the fishermen would be a good idea. He was in favor of extending the season.

Patrick Green, dive operator, Panama City, FL. He stated that he felt there were better ways to calculate effort. He noted that Federal excise tax has to be filed on fishing tackle and that could be included in the numbers. He added that random surveys of pay-for-parking or pay-for-access launch sites would also give an idea of who is fishing.

Tom Carpenter, recreational fisherman, Marianna, FL. He felt that Florida fishermen would be willing to pay more for a fishing license to create more revenue and that out of state fishermen should pay a higher fishing license fee. He stated that more reefs should be established and that there was too much sand and not enough habitat for the fish.

Fred Carpenter, recreational fisherman, Marianna, FL. He was in favor of increasing the bag limit on red snapper. He noted that there were areas where there was an ample supply of grouper. He believed that a lot of the data on grouper is coming from spots where the grouper are not. He felt that the grouper season should be lengthened.

John Brady, Lynn Haven, FL. He read into the record a written statement, which is attached. In summary, he was against a year-round closed season and felt that the data collection system needed to be improved. He was against adjusting the current catch limits, sector separation, a fish tag or stamp program for grouper, the reintroduction of fish traps, and the catch share program. He was in favor of a February through March closure, an increase in size limits for gag and black grouper, and the removal of the MRFSS system.

Paul Erben, recreational fisherman, Panama City, FL. He stated that he did not understand how quotas, bag limits, and sizes of grouper can be changed without understanding the impact of the explosion of red snapper population. He felt that the sampling techniques were not working and that decisions were being made without having good data. He was against fish traps and felt that longlining should be done away with.

Ted Forsgren, CCA Florida. He emphasized CCA's objections to the grouper IFQ and catch share program. He felt it should be more fair and equitable for all those involved. He questioned why 65% of red and gag grouper were given to the commercial fishing industry. He stated that catch shares are not about conservation, but more about allocation and access to public fishing areas. He noted that fish traps should not be considered instead of longlines because it was a bad piece of gear, it gets lost and continues to kill. He stated that they do not support sector separation within the recreational fishery.

Jim Clements, Carabelle, FL. He expressed surprise that the Council would consider bringing back a fishery that was banned 3 years ago. He felt that if the fish traps were allowed, they should be able to be used by all fishermen, not just commercial fishermen. He supported a time area closure in spawning grounds when fish are spawning. He felt that use of multi-use shares for gag grouper should be reduced or should be used to catch red snapper and that the shares should be used only for healthy species. He also felt that gag catch could be reduced and replaced with red snapper catch since that fishery is healthier.

Mark Kelley, charterboat captain, Panama City, FL. He stated that he was against catch shares, sector separation, and bringing back the fish traps.

Holly Binns, Pew Environment Group. She noted that gag and red grouper are two of the most important shallow-water groupers off the coast of Florida and must be protected. She stated that red grouper population had also declined sharply, but remained just above the overfishing level. She felt that the current population level of red group should be considered when making revisions to management measures.

Charlie Paprocki, charterboat captain, Panama City Beach, FL. He was opposed to the IFQs. He felt that shares are being bought but not being fished and that it was hurting the smaller fishermen that do not have the shares to fish. He was against sector separation and felt that it weakens the separated groups. He added that the red snapper are eliminating the grouper and that something would need to be done.

Pam Anderson, Panama City Boatman Assoc., Panama City, FL. She was opposed to catch shares as well as sector separation. She stated that a lot of inexpensive programs could be used, such as a stamp program, that would not be invasive to the fishermen's privacy. She noted that data could be collected the day of the trip and did not have to be done by the expensive VMS system, but instead could use a telephone or web-based reporting system. She added that fuel sales were down 70% from 2005 to 2009, which meant that effort was down. She was in favor of electronic logbooks as long as there was not a VMS requirement.

Frank Bowling, recreational fisherman, Panama City Beach, FL. He felt that if it was necessary to compete to get a catch share, then he would no longer be able to fish because he was a recreational fisherman and felt that he was the small guy at the end of the line. He stated that released fish are eaten by dolphins or sharks which adds to the bycatch mortality. He was in favor of keeping the first fish regardless of size and felt that it would cut down on the mortality rate. He noted more abundance of red snapper than he had ever seen. He stated that he would like to see the bag limit of red snapper increased as the population was there to support it.

Henry Hunt, charterboat captain, Panama City, FL. He was opposed to sector separation and catch shares, as well as VMS. He also noted an opposition to fish traps re-entering the fisheries as well as longlining.

David Singley, commercial fisherman, Apalachicola, FL. He stated that he was opposed to fish traps. He noted that red grouper size was down to 5½ pounds prior to the removal of fish traps and that, in 2007, the first year after traps were eliminated, there was over a pound increase size as well as the next year. He noted that this year he was seeing much bigger red grouper. He felt that fishermen should not have been awarded IFQs based on previous catch from the use of the fish traps as it would be unfair to those who had not used fish traps.

Others who attended but did not speak:

John Patronis

William Shackelford

Roger Wilbourn

John Lee

H.D. Adams, Jr.

The meeting was adjourned at 9:00 p.m.

SUMMARY REPORT
SCOPING MEETING - KENNER, LA
REEF FISH AMENDMENT 32
JANUARY 19, 2010

Attendees:

Damon McKnight, Gulf Council
Steven Atran, Gulf Council Staff
Charlotte Schiaffo, Gulf Council Staff

17 Members of the Public

Chair Damon McKnight called the meeting to order at 6:00 p.m. and read the Chair Statement.

Mr. Atran then gave a PowerPoint presentation outlining the issues contained in the scoping document.

An audience member asked if the stock assessments shown were Gulf-wide or only from certain areas.

Mr. Atran replied that for the red grouper, the assessment was Gulf-wide; although he conceded that red grouper were not plentiful in the western Gulf.

Mr. Zelenka, a member of the Fishing Rights Alliances (FRA) noted that he had been fishing for 40 years, and him and many people he knew spent much money on fishing and diving. He stated that the data used for the recommendations was faulty and he wanted no more regulation on the fishery until better data was available. He was opposed to any closures, fish traps; catch shares, or separating the sectors.

Mr. Stone, a spearfisher, reminded the Council that they worked for the public, and that recreational anglers numbered in the millions. He stated he was contacting Congress to let them know the Council was using bad data, and that the Council was not following the mandates of the Magnuson-Stevens Act. He added that Congress could disband the Council if it did not follow the rules or produce good data. He pointed out that the Council's data had been wrong on red grouper and red snapper and that the data sampling methods used needed to be changed. He expressed frustration that the Council website was hard to navigate, with too many links and added that MRFSS data was highly inaccurate.

Mr. McKnight interjected to explain how to send comments to the Council.

Mr. Stone then asked who the Scientific and Statistical Committee (SSC) members were.

Mr. Atran explained the SSC function and where its members were recruited.

Mr. Carpenter, a charterboat operator, had concerns about a fish tag program, stating that it seemed geared towards a limited access program, and that unused tags could create a problem. He added that the stamps were not grouper specific, and that a reef fish stamp was already being considered, so a grouper stamp was not needed in addition. He stated that extra fees and licenses were too much of a burden. He felt that the grouper tag did not belong in the scoping document, that it should be in a separate paper. He reiterated other statements about the need for better data, and noted that Internet service, especially on the water could be spotty, thus giving inaccurate data. He suggested that a paper system be used as a backup. He also took issue with some of the wording in the document, stating that the phrase "grouper specific" be

changed to "regulated species," and that the recommendations for electronic logbooks and vessel monitoring systems (VMS) should also avoid such wording. He felt there were too many rules; however, he would support electronic logbooks if they were used for the entire fishery, not just charterboats, noting that dockside surveys would be helpful with logbooks. He was opposed to grouper endorsements, and noted that grouper was a good fish to fall back on if other species were not available, suggesting that an allotment system would be useful,

Mr. Sagerhalm, a member of the 100 Fathom Fishing Club, was opposed to the sector separation. He stated that it was a ploy to divide and conquer the sectors and set them against one another. He had concerns about VMS and grouper endorsements stating that VMS was a bad idea and prohibitively costly, over \$10,000 each, and unnecessary. He felt that endorsements were just individual fishing quotas (IFQs) disguised, and that fish traps were damaging and unneeded. He added that if the head and charterboat industries were forced to use VMS, then the rest of the recreational fishery would eventually be required to do so. He expressed concern that environmental groups could buy up fish stamps and prevent anglers from fishing. He thought that the data collection methods were unreliable and that more scientific data and research was needed. He was not sure about keeping the first fish recommendation for gag, while he thought it might be a good idea, he stated that further research was needed.

Mr., Trascher, a Coastal Conservation Association (CCA) member, was opposed to fish traps, saying they would contribute to overfishing, and that alternatives were needed to destructive commercial fishing methods. He stated that the recreational fishery was the most valuable to the Gulf, and that the commercial fishery was only marginal. He noted that 5 years ago, the CCA had requested a different allocation to reflect this, yet nothing had changed, adding that the data used to determine allocations was bad, and that the Council was giving away a public resource to commercial interests.

Mr. Huger, a CCA member, opposed fish traps, stating that they had a history of being lost and unattended and that they killed fish. He opposed sector separation, saying that it would pit anglers against each other. He stated that data collection was horrendous, and that there were major problems with dockside surveys. He suggested using web and telephone surveys instead. He feared that unless recreational anglers participated in surveys and let their wishes be known, their fishery could be taken away.

Mr. Rossignol, a member of the HellDivers Spearfishing Club, stated that at the first Council meeting he attended, a Council member told him his presence did not matter, so there was no need for him to show up, since the Council would do whatever they wanted, no matter what angler input they received. He supported the current Fishing Rights Alliance (FRA) lawsuit against the Council. He was opposed to fish traps and sector separation. He stated that the data was fatally flawed, and that effort in the fishery was way down.

Mr. Migaud, a member of the HellDivers Spearfishing Club, stated that red tide had supposedly decreased the red grouper fishery, and referred to a St. Petersburg, Florida article that noted the fishery had recovered from a similar red tide in 1971 in 18 months. He did not understand how the 2005 red tide event did not show fish coming back after 5 years. He felt that the method of random phone calls to collect data was a terrible idea.

Mr. Atran said it would be interesting to see if the red tide fish recovery happened in state or federal waters.

Mr. Migaud replied that the results would have to have been taken in deep water where grouper congregated. He added that the Council was using bad data as criteria for their effort figures. He was against fish traps and sector separation, and stated that too much of the fishery was given to the commercial sector.

Mr. Atran noted that offshore MRFSS data numbers every year since 2005 had shown a decrease in effort.

Mr. Armstrong, owner of Pelagic Products, said better management was needed of the gag fishery. He was opposed to sector separation and supported closures during spawning season. He urged that bycatch issues in the commercial fishery be studied and that better data collection methods be implemented.

The meeting was adjourned at 7:25 p.m.

Several attendees stayed for a question and answer session, which was not recorded.

Mr. Williams, a charterboat captain, testified that extra license fees were onerous, and while he supported VMS, he did not believe it belonged in this amendment.

Mr. Atran explained that the scoping meetings in Florida had involved round table discussions, and that some had worked out well, and others had not. He noted that key concerns of those meetings were fish traps and data collection reliability. He asked for suggestions on how public input could be improved.

One audience member requested that concerns expressed at meetings be put on the Council website.

Mr. Atran replied that briefing books contained public testimony and were available on the website.

Another person suggested that surveys be split between the Eastern and Western Gulf.

Mr. Rossignol and Mr. Zelenka gave written statements which are attached.

Members of the Public who spoke:

Toby Armstrong
Daryl Carpenter
George Huge
Terry Migaud
Lois Rossignol
Mark Sagerhalm
Walter Stone
Rod Trascher
Mandy Tumlin
Steve Zelenka

Gulf Council Members,

My name is Rob Harris and I live in Key West, Florida. In addition to owning/operating two charter vessels I also own/operate Conchy Joe's Marine and Tackle here in Key West. I also am the Chairman of the Board for the Key West Fishing Tournament and Vice Chairman of the Monroe County Tourism Development Council Fishing Umbrella. I also hold a seat on the SAFMC Grouper/Snapper Advisory Panel. And of course I am also a recreational fisherman in the waters surrounding the Lower Keys.

I am painfully aware of the scientific data being used in stock assessments. I have been, and will continue to be very skeptical of the data sets being used to close our fisheries. I am also aware of the anvil known as Magnuson/Stevens being held over the council's head.

As you may or may not know, the Florida Keys are the only waters that are managed by three separate governing bodies. We have the Gulf Council, South Atlantic Council and our own State Agency (FWC). We are also the only group of fishermen that can fish all three areas in the course of a single day.

When trying to prioritize seasons, bag limits, size limits and Total Allowable Catches, I think that the Council needs to step outside the box it has itself closed in and think of things in a different way. With every assessment, there is a EIS (economic impact study). The council needs to re-think how it views this document and place the betterment of the whole at the forefront.

Communities such as those that line the Florida Keys are prime examples of how the economic impact of the recreational angler is being set aside for the sole economic gain of the few commercial interests. The Keys as a whole are suffering from a lack of recreational fishing based tourist which effects every aspect of every person living in the island chain. For-Hire fishermen are seeing record lows for bookings and are having to resort to commercial fishing to pay their bills. When this happens hotel reservations plummet, restaurants sit empty, local attractions falter and eventually core business fail. Electricians, plumbers, distributors and the like begin to fall like dominoes.

To summarize my comments so that nothing gets lost in translation:

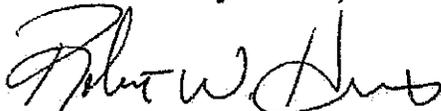
I am against any use of community resources that does not maximize it's potential economic gain for every member of a community. Emphasis must be placed on keeping recreational fishermen involved in their pastime for the longest period of time while maximizing their catching opportunity. Until the Council is willing to adopt a regional management method, you will continue to punish one community over others. Due to the large commercial interests in the Northern Regions of the Gulf, the mid to south Florida region and the Florida Keys will always be second in line and like the young child in "Oliver Twist", we will be left asking for more soup.

I am against taking the For-Hire "Charter" boats out of the Recreational Sector. Doing so would place them directly in the line-of-fire of every other known sector and environmental groups. They would instantly become the smallest sector and open to allocation attacks from the larger groups.

I am against even considering allowing Fish Traps being placed in any body of water.

What I am in favor of is better management tools in our fisheries. We as Americans strive everyday to use the best possible scientific advances to further our knowledge of the world around us. We see this in space exploration, medical advances and the like. Yet here we are, using outdated studies and formulas, some from the 1970's, to ascertain fish stocks in our waters. Until we update our methodology, we will continue to have knee-jerk reactions that are only proven to hurt our communities. We further convolute that information by using it to maximize catch shares for the few at the expense of the many.

Thank You for your time,

A handwritten signature in black ink, appearing to read "Rob Harris". The signature is fluid and cursive, with a large initial "R" and "H".

Capt Rob Harris, Key West

What the Council needs to be looking at is how to best use the available resources to their maximum extent. Recreational fishing is a multi-billion dollar sector to Florida alone. We have already seen the impacts of Catch Shares allocations working against the small commercial fishermen and to the benefit of the larger operations. The larger Commercial operations are now making a move to absorb every pound they can get in allocation, even at the expense of members of their own sector.

Now there is a move to include the "For-Hire" fishermen into their own sector which would be a complete dis-service to the Charterboat operator. By moving the For-Hire sector into the Commercial sector you will only force a further reallocation of assets already not being utilized to it's fullest.

Also, by placing VMS on For-Hire vessels you will be placing an already stressed sector into increased financial burden with no possible gain. These systems would be required to remain on at the dock as well as in Atlantic waters causing a financial drain on a already choked industry in the Keys. Any reporting system under consideration for the recreational sector should only be on a volunteer basis.

The Gulf Council now believes that Red Grouper, while not in an over-fished status, is on the decline. Could that have anything to do with the Council reducing the commercial minimum size limit on Red Grouper to 18" while maintaining a 20" minimum for recreational anglers? Since we have hard evidence that each fish has a much higher value to the communities and industries revolving around recreational fishing, we shouldn't allow the commercial sector to harvest anything that is off limits to the recreational sector. If anything, the limits should be stricter on the commercial sector as they do with Black and Gag Grouper. Every effort should be made to keep the much more economically valuable recreational season open for as long as possible to achieve maximum benefit for everyone involved, either directly or indirectly, in the fishery.

To even consider allowing the use of Fish Traps may be most absurd notion that I have ever borne witness to coming from such a knowledgeable group of people. Taking into consideration the painstaking measures we all endured to remove the traps from our waters, the time/effort that went into that undertaking. Now here we are again discussing the possible use of traps again. And to who do we have to thank for this devolution?

Dr. Samuel W. Smith
11642 Pamela Lane
Youngstown, Florida 32466

14 April 1994

Dr. Andrew Kemmerer
Director, Southeast Region
National Marine Fisheries Service
Duval Building
9450 Koger Boulevard
Saint Petersburg, Florida 33702

Dear Sir:

This letter represents a quick look at the expected life of a sample of wire mesh supplied by Mr. Don DeMaria. The exposure environment is seawater at depths of 200 to 400 feet.

The mesh appears constructed of steel wire which has been galvanized and coated with a plastic film. The wire is 0.083 inches in diameter and the plastic film is 0.022 inches in thickness. Sections of the wire mesh are joined by stainless steel "hog rings".

The normal life expectancy of the galvanized coating on the steel is about one year per mil of thickness (1 mpy). Although I could not measure the thickness on the sample provided, typical coatings are on the order of five mils, resulting in an expected life of five years. The uniform corrosion rate of uncoated steel in seawater is 4.6 mpy. This will tend to vary in this case because of limited exposure areas (exposure areas will result from breaks in the plastic coating) and the interaction with other metals (such as the stainless clips). The low temperatures in this environment will result in a lower corrosion rate than would be predicted from typical test data. Normally tests are run at temperatures in the range of 80 degrees Fahrenheit in Florida. The temperatures at these depths are approximately 60 degrees. This would lower the corrosion rate by approximately 25%.

This is not, however, the main issue in the life of the mesh. The mesh, as used in fish traps, fails from corrosion locally where the plastic film and galvanized coating is damaged. As long as the plastic film remains undamaged, the mesh and therefore the traps, will last indefinitely. While in use the traps are damaged during deployment and recovery and consequently have reduced lives. If relatively new traps are lost, there is nothing to damage the film and the traps last practically forever.

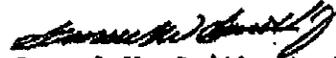
This is true in any seawater environment, for example both the Atlantic Ocean and Gulf of Mexico. There is no difference. The only way to insure a known, limited life for these traps is to outlaw the use of plastic or otherwise coated mesh (bare

metal), external zinc or other sacrificial anodes, and to prorate the corrosion rate for the temperatures at the depth of deployment on at least a panel on the trap. If anodes or galvanized coatings are used on the rest of the trap there can be no electric contact between the panel and the rest of the trap.

My understanding is that biodegradation of a hemp twine is currently expected to open a panel on lost traps. Aside from the fact that this is very easily circumvented, biodegradation, especially in deeper waters, is unpredictable. In deeper cold waters organic materials can survive much longer than expected based on shallow water data.

If I can provide further information or help in any other way please feel free to ask. My daytime phone is (904) 235-5803.

Sincerely,



Samuel W. Smith, Sc.D., P.E.

About the author:

Dr. Smith has a Doctorate in Ocean Engineering jointly from the Massachusetts Institute of Technology and the Woods Hole Oceanographic Institution awarded in 1981. He was a Professor of Ocean Engineering at Florida Atlantic University in Marine Corrosion from 1981 to 1988. Since 1988 he has worked on special projects in ocean engineering for the US Navy at the NSWC Coastal Systems Station in Panama City, Florida.

Verne Linkhorn
124 Ngapuhi Road,
Remuera, Auckland,
NEW ZEALAND

5th January, 1994

Mr. Don DeMaria,
P.O. Box 420975,
Summerland Key, FLORIDA

Dear Don,

Thank you very much for your letter and video about the fishing traps. Yes, it was enjoyable to talk on the flight to Los Angeles. I watched the video with great interest, because most people in New Zealand are very protective about what goes on with our surrounding waters, especially ecology wise. We have very strict laws controlling both the commercial and recreational fishing of our waters. It is indeed sad that the fish trap is in use and the operators of such devices flaunt the rules about the containment of the escape panels. A few years ago in this country we had problems with commercial fishing being carried out in some areas using box net traps. These were quite large and inevitably some were lost and continued to trap fish, including young dolphins. Parliament was lobbied very strongly and the use of such practice was totally banned. You are probably also well aware of the use of drift nets by the Japanese in the Pacific area. These were labelled "The wall of death" and were very indiscriminate in the size or species of fish that were caught. A lot of these were Marlin, all kinds of Bill-Fish and worst of all Dolphins. I am a recreational game-fisher but also are very serious about the practice of catching and tagging all types of fish. Fortunately the practice of drift fishing has abated in the South Pacific, due, I believe, to most Nations in the area making great protests to the Japanese Government. We in New Zealand have a 200 mile Economic Zone around our country as do most other Pacific places. Is this not so in the U.S.A. as well?

Now for the bad news! The piece of fish trap that you sent me, I have studied for a period of time and have come to the following conclusions.

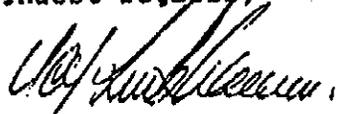
It is manufactured from galvanised steel wire that has been heavily and well coated with a plastic material. The stainless steel rings that are used to hold all the panels of the trap together, are of a very high grade and if the specimen that you sent me has been in the salt water for at least the period of 4 years, is showing little or no signs of corrosion. Normally, stainless steels that are used in this type work are of a poor grade, such as 302 or 304, and deteriorate quite rapidly due to crevice corrosion.

As was shown in the video, the traps are in very good condition and with the help of the crabs etc. are kept clean of marine growth. This also will help the traps to be corrosion free. Especially the stainless steel rings. As you mentioned in your letter, some of these traps have zinc anodes attached which will further lengthen the life of the device. As far as I can ascertain, I would put the probable life of these traps at 20 to 25 years before they begin to deteriorate. This, along with the methods of keeping the escape hatches closed, will be devastating on fish breeding processes if these items cannot all be recovered.

I hope this information, even though depressing, is of help to you. Please keep in touch and I look forward to being of some help to you in the future.

I wish you and yours a very Happy New Year.

Kindest regards,



Verne Linkhorn
Marine Corrosion Consultant

MARINE CORROSION SERVICES

VERNE LINKHORN
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Texas Recreational Fishing Alliance

Jim Smarr, Texas State Chairman
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RFA / TEXAS
P.O. Box 58
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January 14, 2009

Gulf of Mexico Fisheries Management Council

RE: Scoping Document for Reef Fish Amendment 32

Public Comment- Galveston, Texas

Chairman Shipp,

This document includes a statement on page 11 – This document includes a consideration of further subdividing the recreational allocation into a for hire (Charterboat and Headboat) allocation and private recreational sectors.

The Recreational Fishing Alliance is opposed to any sector separation for any species within the recreational user groups.

The Recreational Fishing Alliance is opposed to Catch Shares-IFQ's for any species. We feel giving a public resource that belongs to all Americans as the Council and NMFS has done for the Commercial sector violates the Tenants in Commons going back to the Magna Carta.

We believe the NMFS needs to follow the intent of the Magnuson Act. First by waiting until Recreational catch data problem is solved before pushing forward with any further plan amendments. Secondly abandon any sector separation, IFG or Catch Share plans for the recreational sector.

RFA Texas appreciates the opportunity to submit these comments for your consideration

Sincerely,

Jim Smarr
Chairman
Texas R.F.A.
P.O. Box 58
Fulton, Texas 78382

Gulf Of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, FL 33607

I am Captain Marc Wilkerson owner of Blue Streak Fishing Charters in Freeport Texas.

I am here to make public comment that I am in favor of sector separation of the for- hire sector.

Accountability should be from the use of vessel monitoring systems, a telephone or web based reporting system; and or the use of electronic log books.

I support the sector separation of the for- hire sector because there will be 100% accountability of the fish that will provide the NMFS data that will be used to insure the future of my business and other for-hire business and their families.

Captain Marc Wilkerson



41 Marlin
Freeport, TX 77541
979-236-8368

January 11, 2010

Dear GOMFMC Members,

I am here today to address my opposition to the proposed implementation of catch shares and/or sector separation in the Gulf of Mexico recreational fishing sector. Both ideas will drastically change our fishing rights and our heritage as we know it, are uncalled for, unneeded, and un-American.

Many researchers have concluded, including the National Research Council, that Catch Shares are an economic allocation tool not a conservation tool. Just look at the instant millionaires that the commercial IFQ system created when you "gifted" a portion of our public natural resource to a select few commercial snapper fishermen. There are still many unanswered questions regarding whether or not IFQs are actually benefitting the fishery, and whether there is justification for privatizing of the fishery - U.S. fish resources belong to the public.

Catch Shares are an economic tool that revolves around the privatization of a public resource which could then be traded and sold as commodities, an ideology pushed hard by the Environmental Defense Fund (EDF). Given our nation's recent disastrous experience with the unintended and negative consequences of deregulation and poor oversight of financial and real estate markets, I do not trust our federal government to introduce any economic concept into the fisheries, especially when cloaked as a conservation tool.

This "paradigm shift" in the approach to managing the fisheries, is being pushed by EDF-affiliated financial advisers with ties to Milken and Lehman Brothers - 2 of the most notable names related to FAILED financial schemes. Incredibly, people are actually listening to them; "Two months before the Environmental Defense Fund achieved a political policy triumph with the vote last week to transform the New England groundfishery from a commonly held resource into negotiable commodities, a bullish EDF executive was urging institutional investors to buy these catch shares. EDF vice president David Festa's projection was a 400 percent return on the investment, based on what he said was recent experiences with the imposition of catch shares in other fisheries. All of this will be funded by picking the pockets of every recreational fisherman and our children.

Currently, as you know, the Gulf snapper quota is divided into 51% commercial and 49% recreational portions. The "SOS Plan", which is again being pushed by EDF to carve out a 57% portion of the recreational quota and gift it to the charter-for-hire industry through Sector Separation. The SOS Plan would reduce the CFH sector by eliminating most of the part-time charter operators. This plan would unfairly restrict access to the fishery to private recreational fishermen which would then be limited to 21% of the total Gulf quota even though they are the majority stakeholder in the fishery. This has HUGE economic consequences which have not been addressed at all, which goes against what is mandated in the MSA. It's also un-needed as there has been an 18% drop in recreational saltwater fishing participation in the years 1996 to 2006, with a 15% decline from 2001 to 2006, <http://www.census.gov/prod/2008pubs/fhw06-nat.pdf> published by the USFWS.

This federal study shows a steep downward trend in recreational participation in the latter half of that 10 year span. This SHARPLY contradicts what the environmental.orgs and thus NMFS claims to be happening.

In fact, the NMFS seems to have no sense of accountability whatsoever — no sense of the need to back up its business-killing tactics with viable data, and no sense of the need to hold off on any regulatory changes until it at least validates the records used to put these new limits in place.

NMFS must get its house and data in order before making wholesale changes in the regulation of the Gulf of Mexico fisheries — and any move to recreational fishermen's catch shares and/or sector separation must be held until there's a sense they are based on true and credible data.

Federal regulators, such as yourselves, are citing the Magnuson-Stevens Act as reason for pushing Annual Catch Limits and Accountability Measures even though the same MSA has mandated implementation of a better data collection system PRIOR to such action. The NMFS has thumbed its nose at Congress by ignoring this Congressional mandate even though it was required to be in place by January 1, 2009. Congress understood the importance of upgrading the existing MFRSS system (which data has been proven to be fatally flawed), prior to implementing any new Annual Catch Limits or Accountability Measures such as Catch Shares. It is negligence to the highest degree to continue to use outdated data collection methods, especially when directed by Congress to cease doing so, AND to base your management decisions knowingly on this outdated information.

Please implement the new MRIP program and give it time to produce accurate, timely data, as mandated by Congress, before even considering ACLs or AMs such as Catch Shares and/or Sector Separation.

Sincerely,



Thomas J. Hilton

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Arcola, TX 77583

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P.S. I support GOMARS

I support fish stamps for data collection purposes
but not for limiting the entry into the fishery.

I support first fish caught

I support telephone or web-based reporting system

I do not support VMS in recreational sector.

**Coastal Conservation Association
Comments on the
Gulf of Mexico Fishery Management Council
Gag/Red Grouper Amendment Scoping Document
(Reef Fish Amendment 32)**

The Coastal Conservation Association, representing more than 80,000 members in state chapters along the Gulf Coast, has major concerns about several aspects of Amendment 32 dealing with new regulations to end overfishing for gag grouper.

According to the results of last year's stock assessment developed by the National Marine Fisheries Service (NMFS), it appears that reductions in harvest on the order of 75 percent may be considered for this fishery. Additionally, at the last meeting of the Gulf of Mexico Fishery Management Council, the issue of allowing fish traps to be reintroduced into the commercial grouper fishery was added to the current round of public hearings as an alternative gear to reduce sea turtle mortality associated with bottom longline gear. CCA wants the fish trap issue removed from the amendment and destructive longline gear eliminated from the grouper fisheries.

Fish traps were removed from the Gulf of Mexico in 2007 after years of controversy over their destructiveness and have also been outlawed in the Atlantic and state waters. This gear is "invisible" once deployed and ample evidence has been supplied by state and federal law enforcement agents to conclude that it is nearly impossible to observe the gear and enforce any escape gap or panel regulations. The traps have a high rate of loss and, once lost, they become ghost traps, filling with fish that die and attract other fish in a long-lasting cycle. The traps fish 24 hours a day and can out-compete other gears.

Further, the traps are not needed in the commercial fishery as a substitute for longline gear as ample effort exists in the vertical line (bandit or hook-and-line gear) sector to take the allowable catch. Allowing any use of fish traps in the Gulf will create conflicts and make it difficult to enforce their prohibition from state waters, the Florida Keys Marine Sanctuary and South Atlantic waters. There exists ample evidence of the destructive and uncontrollable nature of fish traps in the record of the Gulf Council's previous deliberations that resulted in the banning of this gear. Nothing has changed since that time and the use of this gear should not even be considered. CCA urges the Council and the NMFS to focus on alternatives that effectively reduce destructive commercial fishing effort to the greatest extent possible rather than searching for ways to perpetuate a marginal commercial fishery.

Regarding any proposed regulations to end overfishing of gag grouper, CCA requested five years ago that the Gulf Council develop formal allocations for grouper based on maximizing the value and benefits of this common property resource. The Council began an amendment to do this and formed committees to set standards for this issue. However, for the past two years no further action has been taken. Given the apparent necessity of future restrictions on gag harvest, we believe that it is absolutely necessary for the Council to finally include allocation of this resource in Amendment 32. The Gulf Council's Grouper IFQ program allocates and grants exclusive right of access to more than 65 percent of all the Gulf red and gag grouper to a limited number of commercial interests. The magnitude of this giveaway of a public fishery is unprecedented. NMFS must stop enacting programs which subsidize marginal commercial fisheries while strangling the much more valuable recreational grouper fisheries.

CCA will develop a formal position on new quotas, size limits, bag limits and seasons for gag in the coming months and will bring these ideas back to the public hearings on this amendment. In the meantime, CCA urges the Council to act responsibly and not risk destroying the very valuable economic benefits that flow into the Gulf states and this nation from recreational fishing for grouper and other reef fish.

For more information, contact:

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First let me thank you for your time to speak on this matter.

Fishing and spearfishing have been coastal traditions for thousands of years. We must find a way to keep these traditions alive. There is no doubt The Gulf of Mexico is in serious need of enforceable legislation regarding sustainable fishing practices. Data and reports of fish stocks clearly show that our current measures and proposed future measures are not and will not work for the good of the fish or the good of the people. We need to explore different ways to ensure there is a future for these great traditions.

The definition of insanity is repeating the same action multiple times and expecting a different outcome each time. Why would this be any different?

As you are aware, every five years the Census Bureau conducts the "National Survey of Fishing, Hunting and Wildlife-Associated Recreation." The economic impact for 2007 through saltwater fishing alone was over \$3.5 Billion Dollars in retail sales for the Gulf States and had an overall impact of over \$5 Billion dollars and created over 80,000 jobs. Add to the boating industries impact of \$18.5 billion and 220,000 jobs. This is a matter that requires a great deal of deliberation.

I don't have the answers nor do I pretend to. But I propose a few ideas to consider.

Around the world since the 1600's artificial reefs are posing a solution for coastal communities. As Neville Copperthwaite, who is the pioneer for lobster restocking in the U.K. said, *"We unbalance nature by fishing the seas, and while we might restrict and manage fishing, we will never stop. Terrestrial farming would not be sustainable without putting something back into the land, but unlike terrestrial farming precious little is being done to replace what we have taken from the sea. Artificial reefs are one of the few proactive tools currently employed within the marine environment that help to give nature a helping hand."* Artificial reef systems work for two reasons. First, they provide shelter in an otherwise barren seafloor. Second, they provide a hard substrate for marine life to colonize and thrive. The Japanese introduced artificial reefs to improve fish stocks and it worked. Canada, New Zealand, Australia and even places in the US use them to attract divers, anglers and fish by purposing sinking shipwrecks and it works. Portugal and India developed a reef system using large concrete cubes, balls and triangles as restocking and reef restoration tools. Even here in the US, The Reef Ball Foundation in Georgia is making a global impact with natural reef restoration in 59 countries, with more than 3,500 projects totaling some half a million reef balls. Taylor County Florida along with the University of Florida has recently used this practice with state funding and approval and has developed the Taylor County Reef Deployment Team and we see it working. Without reefs, reef fish species have no home, no nursery, and no protection. Not only do we need to redress the damage that has been done by destructive practices such as trawling, long lining and even anchoring, we need to protect their future.

Anchoring can be quite destructive to reefs. If we are to examine the importance of reefs, we need to examine how to keep from destroying what we are trying so hard to fix. A simple use of mooring balls on all new and repaired reefs would almost eliminate the pressure for new damage that boaters could cause by using an anchor. Most importantly, they work.

Another solution being effectively used to improve fish stocks and biodiversity around the world are marine sanctuaries. When implemented on current or newly placed targeted reefs it will allow a safe haven for colonies to grow, attract fish, and allow fish to thrive. If we harvest the starters of a colony, the colony will be unable to fully flourish. No fishing, spearfishing or harvesting of anykind on any new reef restoration projects for several years, until the community has become established. Unfortunately, this solution is one that is one of the more difficult to enforce, but over time, it will be worth it.

Started now, these can provide wonderful results for the future. However, we do need some immediate results and for that I propose better enforcement.

No more warnings. We need to re-educate anglers and instill respect for the laws. Harsher punishments, historically, deter people from doing wrong. As local and state police cracked down on seat belt violations, more people started wearing their seat belts which resulted in less fatal accidents being recorded. Why would this be any different? As anglers learn a new respect for the laws, the next generations will have the same respect. This is where we mentor our children to be responsible and ethical anglers for the future. As a bonus, those that wish to disregard the law, their fines will help create more funding for better enforcement and reef restorations.

A current practice that also is not working is the management on commercial fisheries. We need to study the way commercial fishing is practiced. As the commercial industry grows, the fish harvested are getting smaller. On top of an already fragile situation, modern innovation has unfortunately allowed for greater efficiency and with it, greater destruction. One example of this destruction is by-catch. By-catch is not just fish that are in the wrong the place at the wrong time. By catch is a home, nourishment for other fish and even fertile and active reproducing species. All of this puts an unprecedented pressure on the underwater ecosystem that has never been seen or tested before. If they continue to harvest smaller and smaller fish, there is no chance for them to get bigger. Our current practice does not solve the sustainable fishing dilemma that we so desperately need solved. The stocks still deplete, and without fish there is no fishing. I understand that the commercial fishing industry contributes over \$575 million dollars and provides 10,000 jobs yearly. But allowing their weight limits to be larger and/or size limits to be smaller is not the answer. I'm certain if a case study was done to compare the evolution of commercial fishing and the size of fish harvested over the past 5 decades, it would show a remarkable coincidence. A trend that can not continue.

We also need to be stricter in the distribution of commercial fishing licenses and re-evaluate the ones currently in use. I am certain there are violations of commercial licenses and we need to examine those that are taking advantage of our fragile system, and revoke those licenses and impose harsh fines.

Regardless of closures or not, some of the elements I have discussed should not be ignored. Reef restoration is a necessity to protect the future of our oceans. It is not new information that reefs have vitals roles in all aspects of our oceans, so let's look there first. Fish closure are not a cure all, they only give a temporary fix to a long term problem.

I do agree that our resources are in need of proper management, but not at the risk of our residents nor our resources. Responsible management is the key, but I believe that closing a season on one specie only puts undo pressure on other species which creates a cycle where every year we are at risk of closing and harming other species and our state's economies. We need to focus more on ethical anglers, controlling commercial fisheries AND controlling the recreational anglers, while mentoring new anglers and enforcing stricter laws. Lets work together and change the cycle of our insanity and focus on other options that work. Keeping our seasons open and alive will benefit the community at large by continuing our tax revenues, tourism dollars as well as help us find more reliable and proper management techniques. As a Florida native, current Dive Store Owner and growing up in the Florida Keys, I have a love and personal investment in our oceans. Since I was 5 years old I have enjoyed everything these waters have to offer both above

Page 3

and below the surface including spearfishing and I pray my Children's children will have the resources to enjoy the same activities as well.

Thank you for your support.

**Jason Pecknold
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Perry, FL 32348**

(Information statistics gathered from fishingcapital.com/economics and The 2006 Economic Report National Survey supplied by the U.S. Fish & Wildlife Service)

**ECONOMICS OF FISH AND WILDLIFE RECREATION
FLORIDA FISH AND WILDLIFE CONSRVATION COMMISSION
ESTIMATES FOR 2007**

Category	Retail Sales	State and Local Taxes	Economic Impact	Jobs
Hunting	\$411,861,741	\$44,615,542	\$719,066,045	10,313
Freshwater Fishing	\$1,415,175,234	\$132,376,942	\$2,423,337,458	23,480
Saltwater Fishing	\$3,067,387,722	\$318,522,000	\$5,243,450,735	51,588
Wildlife Viewing	\$1,895,916,551	\$210,357,192	\$3,226,164,233	34,523
Total	\$6,790,341,248	\$705,871,676	\$11,612,018,471	119,904

Category	Economic Impact
Commercial Fishing	\$576 Million 9,787 jobs
Seafood Processing Industry	\$629 Million 3,108 jobs
Boating Industry	\$18.5 Billion 220,000 jobs

NOTE: The expenditure data for fishing, hunting and wildlife viewing are derived from the U.S. Fish and Wildlife Service; 2006 National Survey of Fishing, Hunting and Wildlife – Associated Recreation. Economic impact data are derived from the American Sportfishing Association; Sportfishing in America, An Economic Engine and Conservation Powerhouse; International Association of Fish and Wildlife Agencies; Hunting in America, An Economic Engine and Conservation Powerhouse by Southwick and Associates; and Southwick and Associates; The 2006 Economic Benefits of Watchable Wildlife Recreation in Florida. Estimates for the boating industry are derived from the Marine Industries Association of Florida (Boating is Big Business In Florida 2005). The estimates for the Marine Industry include \$10.5 billion direct output and \$7.9 billion indirect output. Estimates for commercial fishing are from the University of Florida, Institute of Food and Agricultural Sciences, Dr. Alan Hodges Principal Investigator. The baseline for the expenditure data and economic impact data are for 2006. Estimates for 2007 are adjusted to the Consumer Price Index (CPI) through December 2007 with the exception of jobs which reflect the 2006 baseline data. The exception to this rule is for the estimates for the Marine Industry and the Commercial Fishing and Seafood Processing industries. Estimates for the marine industry are based on information provided by the Marine Industries Association of Florida, Inc. for 2005. The Commercial Fishing and Seafood Processing Industry were updated using CPI estimates through 2005.

Limitations of the Analysis

1. The sample frame for Hunting is limited to 57 observations statewide.
2. Participant values (number of individuals participating in a particular activity) are tied to the formulas used to calculate the economic analysis for hunting, fishing and wildlife viewing and reflect the baseline year of 2006.
3. Consumer behavior is not static. It is simply impossible (without conducting a major statewide study every year) to accurately predict consumer behavior. For instance, are consumers spending more or less and are consumers participating more or less in hunting, fishing and wildlife viewing activities. Therefore, it is reasonable to assume there is a measure of variability within the range of economic estimates provided for this analysis.
4. Economic impact figures for commercial fishing and the seafood processing industry historically demonstrate considerable variability from year to year.

The purpose of this document is to provide economic estimates for hunting, fishing, wildlife viewing, commercial fishing, the seafood processing industry and the boating industry beyond the baseline study for these activities. Use of these data should take into consideration the variables and limitations listed in this document.

Here we are again. Hard to believe it has been almost 2 years since the last public comment event here in Panama City. A lot of things have transpired since your last visit. We have had the pleasure of having

- size limit of Amberjack changed
- a shortened Amberjack season (now back open)
- size limit change and shortened Red Snapper Season (Total BS)
- annual catch limit reduction of grouper
- implementation of circle hooks and venting tools

It appears that we are right back here again after only a short time. I am sure much of the public testimony you will hear today will resemble what was said back in 2008 with the exception that more people are getting wise to the NMFS agenda. Gag grouper hard to believe that we still have a problem with them being overfished after all the measures that have been implemented over that last year and the down turn in the economy. And let's not talk about the Red Grouper that was undergoing overfishing or then again was it. To imagine that a fish can rebound in such a short time frame and not the 20 plus years according to the NMFS rebuilding plan.

On the table is Amendment 32 targeting Gag and Red Grouper. As I understand it Annual Catch limits and bycatch reduction are the major issues that the council must address.

It was just last year the annual catch limits were adjusted to 2 fish hardly enough time to adequately see any results before starting another flawed collection of data. And now the council is looking for more cuts. It takes time to see results and to move so quickly without fixing the data collection process is a waste of tax payer money and a disservice to the general public and recreational angler.

Bycatch is an issue and should be addressed where the majority of the problem is occurring. To penalize the recreational fisherman for a morality rate of 25% (+/-) is just absurd. I would be very interested in seeing the actual numbers and collection methods used to determine the effects the recreational angler has had over the last year.

So let get down to business, the bottom line of what I will and won't support for the recreational angler.

I Will Not

- I will not support in any way a year round closed season
 - Improve or replace the data collection system. The data process has to get fixed before further restrictions are put in place. Additionally, additional time is needed to see how current measures work before change them. Not enough spawning and growing seasons have taken place to rethink the process
- I will not support adjusting the current catch limits

- Again, not enough time has transpired since the last implementation of restrictions before changing to a more restricted one. If the data is wrong in the first place shortening the time between additional restrictions is just a waste of time.
- I will not support separating the allowable catch limit between the paid-for hire recreational sector and the individual recreational angler. We are one big family and I will not allow anyone to steal my fish
- I will not support a fish tag or fish stamp program for grouper.
 - The National Saltwater Angler Registry needs to be implemented and deemed valuable. I would recommend additional expansion for individual recreational anglers to voluntarily submit reports to assist in the accurate collection of data
- I will not support the reintroduction of fish traps
 - It only adds to the problem
- I will not support Catch Shares
 - The TAC is the TAC. A 20% flexibility should not be part of the equation. This amounts to TAC abuse and if given a chance it will be.

I Will

- I will support the Feb to March Closure
- I will support an increase in size limits to both gag and black grouper to 24" or 26". It has been proven over and over that changing the size limit will not only reduce the harvest number but lower the fishing pressure.
- I will support the removal of MRFSS and the implementation of better data collection methods.

Finally my question to the NMFS are what has not happened since your last visit.

- The science has not gotten better
- The data has not gotten any better (Red tide killed how many grouper in 2005)
- The NMFS is not listening to the public and is doing nothing more than checking the box regarding taking public input into account before putting additional restrictions on fishing
- So, you are trying to rebuild these fisheries but who exactly is going to benefit from a rebuilt fishery if nobody is allowed to catch anything. The NMFS is famous for taking but not giving back.

This is all evident in the numerous lawsuits that have been filed on behalf of the recreational fisherman over the last couple of years. NMFS, I am made as hell about what you are doing to my heritage and your desire to put a stop to my right to harvest fish. I refuse to allow you to give my rights to those that have the political funding, clout, and alternative agenda.

If it was not for the various organizations founded on the premises of protecting the rights of the recreational fisherman no one would own a boat, enjoy our God-given right to hunt and fish.

What will it all boil down to? Will we be subjected to buying our fish from what will be left of the local fish markets or even worse support the economy of some other third world nation that does not subscribe to the same BS science that we do.

It is perfectly clear that the NMFS is out of control and not fearful of the public and what we are willing and not willing to do in the name of OUR fishery. It is time that Congress wakes up and listens to what we have to say. And that day is coming remember Feb 24, 2010.

John Brady
Lynn Haven, FL

Comment taken from the St Petersburg meeting from an anonymous attendee.

Morris refused to answer Denny's question about MRFFS. I don't remember the exact question but I do remember it had to do with the criteria used in MRFFS data collection and was certainly worthy of a response. Once she heard the question she appeared quite annoyed by it, pointed to another person in the audience and said "next question". I got the feeling that there was some prior history/friction between Denny & Julie which may have been a factor in her decision not to answer. I found her behavior quite disrespectful and it pretty much lit my fuse. By the time she finally called on me I was absolutely steaming. Their responses to my questions did little to calm me down and as a result I did get a little heated in my exchanges with them. I apologize if I was out of line and I did not mean any disrespect. I guess that is why (in the past) I have always gone to the podium with a carefully written statement and I just read it as written. This new open forum was definitely better than just walking up to a podium, making a statement, they thank you for your input, and you sit back down. However, The more questions they answered the worse it got IMO.

I think the response that bothered me the most was this:

Everyone was telling them that Red Snapper are so think it is difficult to catch anything else. Of course Julie Morris saw this as an opportunity to pat herself on the back by saying that she felt the one species they knew the most about (from a management standpoint) was Red Snapper. Therefore all these Red Snapper we are seeing are a direct result of their superior management skills.

I saw this as an opportunity to lay the foundation for a little negotiating down the road. We all know that amendment 32 is calling for a drastic cut in Gag Grouper. Probably a 1 fish limit or possibly a complete closure. I figured that I could maybe get them to trade 2 Red Snappers for 1 Gag. The current limit on Gags is 2 and if they cut it to one, maybe we could get them to give us back the 2 Red Snapper they took away a couple years ago. This would soften the blow of a 1 fish limit while Gags are rebuilding. Since Red Snapper have made such a successful rebound it seemed like a reasonable trade off if they sincerely wanted to maintain a successful offshore fishery.

So I asked Julie: "Since Red Snapper have made such a miraculous recovery, when can we expect you to give us back the 2 Red Snapper you took away and increase the length of the season?"

Julie's response: "Well we might be willing to consider that action at the end of the rebuilding plan which is 2032." I kid you not.....that is exactly what she said!

Then Andy (another scientist) immediately chimed in: "We have to keep the bag limits low and the season short because as the fish recover it becomes much easier to catch them and therefore fishermen are more likely to catch their limit on each trip which increases the pressure on the fishery."

I was so dumbfounded by their answers I couldn't even muster a cynical response. At that point I saw absolutely no reason at all to even mention the Gag for Red Snapper exchange I

had envisioned. So basically, once they take something away.....THEY ARE NEVER GOING TO GIVE IT BACK.

So the conclusion that I draw from their response is: If there are not enough fish we need to have low bag limits and short seasons to protect the fishery and allow them to rebuild. If there are plenty of fish we need to have short seasons and low bag limits to protect the fish from overfishing. Are we beginning to see a pattern developing here? Are Gags heading for a 1 fish limit and a 6 week season just like Red Snapper? Sure sounds like it! Are Aj's, Mangos, Reds, Scamp, Cobia, Triggerfish, & Hogfish destined for the same management fate? There is about 22 years left until 2032 when the current rebuilding plan is due to mature.

If this seriously ticks you off then I strongly suggest that you go to the FRA web site right now and make a donation. Denny and several others are heading to Washington very soon to lobby congress and make a passionate plea for common sense to prevail. I am convinced that there is absolutely no relief to be gained for fishermen at the public input or Gulf Council level. This problem comes from much higher up than that. The only way to stop this steamroller is at the Congressional level. Congress mandates that these actions be taken and therefore Congress can mandate they cease. Call or write to your Congressman and let them know what you think. They actually do listen.

The crux of the problem with fisheries management is this: We have a problem with how the data that is collected, the criteria used for the collection, the range of the sampling, the sources of the sampling, the science, and the statistics. If the data you plug into an equation is fundamentally flawed and incomplete.....the results are going to be unreliable. Sadly, this unreliable data is currently being used to manage our fishery and all it amounts to is "dartboard" fisheries management.

They (fisheries managers) reason that they are required (by Congress) to take action in spite of the less than perfect data and we say "garbage in.....garbage out". The data they are using to declare a fish as "overfished" is fundamentally flawed. Therefore, any and all fisheries management action taken once a fish is declared overfished is also fundamentally flawed. We need Congress to step in and halt this nonsense and appropriate the money to collect reliable data. This would allow us to make sound management decisions based on accurate data that all of us agree is reliable. Congressman Young is on our side and Denny told me he has been a good friend to the fisherman of Florida. Hopefully he can work some of his "Washington Magic" and fix this problem for us once and for all.

As for the use of fish traps, it surprises me that the Gulf Council would bring back a fishery that they banned just three years ago. If these new traps do prove to be safe and reduce gag grouper bycatch, and indeed a new fishery, then they should be allowed to be used by all grouper fishermen, not just fishermen with a certain endorsement. If fish traps are approved and used by all fishermen, then the Council will be allowing a tremendous shift of effort and a faster depletion of the red grouper stocks will occur. I would like to use 25 or 30 traps myself while I am bandit fishing. They can soak for as long as it takes to catch all the grouper on that spot, but I do not wish to be denied the use of traps and have to pull up on a spot with bandit gear **and compete with a trap.**

I support a time area closure on the gag spawning grounds when they are spawning. I do not support closing shelf areas that have previously been introduced and denied by the Gulf Council.

It seems there is plenty of red snapper in the Gulf. The Gulf Council is expected to increase the TAC for red snapper next month in its Mobile meeting. According to the SSC, gag grouper are not so lucky. There are alternatives in Amendment 32 to reduce the multi shares for gag and red grouper. I do not agree with reducing multi shares for red grouper, since the SCC determined they were no longer overfished and not approaching overfishing. I agree that the use of multiuse shares for gag grouper should be reduced. With an abundance of red snapper and the scarcity of gag grouper, there is a **scenario** of how to reduce gag catch and replace it with red snapper catch.

Do not reduce the multiuse shares for red or gag grouper, but don't allow them to be used for gags. Instead, let all multiuse shares be used to catch red snapper. This will help the gag groupers and at the same time allow fishermen to harvest the increased quota of red snapper. If this scenario is used, and factored into the gag grouper TAC, the gag TAC **cut** will not have to be so severe. Multi use shares should also be extended to all IFQ reef fish and require that these shares be used only for the healthy species, mainly red snapper. This will further reduce bycatch.

As you know, fishermen in the eastern Gulf received very little red snapper IFQ shares because red snappers were not abundant during the qualifying years. They are now. If you require that no multi use shares be used for gags, but allow them to be used for red snapper, you will not only reduce the take of gag grouper while reducing the red snapper bycatch, but you will also help the fishermen, **especially the small fishermen in the eastern Gulf, and lord knows they need help.**

**Coastal Conservation Association
Comments on the
Gulf of Mexico Fishery Management Council
Gag/Red Grouper Amendment Scoping Document
(Reef Fish Amendment 32)**

The Coastal Conservation Association, representing more than 80,000 members in state chapters along the Gulf Coast, has major concerns about several aspects of Amendment 32 dealing with new regulations to end overfishing for gag grouper.

According to the results of last year's stock assessment developed by the National Marine Fisheries Service (NMFS), it appears that reductions in harvest on the order of 75 percent may be considered for this fishery. Additionally, at the last meeting of the Gulf of Mexico Fishery Management Council, the issue of allowing fish traps to be reintroduced into the commercial grouper fishery was added to the current round of public hearings as an alternative gear to reduce sea turtle mortality associated with bottom longline gear. CCA wants the fish trap issue removed from the amendment and destructive longline gear eliminated from the grouper fisheries.

Fish traps were removed from the Gulf of Mexico in 2007 after years of controversy over their destructiveness and have also been outlawed in the Atlantic and state waters. This gear is "invisible" once deployed and ample evidence has been supplied by state and federal law enforcement agents to conclude that it is nearly impossible to observe the gear and enforce any escape gap or panel regulations. The traps have a high rate of loss and, once lost, they become ghost traps, filling with fish that die and attract other fish in a long-lasting cycle. The traps fish 24 hours a day and can out-compete other gears.

Further, the traps are not needed in the commercial fishery as a substitute for longline gear as ample effort exists in the vertical line (bandit or hook-and-line gear) sector to take the allowable catch. Allowing any use of fish traps in the Gulf will create conflicts and make it difficult to enforce their prohibition from state waters, the Florida Keys Marine Sanctuary and South Atlantic waters. There exists ample evidence of the destructive and uncontrollable nature of fish traps in the record of the Gulf Council's previous deliberations that resulted in the banning of this gear. Nothing has changed since that time and the use of this gear should not even be considered. CCA urges the Council and the NMFS to focus on alternatives that effectively reduce destructive commercial fishing effort to the greatest extent possible rather than searching for ways to perpetuate a marginal commercial fishery.

Regarding any proposed regulations to end overfishing of gag grouper, CCA requested five years ago that the Gulf Council develop formal allocations for grouper based on maximizing the value and benefits of this common property resource. The Council began an amendment to do this and formed committees to set standards for this issue. However, for the past two years no further action has been taken. Given the apparent necessity of future restrictions on gag harvest, we believe that it is absolutely necessary for the Council to finally include allocation of this resource in Amendment 32. The Gulf Council's Grouper IFQ program allocates and grants exclusive right of access to more than 65 percent of all the Gulf red and gag grouper to a limited number of commercial interests. The magnitude of this giveaway of a public fishery is unprecedented. NMFS must stop enacting programs which subsidize marginal commercial fisheries while strangling the much more valuable recreational grouper fisheries.

CCA will develop a formal position on new quotas, size limits, bag limits and seasons for gag in the coming months and will bring these ideas back to the public hearings on this amendment. In the meantime, CCA urges the Council to act responsibly and not risk destroying the very valuable economic benefits that flow into the Gulf states and this nation from recreational fishing for grouper and other reef fish.

For more information, contact:

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Dedicated to the Conservation and Protection of Marine Life
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**CCA FLORIDA
SPECIAL REPORT**

**TRUTHS, MISCONCEPTIONS AND MISREPRESENTATIONS
ABOUT
CATCH SHARES AND IFQ'S**

"Catch shares are obviously a major focus for this Administration and we are concerned not only about the impact they have on recreational fisheries, but also at the pace with which they are being pushed into the management system. Catch shares are on a fast track and are a real threat to the future of a number of recreational fisheries and they are not going to just go away anytime soon. We are going to stay very active on this issue to make sure recreational anglers are not left out of the debate...and out of the fishery."

Chester Brewer
CCA National Government Relations Committee

"The evolution of exclusive fishing rights for commercial fisheries is colliding with a large and growing recreational angling population."

Matthew Paxton – CCA Federal Lobbyist

The National Marine Fisheries Service (NMFS) is intensively promoting and implementing programs which grant exclusive access privileges to public fishery resources to private individuals and corporations. Several national environment groups and the commercial industry are also promoting catch shares. Unfortunately, in mixed fisheries where there is a large and growing recreational sector, exclusive fishing rights proposals maximize benefits to the commercial fishing industry while ignoring the participation and beneficial economic impacts of recreational fishing. Damaging impacts on recreational fisheries are being disregarded.

Recreational fisheries will not be allowed to expand because too many of the fish will be "locked up" in the commercial catch shares. As populations increase and more people try to fish, the bag limits and seasons will be even more restrictive until the recreational fishery is no longer viable. The more valuable recreational fisheries will be strangled.

The controversy over catch share programs, also known as IFQ's (Individual Fishing Quotas), ITQ's (Individual Transferrable Quotas) and LAPP's (Limited Access Privilege Programs) is spreading as more fisheries are targeted for such programs. Gulf of Mexico red snapper is in an IFQ program. The Gulf of Mexico red and gag grouper IFQ program recently received final approval and legal challenges against it have been filed. The Gulf of Mexico Fisheries Management Council is looking at all the reef fish species for a new catch shares program. King mackerel has also recently been added to the catch share discussions. Many of the following truths, misconceptions, and misrepresentations come from the ongoing debates and catch share battles in the Gulf of Mexico.

The NMFS has approved and is implementing the largest public resource giveaway in Florida's history.

True. The National Marine Fisheries Service (NMFS) has expedited the implementation of an IFQ (Individual Fishing Quota) program for exclusive access privileges for Gulf grouper. The Gulf Council's Grouper IFQ program will allocate and grant exclusive right of access to more than 65 percent of all the Gulf red and gag grouper. This exclusive right of access will be given to a limited number of commercial interests. The magnitude of this giveaway is unprecedented. It is the largest public fishery giveaway in Florida's history!

Commercial fishers argue that they, and the consumers they sell to, have a right to take grouper, snapper and other fish.

False. They do not have "the right." Neither commercial nor recreational fishers have a right to take fish. All citizens have a constitutional right to vote and to bear arms but there are no constitutional rights to fish. All marine fisheries are publicly owned resources, just like ducks, deer and wild turkeys, and access to those resources is a privilege granted by public trustees established by law to manage those public resources.

"On the argument that the U.S. federal government is the steward of the resources for all its citizens and the commercial fishermen is providing consumer access to that resource, the U.S. is the steward of all its resources – sunfish, ducks, deer, and striped bass – all of them. The concept that a private commercial enterprise is necessary to provide the public with the enjoyment of those resources by selling them to consumers so they can eat them was rejected by the federal government and state wildlife managers before 1900. There is no basis in any federal common law, any wildlife law or the constitution for such proposition."

Robert Hayes, CCA Legal Counsel, 2008

The NMFS says that an IFQ does not convey title, or ownership of the resource, to the commercial fishers. However, the commercial fishers will be allowed to take, sell, lease, broker and even bequeath quota shares. For this privilege the commercial interests will pay absolutely nothing.

True. The NMFS also claims that the IFQ program can be ended anytime. However, once the commercial interests are given the individual rights to millions of dollars of grouper and they sell, lease, buy or broker those millions of dollars of grouper, it is clear that the public, the true owners of the resource may never get any of those fish back. There has never been an IFQ program that has been discontinued. The NMFS also says the grouper allocation in the IFQ can be reallocated to other commercial and recreational fishers in the future; that is extremely unlikely after shares have been bought, sold and leased. There has never been any reallocation in any existing IFQ, and the Council has thus far refused to include a provision for future reallocation in the plan.

Those who support the resource giveaway to commercial interests argue that recreational fishers do not pay anything for the fish either.

False. In Florida, recreational fishers pay more than \$22 million annually for saltwater fishing licenses for access to marine fisheries. These fees are used for marine fisheries research, management and law enforcement. Commercial fishers pay only \$3.5 million in annual license fees. Most of the fees are for the trap limitation programs for stone crabs, spiny lobster and blue crabs which were requested by the industry.

Recent amendments to the Magnuson-Stevens Federal Fisheries Act require the establishment of catch share programs in federal fisheries.

False. The Magnuson Act does not require adoption of catch shares or IFQ's nor is there any deadline for adoption. These programs are being promoted and pushed by several national environmental groups and the current Administration.

Catch shares are an effective new tool to manage and restore depleted fisheries.

False. The catch share debate is not about conservation, it is about allocation and access to public resources. The most important management measures to restore and protect fisheries are scientifically determined total allowable catches (TAC) with effective and enforceable implementing regulations. Catch share supporters have stated that in a number of fisheries, ITQ (catch share) programs have halted, and reversed, declining fish stocks. However, further reviews show that in those recovering fisheries scientifically determined total allowable catches have been established. Catch share critics argue that the implementation of scientifically determined total catches was the critical factor in restoring those fisheries.

Catch shares and IFQ's can be valuable tools in fisheries that are predominantly commercial with little or no recreational component.

True. Catch shares can benefit commercial fisheries by allowing fishers to take fish at the most economically valuable time of the year and increase safety by eliminating the race for fish before quota closures. The large commercial operators who receive the tremendous windfall profit of the initial catch shares, are the ones who benefit the most. However, experiences in British Columbia indicate that the quota leasing component of the programs hurt the financial performance of other working fishermen. The large operators, sometimes referred to as "armchair fishermen" and "slipper skippers," stopped fishing and began leasing their initial windfall gifts of quota shares to working commercial fishermen who did not receive shares, or not enough shares. The creation of such middleman leasing did not enhance the overall value of the fishery.

Some have stated that conveyance of the huge windfall profit of the initial commercial catch shares is necessary to get the support of the commercial fishers. It is, in effect a "bribe" for their support.

True. Despite objections from recreational and other interests, the catch share programs continue to give away the initial commercial catch share and supporters insist that it is necessary to establish the program. However, others disagree.

Having received this enormous free income stream, embodied in something they imagine to be a 'right,' renders them more willing to accept hard TACs. We might, to good effect, understand this to be a form of bribery: We will give you, for free, all of that wealth and all we ask in return is that you now behave better than you have heretofore."

Daniel Bromley, 2009

The Gulf of Mexico grouper recreational fishery generates nearly three times the economic value than that of the commercial fishery; however, the Gulf grouper IFQ gives 65 percent of the total allowable catch to the commercial fishery.

True. The recreational grouper fishery is far more valuable than the commercial fishery. A recent economic analysis (Gentner, 2009) established the annual economic value of the Gulf red and gag grouper recreational fishery at \$223 million annually. The commercial fishery was \$94 million. Florida has a major interest in the fishery because 96 percent of all the Gulf red and gag grouper are caught off of and landed on the west coast of Florida. The Grouper IFQ Program will reduce the economic value of this resource to Florida and the nation.

In the Gulf grouper IFQ, 57 percent of the catch shares are being given to the commercial longline boats that are killing large numbers of threatened loggerhead sea turtles.

True. There is a huge loss of sea turtles each year to bottom longline gear. Recent research has revealed that bottom longline gear for reef fish, along with longline gear set for sharks, is taking much larger numbers of endangered loggerhead and other sea turtles than anticipated by the 2005 Biological Opinion required by the Endangered Species Act. The information extrapolated from the recent survey indicates 974 interactions of endangered sea turtles and bottom longline gear with 433 turtles released. 325 released dead and 216 status unknown.

Catch share supporters mistakenly point to upland game management programs such as deer tags and duck stamps and to the Florida tarpon tag program as examples of successful catch shares programs.

True. Those people either misunderstand or are misrepresenting the facts. There is no commercial take or sale of publicly owned deer, ducks or wild turkeys. Commercial exploitation and sale of such species was prohibited more than 100 years ago. Those species have been successfully managed for many years allowing public harvest using size, species and bag limits, closed seasons and no commercial sale.

“States began to eliminate the commercial exploitation of wild resources beginning early in the 19th century. The federal government stepped in to prevent the commercial harvest of ducks, geese and buffalo. The commercial take of deer, elk, quail, pheasant, wild turkeys, bass, sturgeon and trout was eliminated in favor of conservation and providing increased public access to public resources. As an unexpected but welcome bonus, governments quickly realized that doing so brought the highest economic return in the form of revenue and taxes.”

Ted Venker – CCA Tide Editor, 2009

Many of the catch share supporters, particularly those in environmental organizations, have little or no understanding of, or experience with, recreational fisheries.

True. One of the best examples of this lack of knowledge is the reference to the Florida tarpon tag as a successful catch share program. Adopted in 1989, the tarpon tag was not implemented to reduce the take or control effort. Tarpon is a highly valued gamefish, there is no commercial take allowed and they are not a food fish. The problem was the wasteful display of tarpon on the docks to promote more charters. With replica mounts none of the tarpon are needed for mounting purposes, it is just measured and released

alive to fight again. The \$50 tag and replica mounts stopped the wasteful activity and virtually eliminated the killing of tarpon.

Supporters say that IFQ's establish a free market program with transferability that allows other users, like recreational fishers to purchase catch shares, to participate in the program.

False. That is not allowed in the current Gulf of Mexico red snapper or grouper IFQ's. There is no open market or any public lottery or auction involved in distributing the quota shares, the shares go only to the commercial interests. The Gulf grouper and red snapper IFQ's have been designed by commercial interests to have quota shares retained in perpetuity by commercial interests. One of the restrictions established in the red snapper IFQ, and also in the IFQ for grouper, prohibits the use of quota shares unless the individual also possesses a federal commercial reef fish permit. The issuance of these permits was halted in 1992. Therefore, even if another user, or group of users, bought quota shares they could not use them without also finding and buying a reef fish permit. Additionally, to obtain such a permit, the individuals must demonstrate that at least 50 percent of their income is in commercial fishing. This requirement immediately "locks out" a substantial alternative group of resource users.

Other programs, such as grazing and timber leases, which give exclusive commercial access to publicly owned natural resources require some form of resource rent or other payment to the public trust for such use.

True. However, the IFQ's give exclusive access privileges to millions of dollars worth of red snapper and grouper and the commercial fishers pay nothing for the gift. There is no open market or any public auction involved in distributing the initial quota shares to the commercial interests. In addition, public auctions involving commercial and recreational users would place recreational interests at a financial disadvantage because they do not, and are prohibited from, selling their catch.

References

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3. Johnston, Robert Et.Al. (2009) "Fish Harvest Tags". Evolving Approaches to Managing Marine Recreational Fisheries. PERC (Property and Environmental Research Center).

4. National Marine Fisheries Service. Fisheries Management Plan for Reef Fish Resources of the Gulf of Mexico. Data and Regulations from Amendments 29, 30B and 31.
5. Paxton, Matthew. 2009 "The History of Exclusive Fishing Rights." Tide Magazine. March/April 2009.
6. Venker, Ted. 2009, "What's Good for the Goose....." Tide Magazine. July/Aug. 2009

For More Information Go To:

- CCA National website at www.joincca.org and visit the Newsroom Feature.
- CCA Florida website at www.ccaflorida.org and visit the press release and position statements areas.

Special Report prepared by: CCA Florida 11/3/09
Tallahassee Advocacy Office
Ted Forsgren
Trip Aukeman
(850)224-3474



12/03/09

CCA FLORIDA COMMENTS AND RECOMMENDATIONS

IN OPPOSITION TO FEDERAL PROPOSAL TO ALLOW FISH TRAPS IN THE GULF OF MEXICO

1. INTRODUCTION AND RECOMMENDATION

Commercial longliners in the Gulf of Mexico are killing excessive numbers of threatened loggerhead sea turtles. Regulations on longlines are being proposed to reduce the impacts on sea turtles in Reef Fish Amendment 31. The commercial longline fleet has requested the use of fish traps in return for reducing the longline fishing effort. The Gulf of Mexico Fisheries Management Council has agreed to place the use of fish traps as an alternative in their proposals.

CCA Florida is adamantly opposed to any changes in the current ban on commercial fish traps in any state or federal waters.

We urge the Florida Fish and Wildlife Conservation Commission to maintain its longstanding opposition and express strong opposition to the use of fish traps in federal waters.

2. FISH TRAPS HAVE BEEN BANNED FOR MANY YEARS.

- Fish traps, in various forms, have led to overfishing damage and waste wherever they have been used in the marine environment.
- In 1980, the Florida Legislature banned all fish traps in all Florida coastal waters (except for small pinfish and sea bass traps).
- In 1990, the country of Bermuda banned fish traps.
- In 1991, the South Atlantic Federal Fishery Management Council banned the use of fish traps in South Atlantic federal waters from North Carolina through Florida's Atlantic Coast.
- In 1996, the Gulf of Mexico Federal Fishery Management Council banned the use of fish traps in federal waters off of Alabama, Mississippi, Louisiana and Texas. In Florida, the Gulf Council enacted a moratorium on fish trap permits and a phase out which banned all fish traps in Florida's west coast federal waters in the year 2006.
- Opposition to fish traps in the South Atlantic and Gulf came from a broad base of commercial hook and line fishermen, recreational fishermen, marine life collectors, conservation and environmental groups.

3. LOST "GHOST" TRAPS-UNNECESSARILY KILL AND WASTE MARINE LIFE

- Lost and abandoned traps become "ghost" traps which continue to catch and kill untold numbers of fish and other marine life for years. Carelessness, storms, deliberate abandonment, or illegal traps; whatever the reason, lost "ghost" traps were in all areas where they were fished.
- In the South Atlantic region, when fish trappers were allowed to leave traps out in the water, tremendous losses of traps were documented by the Florida Department of Natural Resources (DNR). At that time the DNR documented loss rates of 25%, 63% and 100% per year!
- Since new fish "victims" and other marine life are attracted to "ghost" traps to feed on captured or dead fish in the trap, or to aggregate with other fish in trap for shelter, the lost traps continue to rebait themselves and continue killing for many years. (see attached photo)

4. OVERFISHING

- Fish traps are capable of exerting more harvesting pressure than traditional hook and line gear because the traps are left in the water to continue "fishing" for hours or days at a time. Marine Fisheries Commission (MFC) fishery managers characterized fish traps in the snapper and grouper fisheries as the "climax" fishing gear; gear which is used to continue catching substantial commercial quantities on depleted fish populations when catch from other traditional gear is declining.
- In the South Atlantic and Florida Keys, fish traps not only took excessive numbers of grouper, snapper and other predators, they also took algae eating herbivores which were essential to the natural balance of Florida's coral reef ecosystem.
- In Bermuda, fish trappers overharvested snapper and grouper stocks, then switched to parrotfish and overfished that species.

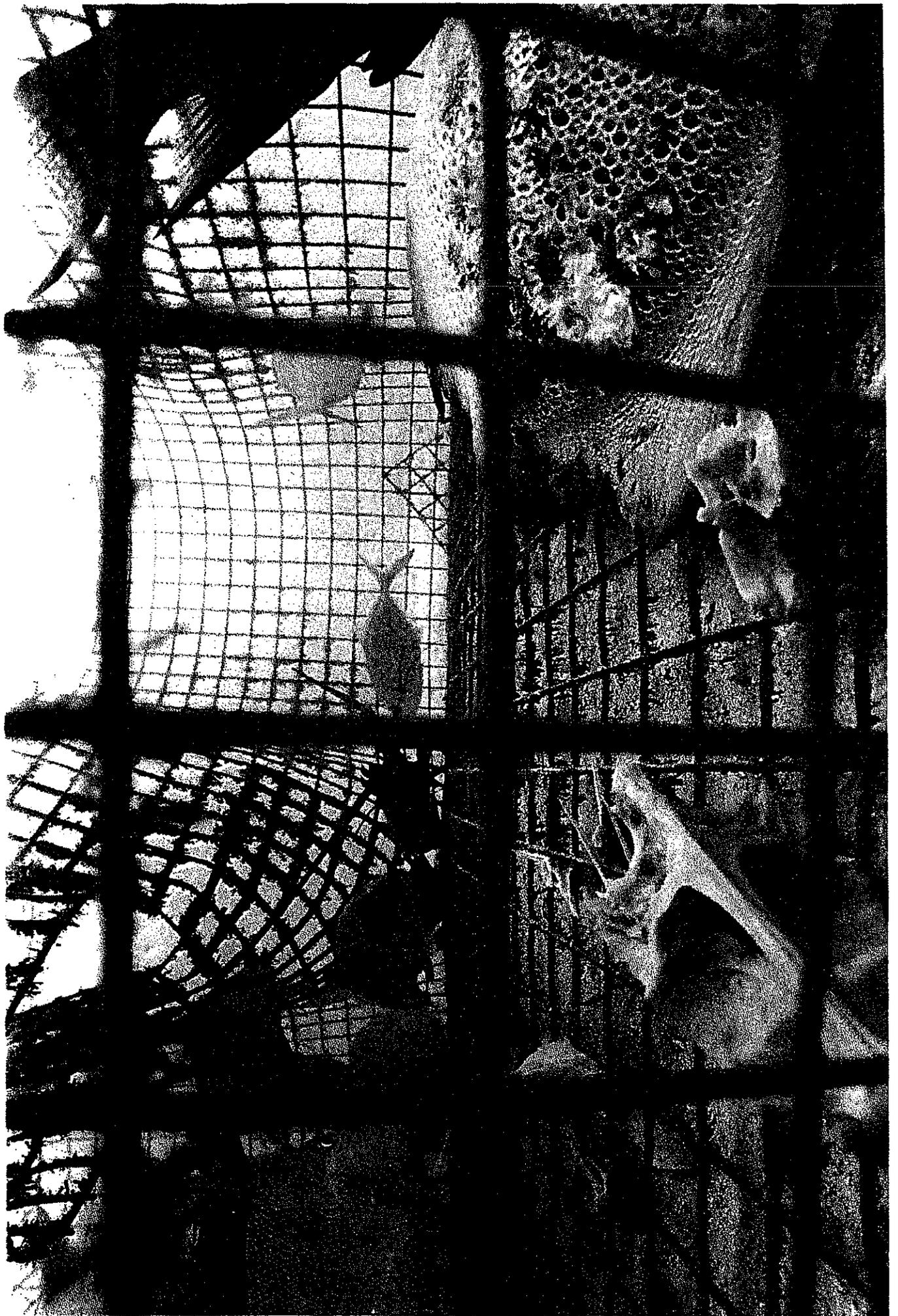
5. CLOSING COMMENT

The pick your poison approach of substituting one very damaging and banned gear (fish traps) for another damaging gear (bottom longlines) is completely unacceptable.

Fish traps and bottom longlines should not be allowed in any marine environment.

Attachment: Abandoned "ghost trap" photo

Prepared by: Ted Forsgren – Executive Director
CCA Florida



Main Identity

From: "Louis Rossignol" <dclouis@cox.net>
To: <undisclosed-recipients:>
Sent: Monday, January 18, 2010 4:40 PM
Subject: January 19th Public Input in Kenner- Be there Tomorrow

*Reef Fish
35 bump Boats*

*ND
LCUAE
FRA₂*

Yep, Tuesday, tomorrow,

FRA

Tuesday January 19, 2010

Crowne Plaza
2829 Williams Road
Kenner, LA 70062
504-467-5611

All meetings begin at 6:00 p.m. & conclude no later than 9:00 p.m.

The Gulf Council will be taking Public Comment on reef fish ammendment 32. Once this ammendment is done, you may never be able to harvest a gag grouper again.

Louis

*Tracy
separation - agree chutes boat + demands
Report
reasonable way of doing it*

REVISED TALKING POINTS HERE Text is below.

Recreational grouper anglers unprecedented new restrictions on Gag grouper in the Gulf of Mexico. The proposed 80% reduction in landings will cause untold economic and social devastation while while being biologically unnecessary.

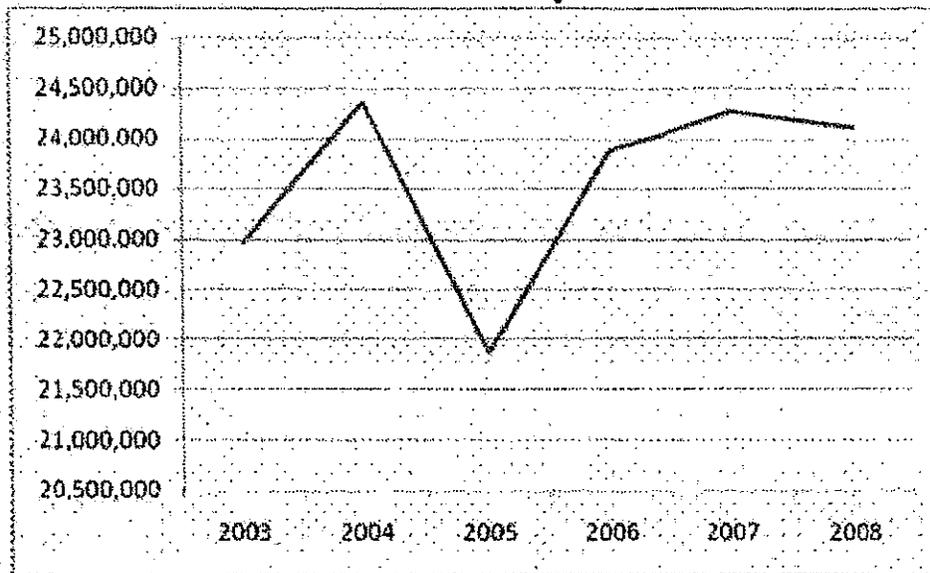
With the gag biomass (estimated total weight of all gag in the Gulf of Mexico) at a 35 year high and continuing to expand, we face total recreational closure for a year or more.

Base on fatally flawed data and ridiculous assumptions, the Gulf faces a loss of \$2 billion dollars in economic activity per year. Sound science, not science fiction, needs to guide decisions.

Do you believe that effort has not gone down? These are the numbers that are being used to estimate how much fish the recreational sector landed. These estimates are obviously wrong, yet they are used to close down healthy fisheries.

Trips in Gulf | <!--[if !vml]-->

Year	Number Trips
2003	22,956,673
2004	24,355,357
2005	21,871,448
2006	23,862,890
2007	24,267,431
2008	24,108,842

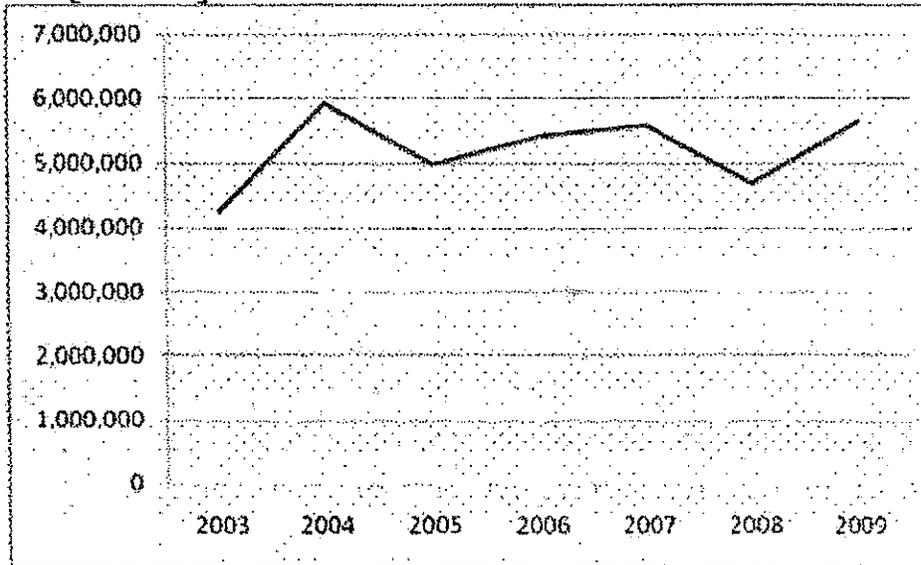


--[endif]-->

WAVE 3 May and June only
Number of trips in the Gulf

2003	4,256,988
2004	5,920,320
2005	4,983,704
2006	5,406,969
2007	5,594,340
2008	4,688,855
2009	5,642,607

<!--[if !vml]-->



--[endif]-->

Examples of best available SCIENCE FICTION:

Red tide killed ONE THIRD of all Gulf grouper in 2005.

Individual Fishing Quotas are good for fishermen and the fish

Recreational fishing effort remains high through 2009

Recreational data collection has improved

The issue of a few charter captains stealing your right to fish, which they will

then rent back to you, is coming at us under ~~sector separation~~
 We are recreational or commercial. There is no middle ground. Time to make that point clear.

The National Marine Fisheries Service claim of improving data collection is a broken record that has played for a decade. There is no excuse for this failure to improve data collection.

Hear more during our live broadcast this Sunday, January 10th at 7PM, when the FRA presents a live explanation of the issued while offering you tools with which to take action. [Click here for the live broadcast page, which is password protected.](#) The password will be sent to FRA mailing list members. Not on our mailing list? email us here

We will post talking points here for you to download or print. In the meantime, here is the scoping document

SCOPING DOCUMENT AMEND 32

The FRA will broadcast live on Sunday night, delivering an explanation of the issues as well as how you can defend your right to fish. We will also be attempting to broadcast all of the meetings through our expanding video associate network. The FRA is always looking for new video associates who can broadcast or record various meetings.

Short version of FRA suggested talking points for Gulf Amendment 32

Say it five times fast

MAGNUSON – STEVENS ...

Surprising how many people who are in the process mistakenly say stevenson when referring to the act.

Again- five times fast

MAGNUSON-STEVENSON...

The points

Fatally flawed MRFSS data and Red Tide science fiction are about to unnecessarily cause a \$2 billion dollar annual loss to Gulf States, including thousands of jobs.

Red Tide DID NOT kill 20-30% of all gulf grouper in 2005.

Fatally flawed data is overestimating recreational fishing effort and landings. These fatally.

flawed overestimates are about to cause damaging closures.

Annual Catch Limits (ACL), Annual Catch Targets (ACT) and the resulting Accountability Measures (AM) cannot rely on fatally flawed data, nor can ACL's, ACT's and AM's be developed until information from the new rec reporting system is useable, according to Magnuson-Stevens Reauthorization Act.

There are two pending lawsuits regarding this ignoring of Magnuson. We will not be taken for a ride.

The attempt to hide a reduction in our Maximum Sustainable Yield through the use of the ABC-acronym shell game did not go unnoticed.

Efforts should be made in improving data collection and recreational estimates, per the Magnuson-Stevens Act.

Why do accountability measures only go one way – against the angler?

When accountability measures are created, they must include not just taking away but giving back.

Current rec estimates are not even complete until halfway through the following year. Better estimates are years away. No Accountability Measures would be reliable or acceptable until recreational estimates are improved.

Commercial Red Snapper discards due to IFQ's are ignored. WHY? It has been reported as excessive by most commercial operators.

This is a whitewash job that ignores HUGE numbers of dead discards.

We have called for a 24" gag minimum size for years. Discard mortality will not cause the landings to increase.

We feel ignored on this issue.

Keeping the first fish caught is another attempt to kill recreational fishing effort.

Individual fish tags for use in identifying legal possession of recreational catch have no history and hold no promise. Spend the money fixing the fatally flawed system of recreational estimates.

The Council's new data collection committee is stacked with catch share advocates and non-resident advocates.

97% of Gulf recreational fishing trips are shore or private/rental boat trips captained by non-professional anglers. Where is the 33 to 1 ratio of private to pro/hired captains?

Individual Fishing Quotas have caused the HUGE commercial bycatch of Red Snapper in the Gulf of Mexico to be ignored. Why?

First fish caught is another attempt to eliminate fishing effort at all costs. The idea completely ignores the biological implications, much like the commercial Red Snapper IFQ idea.

Sector separation – 97% of Gulf recreational anglers and 90% of licensed professional captains agree-

Separate what? The recreational angler from his right to fish? From his money when he

has to rent that right to fish from another?

Separate those greedy individuals from the recreational angler.

There are only two sectors where catch is concerned: Commercial and recreational. For profit or for fun.

Stephen M. Zelenka
14 Belle Grove Drive
Destrehan, LA 70047
504-628-1174

January 19, 2010

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607
Sent VIA email: charlotte.schiaffo@gulfcouncil.org

Re: Scoping Meeting for Reef Fish Amendment 32

Sirs:

My name is Steve Zelenka, 44 years old, married with three kids between 10 and 19 years old and I live in Destrehan, Louisiana. I am a Past President of the Hell Divers Spearfishing Club and active member of the Fishing Rights Alliance

As a boat-owning, family of five, we fish and dive over 40 days per year in the Gulf of Mexico. I have been an active recreational fisherman for almost 40 years. Money not spent on family bills is spent on fishing and speardiving. We spend time(and money) at the camp and on the boat instead of going off on vacations. WE LOVE IT! It is an important part of our lives and it is our heritage.

We see plentiful fish in Louisiana and are successful harvesting these fish and are teaching our children about good stewardship of our shared natural resources. We demand this of the Gulf Council.

No further Regulations should be placed on Recreational Fishing until there is better data collected. The Gulf Council is using bad science to determine that Gag Grouper are overfished and undergoing overfishing, yet full weight isn't being given the downturn in effort caused by the downturn in the economy. Further cuts to the Recreational Fishing sector will devastate the ancillary industries associated with recreational fishing as well as devastate the already strapped coastal communities that service the recreational fleet.

- We SUPPORT the Fishing Rights Alliance' positions.
- We SUPPORT better reporting mechanisms being implemented. Good data is key. The old saw holds true, "Garbage in – garbage out." We are overwhelmed with garbage data and feel that no new regulations should be added until this is fixed. This is not an open endorsement of a Fish Tag Program nor is in an endorsement of the LAPP AP.

- We SUPPORT the splitting of the Gulf of Mexico into separate management zones. Anecdotal evidence shows that the Eastern and Western Gulf of Mexico have distinctly different bottom structure and hold different populations of fish.
- We OPPOSE any idea of sector separation. Recreational fishermen, regardless of their means of conveyance, are catching recreational fish. This is where this effort should be counted.
- We OPPOSE VMS and Grouper Endorsements. These will prove to be a tremendous burden on the For-hire Recreation Fishing Industry. The initiatives listed in the Scoping Document to improve data collection appear to be more about control of the fishery as opposed to control of the data.
- We OPPOSE catch shares in any way, shape or form in the recreational industry. Do not steal my rights to engage in the recreational harvest of fish, only to sell them to the highest bidder.
- We OPPOSE fish traps. These devices are easily lost at sea and will continue to kill fish for many years after.
- We OPPOSE fish stamps. Entry and participation limits should not be put on the recreational sector. The costs of recreational fishing are high enough.
- We OPPOSE any Area Closures placed on recreational fishing.
- We DEMAND the return of our fish!

Thank you for your consideration.

Sincerely,



Stephen Zelenka & Family