

APPENDIX B PUBLIC HEARING SUMMARIES AND WRITTEN COMMENTS

Summary of the Public Hearing on Reef Fish Amendment 32 Fort Myers, Florida May 3, 2011

Council and Staff:

Ed Sapp

Dr. Carrie Simmons

Phyllis Miranda

20 Members of the Public in Attendance

Robert Leonard, Punta Gorda, FL – Coastal Conservation Association – He provided a written statement and the following additional comments. He felt that after discussion it is difficult to figure out how to accommodate everyone with the proposed closure dates for the gag recreational season. He stated that one single 5-year plan needs to be in place as to allow fishermen to be able to plan ahead. He added that the economic impact of not opening the fishing season, particularly in the tourist areas, would cause big problems to the fishermen, restaurants, and bait shops.

Tony Petrella, Venice, FL – Sarasota Herald Tribune –

Action 2.2.1 (gag scenarios) Prefers Alternative 3, a split season, because the people he has spoken with agree that in the Bradenton/Sarasota county area that would provide for open seasons January 1-31 and April 1-30. He added that they would gladly accept a one fish bag limit if clients could have the opportunity to fish during those times. He mentioned that the fishermen are worried about losing their livelihood having the January-April closure when they cannot catch grouper. He felt that split seasons should not be a factor (based on geography) and that there was no reason that the northern part of Florida could not be managed separately from the southern peninsular part of Florida. He added that regional management has been accomplished by the state of Florida for spotted sea trout.

Charles Mann, Cape Coral, FL – recreational angler – He stated that the amendment documents were not available early enough and that was not in compliance with the Magnuson-Stevens Act. He felt that the Council should consider extending the time for final adoption of the amendment to the August Council meeting. He added that red grouper is not overfished or undergoing overfishing.

Action 2.2.2 (Red grouper bag limit) Prefers alternative 3, to increase the bag limit for red grouper from 2 fish to 4 fish.

He stated that he did not believe that gag is overfished or undergoing overfishing. He noted that a new full benchmark assessment on gag and red grouper was needed as soon as possible.

Action 2.2.1 (Gag scenarios) Prefers alternative 1, no action for gag recreational bag limits, size limits, and closed seasons.

Action 5 (Commercial gag size limit) Opposes the preferred alternative 2, to reduce the commercial size limit from 24 inches to 22 inches. He felt that would be taking too many fish out of the population before they had a chance to breed.

He stated that there is no way to accurately measure in-season accountability for the recreational sector.

Action 7.2 (Gag and red grouper recreational accountability measures) Prefers alternative 1, recreational accountability measures. He added that he believes that the fishery is underutilized. He noted that the

amendment had an incomplete cumulative effects analysis, no regulatory impact review as required, and no regulatory flexibility act analysis was provided.

Daniel Ferraris, Punta Gorda, FL – Coastal Conservation Association – He stated that the amendment was not presented early enough to be fully evaluated prior to the public hearing. He noted that the central issue regarding gulf grouper management to the CCA is allocation, which they believe is arbitrary and capricious. He added that the Gulf stock had been substantially reduced due to the mixture of fishing and red tide; however, action was initiated for grouper over 3 years ago and that the Council has only recently started to set committee meetings to deal with the issue. He strongly recommended that the Council postpone decisions on grouper until the August Council meeting.

Paul Giordano, Ft. Myers, FL – Vice President, CCA Florida – He read into the record a written statement, which is attached.

Gary Colecchio, Bonita Springs, FL – Florida Guides Association – He stated that Amendment 32 was not provided at least 15 days before the public hearing, which is the Council's rule. He was in support of postponing final action on Amendment 32 until the August Council meeting and having another round of public hearings. He felt that a red tide event affected the benchmark assessment from 2006 and skewed things out of proportion. He felt that another stock assessment needed to be performed as was recommended by our own Scientific and Statistical Committee and the Reef Fish Advisory Panel. He noted that maximum sustainable yield (overfishing limit) is being reduced by 25% and that it seemed like an arbitrary figure. He stated that the slot limit is confusing and that the Reef Fish Advisory Panel had a unanimous rejection of the slot limit. He supported a 24" minimum size limit for recreational anglers and felt that would result in a 30% reduction in landings because two-thirds of gag landings are in state waters. He added that the concept of recapturing a previously released fish is not considered in the stock assessments and that daily recapture of undersized fish was a common occurrence. He felt that should be a consideration.

Action 2.2.1 (Gag scenarios) Preferred alternative 1, no action on gag recreational bag limits, size limits, and seasons, and added that a new full benchmark stock assessment needed to be conducted. He felt that no commercial fishing should be allowed for any species undergoing overfishing or that is considered overfished.

Action 2.2.2 (Red Grouper Bag Limit) He was in favor of Preferred Alternative 3, increase bag limit to 4 fish per person.

Action 5 (commercial gag size limits) He recommended Alternative 1, no action, leave at a 24" minimum size limit. He felt that increasing the minimum size would keep breeding fish from being kept.

Action 6 (Time and Area Closures) Preferred Alternative 1, no action. He added that there was not enough data to accurately assess the stocks. He stated that the MRIP program really needs to incorporate the saltwater fishing registry to include old and young people.

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

Members of the Public who did not speak:

George Doster, Punta Gorda, FL
Ken Dieffenbach, Punta Gorda, FL
Pete Herber, Punta Gorda, FL
Tom Parsons, Punta Gorda, FL
Peter McGregor, Punta Gorda, FL – CCA
George Bobko, Port Charlotte, FL

Dan Ferraris, Punta Gorda, FL
Randy Urst, Ft. Myers, FL
Don Jones, Ft. Myers, FL
Kevin Bellington, Ft. Myers, FL
Sharon McBreen, Orlando, FL – PEW
Environment Group

**Summary of the Public Hearing on
Reef Fish Amendment 32
St. Petersburg, Florida
May 3, 2011**

Council and Staff:

Bill Teehan
Steven Atran
Ava Lasseter
John Froeschke
Emily Muehlstein

29 Members of the Public in Attendance

William R. Causey, Perry, FL, recreational fisherman – Does not agree with anything the Council is doing. He feels the Council has created confusion and apathy among the recreational community. As an example, there is overwhelming testimony against any new IFQs, yet his tax dollars are being used by NMFS lawyers to disagree with Congress. He felt that, in the section about alternatives to explore, one alternative not listed is to talk to your elected official. He disagreed with Amendment 32. If a stock is in such dire straits that it needs a closure, then do not allow a special interest group to continue to fish it. He felt that gag and red grouper should be treated as a single management unit. If one is closed, close both regardless of IFQs. Right now, the regulations are so confusing that law enforcement officials can't figure them out. When one sector can land fish and the other can't, that creates more confusion. He felt that IFQs are the worst tool for fisheries management, are ripe for abuse, and need to go. If they are used, commercial fishermen should pay for the IFQ by year. It costs tremendous money to pay our salaries and law enforcement, and IFQs should be paid for by people who are making money off them.

Roy Coykendall, New Port Richey, FL, charterboat operator, Miss Virginia – Referred to a letter to the editor that he had published in the St. Petersburg Times in 2009 calling for an end to longline fishing (<http://www.tampabay.com/opinion/letters/article973978.ece>). He felt that mechanized fishing including longlines, nets and fish traps are what kills the fish. He felt that a gag open season in July – October was a bad idea. Gag is 90% of his fishing, and he would rather have a two month closed season even if it meant going to a 1 gag bag limit. He felt that, in 2005, the red tide may have destroyed habitat, but the gag just moved around. He fished mostly off grunts and hog snapper while throwing back 30" to 34" gag, but he has to go out 30 miles to find red grouper. He asked that we consider economic impacts and reevaluate the data.

Lawrence Coles, St. Petersburg, FL, recreational fisherman – He had looked forward to being able to fish for 1 or 2 fish. It used to cost \$299 for 3 people to go out fishing, but today he can't afford it. He objected to commercial fishermen being allowed to fish year-round when the recreational sector couldn't.

Don Roberts, Tampa, FL, representing Coastal Conservation Association (CCA) – Reiterated that there was not enough time to review the amendment. He felt that if the recreational sector is closed to fishing, the commercial sector should be closed as well.

Chuck Weddel, Tampa, FL, representing Fishing Rights Alliance (FRA) – He just moved to Tampa from Colorado, and thought he could go fishing but there are so many things going on politically that it's got him ruffled. He noted that the Council is under a deadline to solve a problem, but one that people don't feel is valid. He asked the Council not to make decreases in fishing based on innuendo and invalid

statistics. He felt that the people are being railroaded.

Libby Fetherston (address on file), representing Ocean Conservancy – She will provide a written statement later. She noted that gag are at 2 ½ times the maximum fishing mortality threshold and biomass is less than half the minimum stock size threshold.

Action 1 (Rebuilding Plan) – Supports Alternative 3, 7-year rebuilding plan. This is consistent with F_{OY}.

Action 2.1 (Gag Scenarios) – Cautioned that if effort shifting is higher than assumed, the scenarios may not achieve the reduction objectives. Also, she is concerned about mortality from the slot limit.

Action 2.2 (Red Grouper Bag Limit) – Supports the adaptive management approach, but increasing the red grouper bag limit may lead to increased gag bycatch from fishermen targeting red grouper. Therefore, she supports Alternative 2, a 3 fish bag limit.

Action 3 (Commercial Gag Quota Adjustment) – Supports Preferred Alternative 2, 14% reduction.

Action 4 (Multi-Use IFQ shares) – Supports Preferred Alternative 4, suspend red grouper multi-use shares while gag rebuilding is in effect.

Action 5 (Commercial Gag Size Limit) - Tentatively supports the Preferred Alternative 2 (22 inches), but cautioned that this is below the average size of female maturity and could reduce spawning potential.

Action 6 (Time and Area Closures) – Time and Area Closures are an appropriate way to protect spawning aggregations, and were supported by the Reef Fish Stock Assessment Panel in 1999. She supports Alternative 3 (close area between Edges and Madison-Swanson) with option c (all fishing prohibited Jan-April, allowed May-Dec) or d (all fishing prohibited year round).

Action 7.1 (Commercial Accountability Measures) – Supports Preferred Alternative 2 (IFQ is the accountability measure).

Action 7.2 (Recreational Accountability Measures) – Supports Preferred Alternative 4 (add an overage adjustment to overfished stocks and authority for AA to close recreational season when annual catch limit is projected to be reached).

Ocean Conservancy also supports the use of ACT.

Jeff Miller, Ocala, FL, representing Coastal Conservation Association (CCA) – Read a prepared statement (attached). In brief, the hearing documents, having just been posted, are not conducive to allowing stakeholders to develop informed decisions. In Amendment 32, the most central issue is allocation. The current allocation was made in an arbitrary and capricious fashion, and the Council is just now getting around to addressing an allocation amendment.

Action 1 (Gag Rebuilding Plan) – CCA supports Preferred Alternative 3 (10 years) and supports basing management on the ACL rather than the ACT. An ACT is not necessary.

Action 2.2 (Red Grouper Bag Limit) CCA supports Preferred Alternative 3 (4 fish bag limit with scaling back if necessary).

CCA does not support closing any season for groupers other than gag.

Additional comments on the prepared statement pertain to the Generic ACL/AM Amendment.

The following are Mr. Miller's personal comments.

The gag decline is not due to overfishing. A different term should be used.

A 30" maximum size limit for gag will create problems for salt water fishing tournaments. If adopted, consider having a tournament permit that would allow one gag over the size limit.

The Council is avoiding the issues of allocation and flawed science.

There is no room for commercial harvest if the recreational sector is only getting 61 or 123 days of fishing.

Accountability is linked to IFQs, but there is a lawsuit going on against IFQs, and they may not stand.

James Holder, Clearwater, FL – Given the questionable data, he recommended that the Council adopt the smallest closed season and the highest bag limit until there is better data. Having a split fishing season would be confusing. He recommended leaving the gag season open through the summer. Rising gas prices will reduce the fishing pressure so the gag stock won't be hurt. He supports the bag limit increase on red grouper.

Dennis O'Hern, St. Petersburg, FL, representing Fishing Rights Alliance (FRA) – Read from a prepared statement. Comments included:

Amendments are copied in black & white, but they contain color graphics that can be hard to read.

Why were documents not available until Wednesday? The public is offended by the lack of time to review the document. They should be available 2 to 3 weeks in advance.

No announcement was made when the documents were available. This shows a lack of respect and disdain for the public.

The recreational sector has said no to catch shares.

Professional fishermen who take people out for hire should be held to a higher standard, but not different rules.

If sector separation goes forward, that will be a slap in the face of the recreational community, and FRA will litigate.

The amendment renames MSY to OY and reduces it by 25%. There is nothing in the Magnuson-Stevens Act that says OY should be reduced from MSY. This makes it easier for anti-fishing groups to claim overfishing. OY should be set equal to MSY.

Why is recapture of fish not included and calculated in adjusting for mortality? If don't look at this in Amendment 32 there are going to be outraged anglers.

An FWRI study observed release mortality rate of just over 1%, on headboats in less than 100 feet of water. Why is this not included? The biggest problem with releases is dolphin predation.

Why is a 24 inch minimum size limit, which used to be a preferred alternative, no longer being considered?

There needs to be a full benchmark assessment on gag now.

The assessment model does not acknowledge that fish move around.

The gag are not gone. The red snapper are so thick that you can't get the bait down to the gag.

Action 2.1 (Gag recreational scenarios) - Go back to a 4 fish gag bag limit. Only have a two month spawning season closure, and apply it to both commercial and recreational sectors if it is to protect spawning aggregations.

Action 2.2 (Red Grouper bag limit) - Thanks for the 4 fish red grouper bag limit, but where is our 5?

Action 3 (Commercial Gag Quota Adjustment) - NMFS promised with IFQs that the guy buying into it would still get his share, but that share was held hostage if Florida didn't comply. They lied to the commercial sector. Try bringing that to the recreational sector, that's Armageddon, I'll go back to being a psycho killer.

Action 5 (Gag Commercial Size Limit) – Don't lower the size limit. There aren't many that size in the depths they are fishing. If they are getting 22" gag, they are fishing too shallow and need to go deeper.

Action 6 (Time and Area Closures) – Do not create any additional closures. It's highly questionable if they have any effect.

Action 7.1 (Commercial Accountability Measures) - IFQ proponents have ignored the discards they have because they can't get gag IFQ shares. So it's not the accountability measure that the council claims.

Socioeconomic Analyses - This rating of individual communities is ludicrous. It splits the communities

up too much. Studies show that 50% of all recreational snapper trips all leave from Hillsborough, Pinellas, and Manatee. Valrico as 16th in the state based on boat owner's address, but that boat's owner actually has five boats docked in Madeira Beach.

Mike Jackson, Clearwater, FL, recreational fisherman – He stated that his classification of shallow-water grouper were that they did not occur in deeper than 265 feet, and deep-water grouper never occurred shallower than 260 feet. However, gag and yellowmouth are found in both areas. He produced a nautical chart delineating the area off Florida's Gulf coast between 40 and 100 fathoms, which he claimed was gag habitat that was not being considered. He estimated the area to be 14,275 square miles.

Allen Rodriguez, Sarasota, FL, representing Reel Fun Charters and Economy Tackle – He felt that if the commercial fishery has an average 67% release mortality rate, the commercial fishery is out of control and should not be allowed. He noted that the timber industry can harvest trees, but they have to replant what they harvest. Congress in 1900 passed the Lacey Act because of migratory birds that were being killed for their feathers. He claimed that the Lacey Act says that a public natural resource is for the public, if it gets to the point that it has to be managed by government, it's there for everyone to take, not to go buy in the grocery store. He felt that the Magnuson Act is in conflict with the Lacey Act. He felt that we have no data and are just guessing at how many fish there are. He did not think that we need a closure, but if the stock is in dire need of closure, close commercial as well as recreational sectors. However, he manages a tackle store, and feels that a closure is a bad economic move. The tackle shops are seeing their number of sales, going down. They are down 40% in the last 3 years, and it's impacting the number of fish caught. He also felt that goliath grouper are eating a lot of gag grouper.

Action 2.1 (Gag Recreational Scenarios) - He was opposed to using a slot limit because it would increase the release mortality rate on older fish. He supports just a 2 month closure and a 24" size limit. However, he sees a downside to a larger gag minimum size limit. It would result in larger fish being caught on average. In the red snapper fishery, the season has been shortened because the fish are bigger.

William E. Keene II, Tampa, FL, recreational fisherman – Felt that the numbers used for the science are wrong, and that people are losing business as a result. He suggested creating a fresh catch share ticket, similar to a snook stamp, that would allow a fisherman to hire a boat to go out and catch a fish 12 months a year. This would help the for-hire boats make more money.

Kurt Theodore, Palm Harbor, FL, recreational fisherman – Expressed disappointment with the availability of documents and lack of ample notice. He felt the low turnout for the hearing was due to apathy and economic conditions, as well as not having proper materials in advance. He felt that the 25% reduction of MSY is arbitrary. He does not believe that the release mortality is accurate, and feels that a benchmark stock assessment is completely necessary but is not on the agenda.

Action 2.1 (Gag Recreational Scenarios) – He opposes the slot limit but supports a 24 inch size limit, which he feels would reduce landings by 30%, combined with a 4 fish bag limit and the 2-month closed season.

Captain Chad Haggert, Clearwater, FL, charterboat operator, Double Eagle Deep Sea Fishing – He has been fishing since 1967 and feels that there are not as many gag out there.

Action 2.1 (Gag Recreational Scenarios) - Stated that he wants the longest gag season possible so he can sell trips to tourists. He would support a larger size limit and a smaller bag limit in exchange for a longer season.

Action 2.2 (Red Grouper Bag Limit) – He doesn't see a benefit and thinks there will be effort from gag. He suggested keeping the bag limit at 2 red grouper, or maybe raise it to 3 fish, but not more.

**Summary of the Public Hearing on
Reef Fish Amendment 32
Marathon, Florida
May 4, 2011**

Council and Staff:

Ed Sapp
Dr. Carrie Simmons
Phyllis Miranda

4 Members of the Public in Attendance

Jack Fernandez, Summerland Key, FL – Next Chapter Fishing – He stated that he has worked under the individual fishing quota program for red snapper since its implementation as well as the grouper individual fishing quota program. He stated that the circle hook requirement for reef fish fishing was implemented with good intentions and it works for bottom fishing for grouper and snapper, but it does not work for the yellowtail snapper fishery, which is the most sustainable fishery in Key West. He felt that it needed to be considered as a southeast region flexibility issue. He noted that there is increased pressure on the silk snapper. He noted that it was a strong fishery, but that the individual fishing quota program and implementation of Amendment 31 has caused northern Gulf fishermen to shift effort to south Florida to catch other species once they have used up their grouper individual fishing quota. He suggested implementing a control date for silk snapper, a south Florida species. He added that he had been fishing for many years and he should be rewarded; he should not have to give up his fishing due to fishermen from other areas coming in and overfishing the stock. He felt that red snapper is not overfished, and that it is a fish that is very abundant.

The meeting was adjourned at 7:15 p.m.

Members of the Public who did not speak:

Bill Kelly, Marathon, FL – Florida Keys Commercial Fisherman's Association
Mike Henry, Big Pine Key, FL

**Summary of the Public Hearing on
Reef Fish Amendment 32
Mobile, AL
May 9, 2011**

Council and Staff:

Bob Shipp
Assane Diagne
Karen Hoak

No members of the public in attendance.
No testimony was given.

**Summary of the Public Hearing on
Reef Fish 32 Amendment
Biloxi, Mississippi
May 10, 2011**

Council and Staff:

Kay Williams
Assane Diagne
Karen Hoak

Public in Attendance:

Tom Becker
F. J. Eicke

The opening statement was read by Kay Williams. **F. J. Eicke**, Ocean Springs, MS – Coastal Conservation Association – submitted written comments for the record. Mr. Eicke's comments are attached.

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

**Summary of the Public Hearing on
Reef Fish Amendment 32
Galveston, Texas
May 10, 2011**

Council and Staff:

Joe Hendrix

John Froeschke

Emily Muehlstein

3 Members of the Public in Attendance

Todd Hanslik

Jonny Williams

Fred Angor

No one commented on Reef fish 32. See the summary of ACL/AM public hearings for additional comments.

**Summary of the Public Hearing on
Reef Fish Amendment 32
Panama City Beach, Florida
May 10, 2011**

Council and Staff:

Bill Teehan

Steven Atran

Charlotte Schiaffo

Martha Bademan (FWC staff)

9 Members of the Public in Attendance (plus 4 reporters)

Holly Binns, PEW Environmental Group – Stated that gag are overfished and in need of significant protection.

Action 2.1 (Gag Scenarios) – Supported the longest recreational season possible as long as it has a high probability of rebuilding the stock. However, she was concerned that assumptions that there would be a 50% increase in effort during the open season might be too low. She cited red snapper, where effort increased substantially when the recreational season was shortened, and recommended that the Council look at the historical data.

Action 6 (Time and Area Closures) – She supported the use of time and area closures to protect and improve reproductive potential, and supported additional protections for habitat and gag spawning aggregations.

PEW Environmental Group will submit additional comments later, but these are two of the major concerns.

Bob Zales II, Panama City Boatman's Association – Felt that tagging studies currently being done by Florida FWC will lead to lower release mortality estimates for the next gag stock assessment.

Action 1 (Rebuilding Plan) – Supports Preferred Alternative 2, 10-year rebuilding plan.

Action 2.1 (Gag Scenarios) – Supports the Reef Fish AP's recommendation for a split winter season (January plus December 24-31) and summer season (June 1 through July 7) with a 1-gag bag limit (Alternative 5). This will help the downstate fishermen who need a winter fishery, and the upstate fishermen who want a gag season that will coincide with red snapper season. Having concurrent gag and red snapper seasons will address concerns that there would otherwise be red snapper discards from fishermen fishing for gag. He supported the Reef Fish AP's unanimous opposition to slot limits and recommended that they be moved to Considered but Rejected. He felt that slot limits do not work in deep water.

Action 2.2 (Red Grouper Bag Limit) – Supports Preferred Alternative 3 for a 4 red grouper bag limit with reductions to 3 and then 2 fish if the annual catch limit is exceeded.

Action 3 (Commercial Gag Quota Adjustment) – Supports Preferred Alternative 2, 14% reduction.

Action 4 (Multi-Use IFQ shares) – Supports Preferred Alternative 4, suspend red grouper multi-use shares while gag rebuilding is in effect.

Action 5 (Commercial Gag Size Limit) - He expressed concern that if the commercial size limit is reduced to 22 inches, it could result in commercial fishermen targeting smaller gag that are currently available only to the recreational sector, once the recreational fishery closes.

Action 6 (Time and Area Closures) – Supports Alternative 1; no action. He feels that the current time and area closures are enough.

Action 7.1 (Commercial Accountability Measures) – Supports Preferred Alternative 2 (IFQ is the accountability measure).

Action 7.2 (Recreational Accountability Measures) – Supports Preferred Alternative 4 (add an overage adjustment to overfished stocks and authority for AA to close recreational season when annual catch limit is projected to be reached).

There is a rerun of the red grouper yield projections currently being done by the Science Center. If the SSC finds that the 2011 red grouper ABC can be increased as a result of the rerun, he asked that the Council in June request an emergency action to make that additional amount available to the fishermen.

Bart Niquet –

Action 2.1 (Gag Scenarios) – He feels that the season is too short. A longer season is needed even if it is just on weekends.

Action 2.2 (Red Grouper Bag Limit) – Recommended a 4 grouper bag limit within which 3 could be red grouper (Alternative 2).

Action 3 (Commercial Gag Quota Adjustment) – Supports Preferred Alternative 2, 14% reduction.

Action 6 (Time and Area Closures) – Opposed to any more closures. This would hurt the fishery rather than help it by concentrating fishing effort on the limited amount of remaining open area.

He feels that there are plenty of gag, and the fishery doesn't need to be reduced as much as proposed. He also feels there are plenty of red grouper and supports the increase.

Mike Eller, Destin Charterboat Association –

Action 1 (Rebuilding Plan) – Supports Preferred Alternative 2, 10-year rebuilding plan.

Action 2.1 (Gag Scenarios) – He would prefer to maintain the September 16 through November 15 season (Alternative 2) due to the Destin Fishing Rodeo, but he understands the need for a split season. He does not support a slot limit.

Action 2.2 (Red Grouper Bag Limit) – The Destin Charterboat Association supports a 3 fish bag limit (Alternative 2), but he personally would prefer to see it remain at 2 fish (Alternative 1). The concern is with increased discard of gag while targeting red grouper.

Action 3 (Commercial Gag Quota Adjustment) – Supports Preferred Alternative 2, 14% reduction.

Action 5 (Commercial Gag Size Limit) – Supports Preferred Alternative 2 (22 inches)

Action 6 (Time and Area Closures) – Opposed to Alternative 2 (expand Madison-Swanson area to the north and west).

Action 7.1 (Commercial Accountability Measures) – Supports Preferred Alternative 2 (IFQ is the accountability measure).

Action 7.2 (Recreational Accountability Measures) – Supports Alternative 3 (add authority for AA to close recreational season when annual catch limit is projected to be reached). He feels it is important to have a mechanism in place to prevent overages, but is disappointed that the mechanism is dependent upon MRIP data.

Russell Underwood, Panama City, FL, commercial fisherman and party boat operator – Asked when the additional gag IFQ quota would be released under the interim rule. (The Council representative and staff said it would be soon, but did not have a specific date).

Action 2.1 (Gag Scenarios) – Supports having gag and red snapper open at the same time in order to protect the resource. He also feels that the recreational sector needs longer seasons.

Action 5 (Commercial Gag Size Limit) – Supports the Preferred Alternative 2 (22 inches).

Action 6 (Time and Area Closures) – He does not support any additional time and area closures. This would concentrate the fishing off of Panama City, put more stress on the fishery, and create conflicts between the commercial vessels and the party and charterboats already operating in that area.

He supports having the 1 million pound recreational red snapper underage in 2010 added to next year's recreational allocation.

Chris Niquet, Panama City, did not wish to speak, but in response to Russel Underwood's statement that the recreational sector needs longer seasons, he stated from the audience that party boats need to have 55 to 60 days to fish.

**Summary of the Public Hearing on
Reef Fish Amendment 32
Corpus Christi, Texas
May 11, 2011**

Council and Staff:

Joe Hendrix

John Froeschke

Emily Muehlstein

1 Member of the Public in Attendance

Art Morris (Texas Parks and Wildlife)

No testimony was given.

**Summary of the Public Hearing on
Reef Fish Amendment 32
Kenner, Louisiana
May 11, 2011**

Council and Staff:

Damon McKnight
Assane Diagne
Karen Hoak

Public in Attendance:

Jason Adriance, LA Department of Wildlife and Fisheries
David Dauzat, Metairie, LA
Terry Miguad, Metairie, LA
Louis Rossignol, Kenner, LA
Walter Stone, Metairie, LA
Steve Zelenka, Destrehan, LA

Terry Miguad, Metairie, LA – Louisiana Council of Underwater Dive Clubs – inquired why offshore oil platforms are not considered and protected as essential marine habitat. Mr. Miguad’s written testimony is attached.

Walter Stone, Metairie, LA – expressed concerns relative to the timeliness of the documents and inquired about meeting location changes. Mr. Stone also questioned the quality of the data included in the amendment. Mr. Stone’s written comments are attached to this summary.

During subsequent discussions, attendees expressed opposition to the slot limit considered in Amendment 32.

At the conclusion of testimony, McKnight allowed for an informal discussion. Issues discussed included the reliability of data used by the Council, sector separation, and, allocation between the sectors.

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

Supplemental Public Hearings:

**Summary of the Public Hearing on
Reef Fish Amendment 32
Fort Myers, FL
August 1, 2011**

Council and Staff:

Bob Gill

Emily Muehlstein

3 members of the public in attendance

Sharon McBreen, representing PEW- written testimony

Paul Giordaro, representing CCA submitted written testimony

A member of the public who chose not to identify himself spoke on- Action 2.2.1- He supports alternative 3- the split season that would allow for a winter season, although it would limit his number of fishing days he believes that a January season option would increase his days of productive fishing in South Florida.

The meeting adjourned at 6:40 p.m.

**Public Hearing Summary on
Reef Fish Amendment 32
St. Petersburg, FL
August 2, 2011**

Council and Staff:

Ed Sapp
Steven Atran
Kathy Periera

6 members of the public in attendance

Dennis O'Hern, Executive Director, Fishing Rights Alliance –

General - Felt that the Council's public notifications were sloppy and submitted notices that contained errors. The Federal Register notice for the public hearings incorrectly referred to Steven Atran as Dr. Steven Atran, and Orange Beach, Alabama as Orange Beach, Florida. The Council website also refers to Orange Beach, Florida.

Reef Fish Amendment 32

- Complained about an ACL/ACT Control Rule working group that was formed in 2010 that included members from environmental groups but nobody from the fishing community.
- Stated that documents for this public hearing were still not made available in a timely manner. Two weeks before the hearing, the mini-guides were available but not the amendments.
- Questioned why there were no recreational management scenarios that used a 24" minimum size limit. He stated that the Council had produced documentation that a 24" size limit would reduce harvest by 30%, making it unnecessary to implement any other changes. Furthermore, is biologically the optimum size limit. In response to a statement from Steven Atran that an analysis that a 24" size limit using the gag management scenario spreadsheets provided by NMFS showed that it would increase total removals by 4-5% but would also increase dead discards, he questioned the reliability and transparency of the spreadsheets, noting that NMFS had locked the spreadsheets so that users could not view how the calculations were done.
- Opposed a 22" commercial size limit for gag. Although few gag at that size were currently being caught by the commercial sector, he felt that if the size limit were reduced commercial fishermen would begin catching more of them to serve the restaurant demand for plate sized fish.
- Opposed to catch shares. He felt that those who supported catch shares and sector separation had an incentive to misreport catches, and pointed to the discrepancy between charterboat and private recreational catches of red snapper as an example.
- Reiterated that there is nothing in the Magnuson-Stevens Act that says that catches need to be reduced by 10% or some other percentage to achieve optimum yield.
- Felt that recreational dead discard estimates were overstated and that there was evidence of multiple recaptures of gag in the same day. FWRI data shows that there is low release mortality and high recapture rates.
- Felt that amendments are being written by NMFS staff and then handed to Council staff for tweaking.
- Felt that there was overwhelming anecdotal evidence that there was strong abundance and recruitment of gag.

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

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

Amendment 32 – Supports finalizing the amendment at the August Council meeting.

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

Members of the public who attended but did not speak:

John Laurent

James Fesperman

**Summary of the Public Hearing on
Reef Fish Amendment 32
Panama City, FL
August 3, 2011**

Council and Staff:

Larry Abele
Rick Leard
Charlotte Schiaffo

9 Members of the Public in Attendance

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

Amendment 32

Larry Abele reviewed the main points of Amendment 32, and then Dr. Leard gave a PowerPoint presentation.

Bob Zales asked what percentage of OFL and ACL equaled ABC.

Jim Clements expressed concern that even though commercial fishers would not exceed their ACL this year, ACT would be applied to both sectors which would reduce the commercial share. Mr. Abele explained that allocation was not reduced, that it was still based on ACL. Dr. Leard also noted that the Council had not yet voted on the proposed measures and since ACT was not required by law the Council might decide it was not needed.

Mr. Clements supported closed areas in Action 6 since gag and red grouper spawned in those areas and needed to be protected. He had concerns under Action 3 on dead discards. He stated that NOAA landings data showed that even though the year was 60% gone, only 30% of the gag quota had been caught, so dead discards were not a problem in that fishery, and thus did not need an 80% or for the gag quota to be cut for the commercial sector.

He advocated Alternative 1, no action under Action 3.

Bob Zales noted that it was difficult to catch legal size fish, and would like to see the bag limit set as high as possible. He had serious concerns about NMFS being able to regulate under new restrictive measures and not having the ability to set ACL without sufficient data. He stated that arbitrarily setting ACL, ABC, and AMs did not work. He added that a big factor in lower landings was the economy since fewer people were fishing.

Chris Niquet opposed any closures, stating that in the Madison-Swann closed area there were no more fish than there had ever been, even though the area had been closed for 10+ years.

Mr. Abele interjected that there were larger fish than there had been before in that area.

The meeting adjourned at 7:30.

Members of the public who attended but did not speak:

Trip Aikeman-CCA

Pam Anderson-PCBA

Henry Hunt-Charterboat

Stephanie Free-FWCC

Bart Niquet-Niquet Fisheries

Michelle Sempsrott-FWCC

Reef Fish Amendment 32 to the Gulf Grouper

Fishery Management Plan- will establish annual catch limits and annual catch targets for 2012 to 2015 for gag and for 2012 for red grouper. The amendment contains actions to establish a rebuilding plan for gag; set recreational bag limits, size limits and closed seasons for gag/red grouper in 2012

CCA has reviewed the documents and provided comments and recommendations to present at the hearings. Some of the comments in the attachment include:

"The angling public has been put into a difficult position as the Gulf Council just posted the final hearing documents on this amendment and the even more complex Annual Catch Limit/Accountability Measures on April 27. This process, which involves hundreds and hundreds of pages of documents on these issues, is not conducive to allowing stakeholders to develop informed decisions on the options presented here, options that could have serious implications on the public's ability to access these public resources in the future.

This process threatens to damage any faith that the recreational angling community may have that the Council is sincere in its efforts to gather and utilize meaningful input from us."

"The most central issue regarding Gulf grouper management to CCA is allocation. We recognize that the gag stock in the Gulf has been substantially reduced through a mixture of fishing and red tide mortality and support a rebuilding plan. However, the Gulf Council initiated action on an amendment to set grouper allocation more than three years ago and has only now begun to schedule committee meetings on this issue. This is inexcusable. Currently gag grouper have been allocated in an arbitrary and capricious fashion in the Commercial Grouper IFQ amendment that was not supported by the legally mandated analyses. CCA's case against this action is currently before a federal judge and we are waiting for a decision."

MAIL &
EMML
MAY 31

Coastal Conservation Association
Comments for the Gulf of Mexico Fishery Management Council
Public Hearings on Amendment 32
May 2011

Good evening, my name is Paul GEORDANO *JICF PRESIDENT
CCA FLORIDA* and I would like to thank the Council for giving us the opportunity to address the fishery management proposals before us tonight.

Having said that, it must also be pointed out that we believe this comment process is seriously flawed. The angling public has been put into a difficult position as the Gulf Council just posted the final hearing documents on this amendment and the even more complex Annual Catch Limit/Accountability Measures on April 27. This process, which involves hundreds and hundreds of pages of documents on these issues, is not conducive to allowing stakeholders to develop informed decisions on the options presented here, options that could have serious implications on the public's ability to access these public resources in the future. As presented here today, this process threatens to damage any faith that the recreational angling community may have that the Council is sincere in its efforts to gather and utilize meaningful input from us.

CCA is still reviewing the extensive documents and reserves the right to make final comments at the Council meetings. However, the following testimony has been prepared by Coastal Conservation Association to address the following issues:

The Generic Annual Catch Limits/Accountability Measures Amendment
Reef Fish Amendment 32

AMENDMENT 32

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We insist that the Gulf Council use the required economic, social and conservation criteria – as mandated in the NOAA Catch Share Policy – to allocate grouper and all other natural resources under its authority to maximize the economic benefits available to the entire people of this nation from the wise use of these resources.

Although not a subject of Amendment 32 another such arbitrary allocation for black grouper is being considered in the ACL/AM amendment – again without any of the analyses of impacts and benefits that are required by the Magnuson-Stevens Act and the Catch Share Policy. We will resist efforts to continue to arbitrarily allocate these resources.

Regarding the specific management measures of Amendment 32:

- CCA would support a 10-year recovery period and basing the allowed harvest on reaching the Annual Catch Limit (ACL) as opposed to the overly restrictive Annual Catch Target (ACT). The Council is using the conservative optimal yield target for overall management of grouper and we do not think an ACT is necessary. We support achieving the longest open season possible.
- For red grouper we can support the preferred alternative of setting the bag limit at 4 per day and scaling it back, if necessary, in subsequent years if this is needed to avoid a future closed season.
- We do not support closing any season for other groupers than gag.

GENERIC ANNUAL CATCH LIMITS/ACCOUNTABILITY MEASURES AMENDMENT

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2 of 2

IT'S TIME TO END LONGLINE FISHING

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IT'S TIME TO END LONGLINE FISHING

St. Petersburg Times - St. Petersburg, Fla.

Author: Anonymous

Date: Feb 9, 2009

Start Page: A.10

Section: NATIONAL

Text Word Count: 2834

Abstract (Document Summary)

Recreational and commercial bandit fishing has paid the price for longliners for years with bag limit reductions, size limit increases and seasonal closures. We have had to accept, to now the longliners' turn. If longliners truly believe themselves to be fishermen, they must realize that by eliminating the practice of longline fishing, they will improve the en for both commercial and recreational fishermen.

accept, to now the longliners' turn
for both commercial and recreational fishermen

Public Testimony - Roy Loggkendall
Amendment 32 - St. Petersburg
May 3, 2011

May 3, 2011

Coastal Conservation Association
Comments for the Gulf of Mexico Fishery Management Council
Public Hearings on Amendment 32
May 2011

Good evening, my name is Jeff Miller and I would like to thank the Council for giving us the opportunity to address the fishery management proposals before us tonight.

Having said that, it must also be pointed out that we believe this comment process is seriously flawed. The angling public has been put into a difficult position as the Gulf Council just posted the final hearing documents on this amendment and the even more complex Annual Catch Limit/Accountability Measures on April 27. This process, which involves hundreds and hundreds of pages of documents on these issues, is not conducive to allowing stakeholders to develop informed decisions on the options presented here, options that could have serious implications on the public's ability to access these public resources in the future. As presented here today, this process threatens to damage any faith that the recreational angling community may have that the Council is sincere in its efforts to gather and utilize meaningful input from us.

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Reef Fish Amendment 32

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We insist that the Gulf Council use the required economic, social and conservation criteria – as mandated in the NOAA Catch Share Policy – to allocate grouper and all other natural resources under its authority to maximize the economic benefits available to the entire people of this nation from the wise use of these resources.

Although not a subject of Amendment 32 another such arbitrary allocation for black grouper is being considered in the ACL/AM amendment – again without any of the analyses of impacts and benefits that are required by the Magnuson-Stevens Act and the Catch Share Policy. We will resist efforts to continue to arbitrarily allocate these resources.

Regarding the specific management measures of Amendment 32:

- CCA would support a 10-year recovery period and basing the allowed harvest on reaching the Annual Catch Limit (ACL) as opposed to the overly restrictive Annual Catch Target (ACT). The Council is using the conservative optimal yield target for overall management of grouper and we do not think an ACT is necessary. We support achieving the longest open season possible.
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GENERIC ANNUAL CATCH LIMITS/ACCOUNTABILITY MEASURES AMENDMENT

Coastal Conservation Association has several significant concerns with the concepts contained in the Generic ACL/AM Amendment:

- With regard to Annual Catch Limits, CCA believes that all recreational ACLs should be measured in numbers of fish rather than pounds. This will remove some of the uncertainty and error that plagues recreational catch data.
- We support moving species with landings of less than 20,000 pounds out of the management complex, rather than designating them Ecosystem Species. Doing so will prevent managers from being required to enact measures that may impact dozens of species in a single complex in order to recover the weakest species.
- For unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. It is absurd to employ an ABC control rule that could require significant reductions of harvest for a species when no problems have been documented with the stock. The logical option would be to simply cap the harvest at current levels until data is available to support an assessment.
- We are greatly dismayed to see that this document still looks exclusively at past landings history as the sole method to set allocations between the recreational and commercial sectors. We believe the allocation process should be forward-looking and that managers should make every effort to manage these fisheries to reflect present and future realities, rather than locking in these resources to repeat history. The Gulf of Mexico Fishery Management Council should use the criteria set out in the NOAA Catch Share Policy in setting any allocation and use economic value as a key criteria in order to set allocations that achieve the greatest benefit to the country.

Amendment 32 talking points – suggested highlights in bold.

ABOUT THE DOCUMENT AVAILABILITY

Why were the documents not available until Wednesday afternoon?

There was NO announcement when the documents WERE posted to the website. Why not? Who made the decision to NOT tell the public that the overdue documents were finally available, albeit only electronically? The main document is a 27 MEG download. That is a HUGE file. The public is rightfully offended by the Council's lack of respect and obvious disdain for meaningful public input.

Does the Council have any idea or even care about the people who have no or very limited computer access? This process has certainly denied the general public adequate time with the final proposals. The excuse of 'we're busy' does not hold water. Amendment 32 had initial public hearings over a year ago. OVER A YEAR AGO, that's what I said. Not too busy to push catch shares, though, as we can see by all of the recent Council activity.

Now, the documents presented to us only days away from the FINAL HEARINGS are still labeled DRAFT.

While the Council spends hundreds of thousands of tax dollars on 'outreach' designed to 'engage the angler in the management process, they systematically deny us the opportunity to provide thoughtful comments on proposed regulations. This appears to violate the Magnuson-Stevens Act.

How stupid do you think the public is that we will allow you to treat us this way? We request another round of hearings with at least fifteen days in which to review the documents prior to a hearing.

The recreational sector has spoken loud and clear: NO CATCH SHARES. What more does the Council need? Or is the catch share agenda another Council damn-the-public-opinion steamrolling of the public's rights?

The recreational sector, including the majority of its for hire captains, have CLEARLY SPOKEN AGAINST SECTOR SEPARATION. So why is the Council staff preparing a sector separation amendment? How can the Council possibly deny their ignoring of public input?

ABOUT THE DOCUMENT ITSELF

Why is it still a draft?

How nice of them to condense 153 pages to 16 for your ease of understanding.

The document shows that Maximum Sustainable Yield is reduced by 25% and is renamed Optimum Yield. This is an arbitrary 25% reduction. It will now be even easier for the anti-fishing agenda to claim that anglers are overfishing. What a crock of bad soup this is. Optimum Yield should be set at the old Maximum Sustainable yield. That is, in fact,

optimum. We reject the automatic reductions. They are NOT required to be set so low by Magnuson. In fact, Magnuson does not prohibit MSY=OFL=OY.

Why is the concept of re-capturing not considered? We know full well and have scientific proof spanning fifteen years that daily re-capture of undersized fish is a regular occurrence, yet we treat every discard as a unique fish and apply a high release mortality rate. This drives regulations to eliminate fishing effort.

Why is new best available science showing minimal release mortality in under 100 feet of water NOT being used to estimate landings reductions?

Why have we not done a full benchmark stock assessment when your Scientific and Statistical Committee asked for it? Because of the once in 30 year red tide event, the assessment is showing that the stock was reduced by 1/3. This has been shown to be wrong, yet a new assessment is not on the five year schedule of assessments.

Given that release mortality estimates HAVE been lowered slightly, why is a 24" minimum size limit for recreational anglers not being considered? It would result in a nearly 30% reduction in landings. The reduction should be even higher now, given the knowledge that 2/3 of the released gag are in state waters with an average depth of less than 30 feet. We would expect a benefit of more like 40%. All that without destroying a person's opportunity to fish. This would maximize the biological effect and minimize the social and economic impacts. **DEMAND THAT THIS OPTION BE INCLUDED AND PREFERRED.**

A slot limit on a grouper is insane. Even your own Reef Fish AP rejected it unanimously.

We are concerned that the Council is once again using a couple of agenda-driven comments to paint the picture of the gag fishery in the northern gulf. The individuals are proponents of sector separation and recreational catch shares. This is another example of selective hearing on the Council's part.

Why are the Interdisciplinary Planning Teams, formed and directed by the National Marine Fisheries Service, writing the regulations behind closed doors and without any accountability for formulation and methodology behind landings reduction estimates?

Just like with Red Grouper, overwhelming anecdotal evidence has been presented attesting to strong abundance, strong recruitment and a wide range of sizes available in the gag fishery. These all contradict the flawed, outdated gag assessment.

This is a 3 billion dollar mistake that the state of Florida will bear the brunt of. We have had enough of the mismanagement under which we have suffered for years. We demand accountability for mismanagement.

We demand another round of public hearings, based on final documents available AT LEAST fifteen days prior to the hearing.

2.2 Action 2. Recreational Bag Limits, Size Limits, and Closed Seasons

2.2.1 Gag Scenarios

PUBLIC PREFERRED ALTERNATIVE:

New full benchmark stock assessment. Interim management to be 24 " gag minimum size, 4 fish bag limit, 2 month spawning closure protection (Feb and March) for recreational AND commercial harvest.

If we have a spawning protection closure, it should be closed for all harvest.

2.2.2 Red Grouper Bag Limit

Preferred Alternative 3. Increase the red grouper bag limit to 4 fish per person. If, at the end of any season, it is determined that the recreational sector has exceeded its red grouper ACL, the bag limit will be reduced to 3 fish. If, at the end of any subsequent season, it is determined that the recreational sector has exceeded its red grouper ACL again, the red grouper bag limit will revert back to 2 fish.

Action 3 commercial dead discard adjustment – If dead discards are used in recreational calculations, then they should be used in commercial as well.

2.5 Action 5. Commercial Gag Size Limit

Alternative 1: No action. The commercial gag minimum size limit remains at 24 inches total length.

Female gag reach 50% maturity at about 23 inches (Figure 2.5.1). At smaller size limits, the majority of the fish will not yet have spawned. This will reduce spawning potential and could negatively impact the rebuilding plan.

These words say it all. What is the motivation to kill fish before they reach sexual maturity?

2.6 Action 6. Time and Area Closures

***Note:** more than one alternative and option can be selected as preferred

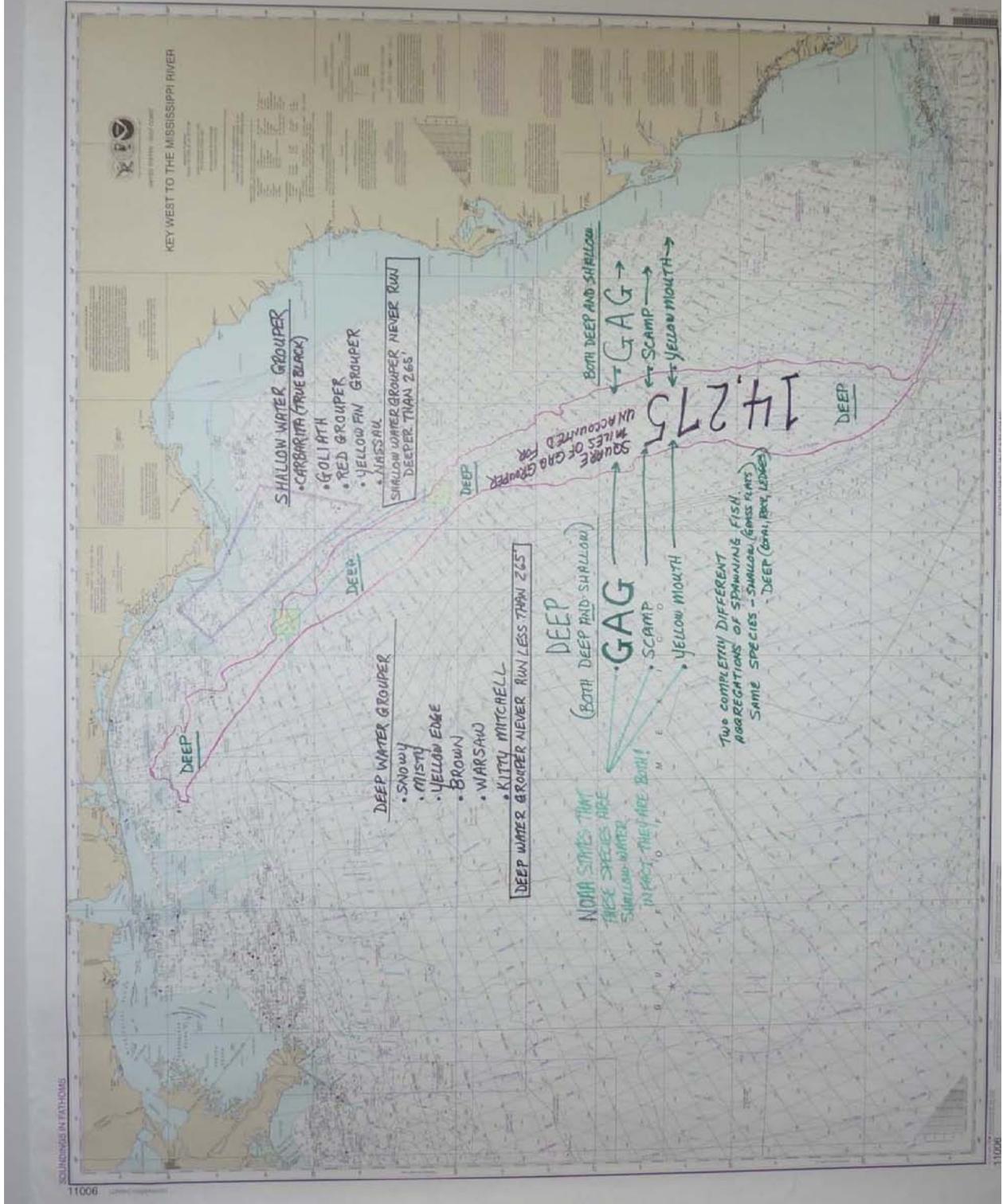
Alternative 1: No Action, Do not create additional time and area closures that prohibit fishing for gag and other reef fishes.

There is not enough data to accurately assess stocks. How come we can be so precise.

NMFS promised sector accountability, then played rec against commercial by using cross sector accountability measures.

When will NMFS become accountable for their mismanagement?

Violated federal law by moving the two meetings after publishing in the federal register. Who is responsible for this?



Coastal Conservation Association
Comments for the Gulf of Mexico Fishery Management Council
Public Hearings, Biloxi, Mississippi, May 10, 2011

My name is F. J. Eicke, Ocean Springs, Mississippi and I appear before this hearing on behalf of the Coastal Conservation Association Mississippi. My role in CCA Mississippi is that of Chairman of the Government Relations Committee.

We believe this comment process is seriously flawed. The angling public has been put into a difficult position as the Gulf Council posted the final hearing documents on Amendment 32 and the even more complex Annual Catch Limit/Accountability Measures in insufficient time for study, particularly by the lay public of which I am a member. This process, which involves hundreds and hundreds of pages of documents on these issues, is not conducive to allowing stakeholders to develop informed decisions on the options presented here, options that could have serious implications on the public's ability to access these public resources in the future. As presented here today, this process threatens to damage any faith that the recreational angling community may have that the Council is sincere in its efforts to gather and utilize meaningful input from us. We receive numerous reports from the recreational angling community – CCA members and non-members - who simply are frustrated and overwhelmed by the restrictions they do not understand. The question is whether the Gulf Council can defend its actions.

With these caveats, we have prepared comments to address the following issues:

The Generic Annual Catch Limits/Accountability Measures Amendment
Reef Fish Amendment 32

AMENDMENT 32

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We insist that the Gulf Council use the required economic, social and conservation criteria – as mandated in the NOAA Catch Share Policy – to allocate grouper and all other natural resources under its authority to maximize the economic benefits available to the entire people of this nation from the wise use of these resources. We are addressing a natural, public resource.

Although not a subject of Amendment 32, the Gulf Council risks making arbitrary allocations of black grouper and has possibly already done so for greater amberjack without any of the analyses of impacts and benefits that are required by the Magnuson-Stevens Act and the Catch Share Policy. The impact of the red snapper allocation that is based on historic data that is clearly out-of-date is yet another example of how crucial allocation decisions are to the

recreational community that is yet to believe that the Gulf Council is willing or prepared to consider the required economic, social and conservation criteria. CCA will resist efforts to continue to arbitrarily allocate our marine resources.

Regarding the specific management measures of Amendment 32:

- CCA would support a 10-year recovery period and basing the allowed harvest on reaching the Annual Catch Limit (ACL) as opposed to the overly restrictive Annual Catch Target (ACT). The Council is using the conservative optimal yield target for overall management of grouper and we do not think an ACT is necessary. We support achieving the longest open season possible.
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serny

LOUISIANA COUNCIL OF UNDERWATER DIVE CLUBS

3513 43rd Street, Metairie, LA 70001
504 833-1884
tgmigaud@cox.net
www.lcudc.com

May 9, 2011

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

To whom it may concern,

This letter contains comments for the proposed Amendment 32 for the Gulf of Mexico gag grouper fishery. On behalf of the Louisiana Council of Underwater Dive Club's (LCUDC) membership, the following comments are submitted.

The LCUDC is composed of nine (9) independent dive clubs with eight (8) clubs in Louisiana and one (1) club in Texas with appromately 200 members and with an e-mail list of over 500 divers from the USA and aboard.

The LCUDC is in complete agreement with the FRA letter from the Executive Director Dennis O'Hern to Peter Hood, SERO, National Marine Fisheries Service dated MAY 6, 2011 on this matter.

The LCUDC would like to add to the debate in that as offer stated in mail-outs, web sites, and the Gulf Coast Council (GCC) meetings that the GCC is mandated under Magnuson-Stevens Act to prevent overfishing in the Gulf of Mexico. It is our understanding that part of that act mandates the protection of essential marine habitats. It is also our understanding that the Gulf of Mexico is declared an essential marine habitat with the exception of offshore platforms.

That is the question that is posed to the Gulf Coast Council: Why are offshore platforms not part of the essential marine habitats? When questions are asked at the GCC meeting concerning the platforms and why they not protected from removal, the answer more offers than not: "We do not know what's on the platforms, we need to do studies." The perception is the GCC does not want to know what is on the platforms as then they would be required to act to prevent their removal. After over 70 years, it may be time for the GCC to find out what is on the platforms if they are going to live up to their mandate.

A recently study on Red Snappers on platforms
Study: Coastal Marine Institute: title: Proof of Concept for Platform Recruited Fish, Phase 1:
Do Platforms Provide Habitat for Subadult Red Snapper? Dated February 2010
Authors:
Lauren K. Nowling
James H. Cowan, Jr.

Page 2

Richard F. Shaw

In the end of the **Conclusions** part on page 56 and 57, the last 2 parts stated:
"It may be possible to determine if there are a disproportionate number of adult red snapper in the eastern Gulf and elsewhere that acquired this oil and gas platform signature in the otoliths, during some time in their early life history."

If the above is true, oil and gas platforms may constitute red snapper essential fish habitats and, as such, should be considered as a viable tools in management of red snapper //

If this is true for red snapper, it could be assumed it is true for many of other fishes such as groupers, amberjacks, and cobia.

I would like to note that James Cowan has stated in an article in National Geographic Magazine dated Feb, 2011 title: "Why Fish Flock to Sunken Ships".

On page 90 he made a statement concerning platforms: "When it comes to Red Snapper, artificial reefs are bait." That platforms increase "overfishing species that are already under stress". These statements and the above study is a contradiction of positions. This study points out the correct hypothesis based on facts not just a stated opinion with no facts.

Early this year, MP 305 was removed. From many divers' observations in late January until early March Groupers of various species including the Gag would school up on this platform.

What was their purpose? Were they seeking protection? Were they feeding? Were they spawning? From divers observations probably all three took place. Did the Gulf Coast Council protect this possible and probably valuable marine habitat? No. This platform was a biomass full of life, corals, tropical fishes of all kinds, and valuable commercial and recreational marine fishes such as the Gag. The Gulf Coast Council stated on record that Gag grouper was closed during February and March due to the fact that it is there spawning season. The time and the activities of the gag on this platform would indicate they were indeed in and around the platform to spawn.

A question that the above study indicates is that the platform has change the behavior of many important – threatening species of fishes. Red snapper and many other species of fishes have found the platforms an important step in their life cycle. It has given the various species new areas to seek protection, to feed, and yes to spawn.

Within the next five (5) years 1500 of the 4000 platforms will be destroyed. Some will be toppled in place (10% to 15%) for the "Rigs to Reef" to program, but the upper part (the most productive part) will be lost. This would be an expected loss of approximately 3,750 acres of coral habitat. Fewer than 4% of the 4000 platforms have been studied. (Statements from ecorigs.com)

An LSU Coastal Management Initiative study R.S Carney, June 2005 states "it may be ecologically accurate to consider it a whole new habitat, a steel archipelago... Older structures will be removed, and even if large numbers are cut or toppled to create fish habitat, the most productive upper zone will be lost. From now on, the unique platform ecosystem is likely to be in decline."

Wilson et. al 2003 reported that the upper partial of the productive platforms contains ten times the biomass of a natural reef including the NOAA Flower Garden National Sanctuary.

On a page titled "Artificial Reefs: Oases for Marine Life in the Gulf" from the web site of the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) states: "a typical 4-pile platform jacket (the underwater support structure of an offshore platform) provides 2-3 acres of living and feeding habitat for thousands of underwater species" "Marine researchers have reported fish densities to be 20 to 50 times higher on platforms than in nearby water, and each platform seasonally serves as **critical habitats** for thousands of fishes, many of which are of recreational and commercial importance."

Please notice the wording by NOAA "**serves as critical habitats**".

The "Rigs to Reef" program is a hoax. The Governor of Louisiana has taken \$18 million out the fund and probably seeking to raid the balance.

If the FRA finds that they must seek a legal remedy, the LCUDC respectfully request that the loss of essential marine habitats be made part of their case as the perception is that the Gulf Coast Council is not living up to their mandate to protect essential marine habitats.

The LCUDC thanks you in advance for your consideration on this matter and respectfully requests that this letter be made part of the record on this matter.

Respectfully



Terry Migaud
Secretary/Treasure

Attachments:

BOEMRE page title Artificial Reefs: Oases for Marine Life in the Gulf

CMI study in part: Proof of Concept for Platform Recruited Fish, Phase 1: Do Platforms Provide Habitat for Subadult Red Snapper?

Bureau of Ocean Energy Management, Regulation and Enforcement

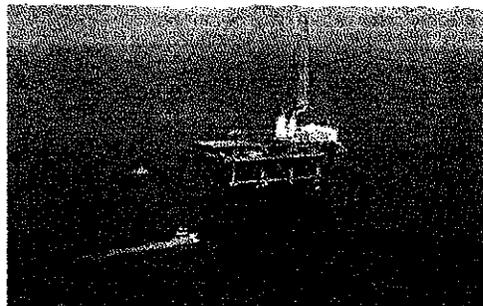
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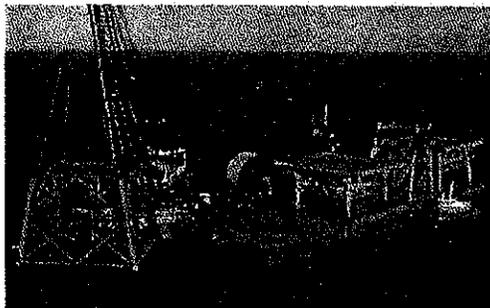
Artificial Reefs: Oases for Marine Life in the Gulf

Whether it's an operating oil and gas (petroleum) production platform or a retired platform intentionally placed for conservation and fisheries enhancement, a typical 4-pile platform jacket (the underwater support structure of an offshore platform) provides 2-3 acres of living and feeding habitat for thousands of underwater species.

That's a good thing, because the natural bottom of the Gulf of Mexico (GOM) is a flat plain, comprised of mud, clay and sand with very little natural rock bottom and reef habitat. Without the platform and other artificial reefs, fish and other marine life typically would become widely dispersed, far from ideal conditions for commercial fishing and recreational fishing and diving.



As observed and documented by the Minerals Management Service's (MMS) diving scientists, invertebrates and plants attach to petroleum platforms within weeks of their placement in the marine environment. Within a year, the platform can be completely covered with plants and sessile invertebrates, attracting mobile invertebrates and fish species, and forming a highly complex food chain.



As observed and documented by the Minerals Management Service's (MMS) diving scientists, invertebrates and plants attach to petroleum platforms within weeks of their placement in the marine environment. Within a year, the platform can be completely covered with plants and sessile invertebrates, attracting mobile invertebrates and fish species, and forming a highly complex food chain.

Petroleum platforms function as entirely new places to live; niches for countless animals. In addition to harboring numerous species of juvenile fish and adult life stages, these platforms serve as hunting grounds for swift open-ocean pelagic fishes, such as mackerel, tuna, and jacks. These fish species use the steel platform reefs as places to grab a quick meal, but also for orientation in an otherwise featureless environment, and as areas to rest where the platform structure weakens or deflects currents, and as places to hide from species that may prey on them. Marine researchers have reported fish densities to be 20 to 50 times higher at oil and gas platforms than in nearby open water, and each platform seasonally serves as critical habitat for 10 to 20 thousand fishes, many of which are of recreational and commercial importance.



Retired petroleum platforms are required by the MMS lease agreement to be removed from the marine environment and taken to shore for disposal within one year from termination of the oil and gas lease. An alternative to onshore disposal is the conversion of retired platforms to permitted and permanently submerged platform artificial reefs, i.e. Rigs-to-Reefs (RTR).



In 1980, the MMS initiated an effort to develop a database that would

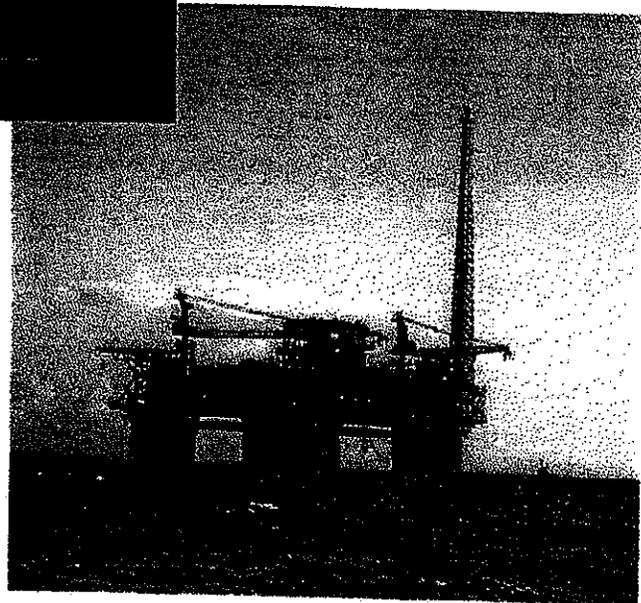
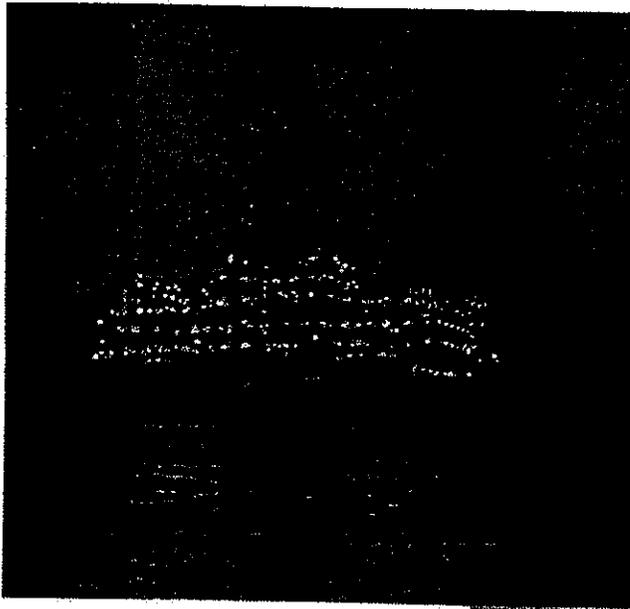
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Proof of Concept for Platform Recruited Fish, Phase I: Do Platforms Provide Habitat for Subadult Red Snapper?



MMS U.S. Department of the Interior
Minerals Management Service
Gulf of Mexico OCS Region



Cooperative Agreement
Coastal Marine Institute
Louisiana State University

Coastal Marine Institute

Proof of Concept for Platform Recruited Fish, Phase I: Do Platforms Provide Habitat for Subadult Red Snapper?

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Baton Rouge, Louisiana 70803

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they are simply attracting fish to the area, they may merely promote overfishing. Bohnsack (1989) offered a conceptual model which inferred that increased production is most likely at locations isolated from natural reefs, and for habitat-limited, demersal, philopatric, territorial, and obligatory reef species. Species that are recruitment-limited, pelagic, highly mobile, and either partially reef-dependant or opportunistic reef fish may be present on platforms simply due to attraction. This is particularly true in locations with abundant natural reef habitat and/or where exploitation rates are high. Therefore, the question of habitat limitation lies at the heart of the artificial reef controversy (Grossman *et al.*, 1997). Bohnsack (1989) also stated that artificial reefs are unlikely to benefit heavily exploited or overfished populations without other management actions. Currently, the Gulf Management Council does not include oil and gas platforms, or any other artificial reef habitat, in their treatment of EFH.

OTOLITHS

The teleost otolith is composed of calcium carbonate, mainly in the form of aragonite, and an organic matrix including proteins, carbohydrates and lipids, as well as trace elements that are deposited during otolith deposition (Takagi *et al.*, 2000). Otoliths are located in the head of fishes in three pairs (sagittae, lapilli, and asteriscii) and function in the acoustico-lateralis system. They grow, or accrete, relative to somatic growth, forming concentric opaque and translucent rings; increments in otoliths can be deposited sub-daily, daily, and annually.

Otoliths are bathed in endolymph within the inner ear sacs and the otolith grows without touching any cells (Takagi, 2002). It is generally believed that the organic matrix is first constructed, followed by aragonite crystallization. The cells of the membranous wall of the otolith organ synthesize components of the otolith matrix. The components are secreted into the endolymph, a framework is constructed and the aragonite crystallization occurs on that framework (Takagi *et al.*, 2000). Therefore, the calcification process of otoliths is heavily dependent upon the composition of the endolymphatic fluid (Campana, 1999). The key regulating factors appear to be pH of the endolymph, which is determined by the concentration of bicarbonate ions in the endolymph (Romanek and Gauldie, 1996; Payan *et al.*, 1997, 1998), and temperature. Calcium carbonate can crystallize as any one of three crystal morphs (calcite, aragonite or vaterite) and the rate and type of calcium carbonate crystals formed in otoliths is regulated by proteins (Campana, 1999). Aragonite is the norm for sagittae and lapilli otoliths, while most asteriscii are made of vaterite. Strontium carbonate is virtually isostructural with aragonite making substitution of Sr ions for Ca in aragonite very likely. Ions similar to Ca and Sr, such as other alkaline earth metals (Mg and Ba), can also be substituted for Ca in the aragonite matrix.

OTOLITH MICROCHEMISTRY

In the field of fisheries biology and management, the analysis of otolith microstructure is a quickly expanding field of prime importance (Payan *et al.*, 1997). Fish otoliths have traditionally been used as a hard part to age fish, but recent research indicates that they may also serve as ideal natural markers of individual fish or fish populations (Campana *et al.*, 1994). Some goals of otolith research focus on transport, movement, and mixing hypotheses, as well as understanding the mechanisms by which minor and trace elements are incorporated into otoliths, and developing tools with which to measure the elements present. Secor *et al.* (1995b) stated that concerted efforts at the suborganismal and organismal level are required to determine the effect of the environment on otolith composition.

estuaries. Otoliths were removed and analyzed by solution-based ICP-MS; preliminary analyses suggested that seven elements (Mg, Mn, Cu, Zn, Sr, Ba, and Pb) were detectable in the otoliths (Gillanders and Kingsford, 2000). However, their results showed that significant differences were found in the otolith chemistry of juvenile trumpeter from different estuaries, but that success rates of classification to recruited estuaries ranged from 50 to 100% (Gillanders and Kingsford, 2000). While their results were promising, Gillanders and Kingsford (2000) suggested that the addition of further elements to the discriminant function and the use of stable isotopes might improve their classification accuracies.

There are several such examples in the literature similar to the studies described above (Secor *et al.*, 1995a; Jessop *et al.*, 2002; Sanchez-Jerez *et al.*, 2002; Swan *et al.*, 2003; Arai *et al.*, 2004; Brazner *et al.*, 2004; Chittaro *et al.*, 2004; and Arslan and Secor, 2005, to name but a few). Although the study by Patterson *et al.* (1998) was the only other from the Gulf of Mexico using red snapper, it is plausible to compare this study to those discussed above, as they represent direct comparisons to this research and others in the current literature, with one notable exception. This study is unique because it deals with an elemental signature of oil and gas platforms, i.e., a fingerprint derived from a man-made habitat.

A study by Spencer *et al.* (2000) that utilized distinct anthropogenic sources of lead in fish otoliths as a potential nursery ground stock marker in Hawaii is the "bridge" that closes the gap between this study and those in the previous literature. Spencer *et al.* (2000) collected three species of juvenile tropical reef fish (parrotfish, sergeant major, and domino damselfish) at 5 locations in Kaneohe Bay, Oahu, and used ICP-MS for otolith analysis. Variations measured in the lead stable isotope ratios in the otoliths reflected mixing of anthropogenic lead from the Kaneohe Bay watershed and "background" lead characteristic of the adjacent ocean (Spencer *et al.*, 2000). They found that the lead isotopic composition of the watershed has a low $^{206}\text{Pb}/^{204}\text{Pb}$ signature primarily reflecting past combustion of tetra-ethyl Pb additives in fuels, while the ocean water has a high $^{206}\text{Pb}/^{204}\text{Pb}$ isotopic composition (Spencer *et al.*, 2000). The key issue was that the characteristic anthropogenic Pb isotope ratios are a qualitative rather than quantitative marker, so that the reliable detection of the presence of distinct Pb isotopes is all that is required for nursery ground discrimination (Spencer *et al.*, 2000). The use of an anthropogenic otolith signature instead of naturally occurring markers inspired the expansion of the "nursery area hypothesis" to manmade rather than natural nursery habitats.

The overall objectives of all of the studies mentioned involve determination of the origin of adult recruits in coastal and offshore environments. This is very similar to the main goal of the next phase of this research; namely to determine if adult red snapper now recruiting to habitats in the eastern Gulf and elsewhere have spent any portion of their lives on oil and gas platforms. The real distinction between this research and the studies performed earlier in the literature is that it is the first to deal with determining the otolith "elemental fingerprint" of reef fishes attributable to their association with man-made habitats rather than natural habitats. If findings hold true, it may provide a new direction in which this type of research may expand.

CONCLUSIONS

Despite the fact that the main goal of this study was to prove the concept that otolith microchemistry could be used to determine association of red snapper with oil and gas platforms in the Gulf of Mexico, a number of other important conclusions can be drawn. They are as follows:

- This method was successful; otolith microchemistry can be used to determine the trace element signature of oil and gas platforms in otoliths of red snapper.
- Vanadium 51, Lead 206, Lead 207, and Lead 208 may be dissolution products incorporated into red snapper otoliths from oil and gas platform operations and their prior drilling operations.
- It is plausible to move forward with microdrill sub-sampling of either the otolith cores or progressively out from the core of adult fish, to determine if the new recruits that are now expanding into the eastern Gulf were associated with oil and gas platforms during some portion of their early life, and to determine age-specific habitat affinity.
- It may be possible to determine if there are a disproportionate number of adult red snapper in the eastern Gulf and elsewhere that have acquired this "oil and gas platform signature" in their otoliths, during sometime in their early life history.
- If the above statement is true, oil and gas platforms may constitute red snapper essential fish habitat and, as such, should be considered as viable tools in management of red snapper.

WALTER STONE

I'm giving you fair warning –

I'm going to beat you up a bit. But I've got a point to make

How can you have the AUDACITY to change meeting times and places / release reports with just days notice of public hearings (this report was issued on April 27th – the first public hearing was scheduled just days later – and expect us to educate ourselves as to what you are taking from us See MS page 69

YOU WANT US TO PLAY BY THE RULES BUT YOU DON'T HAVE TO? God forbid I get caught in federal waters without the proper venting tool - I'll face heavy fines and all kinds of possible penalties.

What's your penalty for not following the rules? A guaranteed 3% increase to your 377 MILLION DOLLAR budget for 2011 !!!!!

and that's just

Well – I didn't have time to review the SEVERAL HUNDRED pages of information but I did notice your statistical committee was very busy. The report I'm supposed to "Educate myself" all about in a few days covers EVERY amendment ever made , in detail. It also includes census data for several counties in Florida. Because we need to know how many Asian people lived in Bay county in 1990, 2000, and 2007 and what grade of high school they passed. And yes it even includes totally obscure information that we paid God only knows how much for - such

as HOW MANY CHURCHES THERE ARE IN BAY COUNTY WITH A MARITIME THEME. I'd really like to know how this factors into the statistical data for the red grouper fishery. We have the same Bullshit data for Oskaloosa County, Wakulla County, and Franklin County.

DID YALL READ THIS? - WHO READ AMENDMENT 32? I guess you reviewed it prior to releasing it? You did read it ? correct?

I need to know who read this report.

Because in the very short time I've had to review it I noticed some pretty lame assed mistakes, Look at page 112 table 3.3.3.8, *COLUMN 2* I'm not familiar with the state of Apalachicola, or Steinhatchee, or even the great state of Panama City.

This goes on for several pages – I hope you didn't read it because that's the ONLY reason I can see for YOU our ALL KNOWING – ALL TRUSTWORTHY – GULF COUNCIL to allow something so blatant to get by you –

I know this is just a typo, but you either read the report and don't care about the mistakes in it – which means you have no business commenting on it. Or you didn't read the report – which means you have no business commenting on it. Which is it?

So if you didn't educate yourself to it **HOW CAN YOU USE IT TO CHANGE THE FISHERY LIMITS!!!!!!!**

When I started I told you I was going to beat you up but it was to make a point.

Damon McKNIGHT – You've been a very successful charter Boat Captain for over 15 YEARS

Harlon Pearce – You are the Chaiman of the La. Seafood Promotion Board and "AMBASSADOR for LA. Seafood around the WORLD"

Myron Fischer – You are a Captain and MULTI WORLD RECORD HOLDER

You each had to have an incredible passion for fishing to achieve what you have done. I know you each remember having landed the biggest fish on the boat, or bringing home a box overflowing with fish – or showing a kid how to land a big fish. You ALL have to admit there's no other feeling like that in the world.

Well what I want to know is where that passion is now?

Because every time you accept **A BULLSHIT REPORT LIKE THIS AND NEEDLESLY CLOSE A SEASON YOU TAKE AWAY SOMEBODYS CHANCE AT HAVING THAT FEELING.**

YOU CANNOT SIT THERE AND TELL ME YOU ACCEPT THIS AS "THE BEST AVAILABLE SCIENCE" AND USE IT TO TAKE AWAY YOUR RIGHT TO YOUR PASSION – FISHING!

WHAT IS ALSO

I WOULD BE EMBARRASSED TO HAVE MY NAME ASSOCIATED WITH A REPORT LIKE THIS – I KNOW YOU ARE TOO PROUD TO ALSO.

But if you do accept it – you have failed miserably at your job and should be fired.

THIS REPORT IS ABSOLUT CRAP!
Do what is right – stand up – find that passion AGAIN – and DEMAND REAL INFORMATION – NOT THIS BULLSHIT!!!!

Subject: AMENDMENT 32 Date: Tuesday, May 10, 2011 7:38 AM From: Alan Rubin
<spex@earthlink.net> To: John Milner
<GulfCouncil@gulfcouncil.org> Conversation: AMENDMENT 32

Coastal Conservation Association

Comments for the Gulf of Mexico Fishery Management Council

Public Hearings on Amendment 32, May 2011

My name is ALAN RUBIN and I would like to thank the Council for giving us the opportunity to address the

fishery management proposals before us tonight.

Having said that, it must also be pointed out that we believe this comment process is seriously flawed. The angling public has been put into a

difficult position as the Gulf Council just posted the final hearing documents on this amendment and the even more complex Annual Catch Limit/

Accountability Measures on April 27. This process, which involves hundreds and hundreds of pages of documents on these issues, is not conducive

to allowing stakeholders to develop informed decisions on the options presented here, options that could have serious implications on the

public's ability to access these public resources in the future. As presented here today, this process threatens to damage any faith that the recreational

angling community may have that the Council is sincere in its efforts to gather and utilize meaningful input from us.

CCA is still reviewing the extensive documents and reserves the right to make final comments at the Council meetings. However, the following

testimony has been prepared by Coastal Conservation Association to address the following issues:

The Generic Annual Catch Limits/Accountability Measures Amendment

Reef Fish Amendment 32

AMENDMENT 32

The most central issue regarding Gulf grouper management to CCA is allocation. We recognize that the gag stock in the Gulf has been substantially

reduced through a mixture of fishing and red tide mortality and support a rebuilding plan. However, the Gulf Council initiated action on an

amendment to set grouper allocation more than three years ago and has only now begun to schedule committee meetings on this issue. This is

inexcusable. Currently gag grouper have been allocated in an arbitrary and capricious fashion in the Commercial Grouper IFQ amendment that

was not supported by the legally mandated analyses. CCA's case against this action is currently before a federal judge and we are waiting for a

decision.

We insist that the Gulf Council use the required economic, social and conservation criteria as mandated in the NOAA Catch Share Policy to

allocate grouper and all other natural resources under its authority to maximize the economic benefits available to the entire people of this nation

from the wise use of these resources.

Although not a subject of Amendment 32 another such arbitrary allocation for black grouper is being considered in the ACL/AM amendment to

again without any of the analyses of impacts and benefits that are required by the Magnuson-Stevens Act and the Catch Share Policy. We will

resist efforts to continue to arbitrarily allocate these resources.

Regarding the specific management measures of Amendment 32:

CCA would support a 10-year recovery period and basing the allowed harvest on reaching the Annual Catch Limit (ACL) as opposed to the overly

restrictive Annual Catch Target (ACT). The Council is using the conservative optimal yield target for overall management of

grouper and we do not

think an ACT is necessary. We support achieving the longest open season possible.

For red grouper we can support the preferred alternative of setting the bag limit at 4 per day and scaling it back, if necessary, in subsequent years

if this is needed to avoid a future closed season.

We do not support closing any season for other groupers than gag.

GENERIC ANNUAL CATCH LIMITS/ACCOUNTABILITY MEASURES AMENDMENT

Coastal Conservation Association has several significant concerns with the concepts contained in the Generic ACL/AM Amendment:

With regard to Annual Catch Limits, CCA believes that all recreational ACLs should be measured in numbers of fish rather than pounds. This will

remove some of the uncertainty and error that plagues recreational catch data.

We support moving species with landings of less than 20,000 pounds out of the management complex, rather than designating them Ecosystem

Species. Doing so will prevent managers from being required to enact measures that may impact dozens of species in a single complex in order to

recover the weakest species.

For unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. It is absurd to

employ an ABC control rule that could require significant reductions of harvest for a species when no problems have been documented with the

stock. The logical option would be to simply cap the harvest at current levels until data is available to support an assessment.

We are greatly dismayed to see that this document still looks exclusively at past landings history as the sole method to set allocations between

the recreational and commercial sectors. We believe the allocation process should be forward-looking and that managers

should make every effort to manage these fisheries to reflect present and future

realities, rather than locking in these resources to repeat history. The Gulf of Mexico Fishery Management Council should use the criteria set out in the NOAA Catch Share Policy in setting any allocation and use economic value as a key criteria in order to set allocations that achieve the greatest benefit to the country.

ALAN RUBIN 3457 PEACE RIVER DR.

PUNTA GORDA, FL 33950

The Gulf Fishermen's Association, whose members hold a substantial amount of grouper/tilefish IFQ shares, supports making Madison Swanson and Steam Boat Lumps a time area closure from January through April. This will make the predominant spawning area more consistent. NOAA Law Enforcement has stated numerous times that a consistent regulation on the 40 break will be much more enforceable.

Right now, the 40 Break is a speed trap for honest commercial fishermen, who accidentally enter the closed areas because the boundary lines are so confusing, and it is hard for them to figure out which area is closed, which area is open, and which area is open only during a certain time.

There is no scientific evidence that large spawning gags have increased in these two closed areas over the last 10 years. In Amendment 32, Dr. Robert Shipp stated, "an area protected from *all* or some human activity was *not* effective for a majority of marine species due to their mobility in and out of the closed areas." Chris Koenig stated in Amendment 32 that the main objective of time area closures is to protect spawning aggregations of gag and to protect a portion of the male gag population particularly vulnerable to fishing during spawning.

The 40 break is not an area where *yellowedge* and *tilefish* are caught. The predominant fishing grounds for these fish are offshore of the 40 break. For the most part, yellowedge and tilefish are targeted during June through August, when waters inshore of the 35 fathom line are closed to longliners. A Time Area Closure January through April will not preclude longliners from filling their yellowedge and tilefish quotas.

In Action 6, please select Alternatives 5, option c., as the Council's preferred alternative.

Jim Clements Board of Directors Gulf Fishermen's Association

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May 26, 2011

Dr. Bob Shipp
Chairman
Gulf of Mexico Fishery Management Council
2203 N Lois Avenue
Suite 1100
Tampa, Florida 33607 USA

Dear Dr. Shipp,

CCA believes that the comment process for Amendment 32 and the ACL/AM Amendment was seriously flawed. We understand the legal requirements that are at work and are forcing the Council to operate this way to meet looming deadlines. However, the angling public has been put into a difficult position as the final hearing documents on this amendment and the even more complex Annual Catch Limit/Accountability Measures were not posted until just a few days before the public hearings were scheduled to begin.

This process, which as you know involves hundreds and hundreds of pages of documents on these issues, is not conducive to allowing stakeholders to develop informed decisions on the options presented here, options that could have serious implications on the public's ability to access these public resources in the future. This process threatens to damage any faith that the recreational angling community may have that the Council is sincere in its efforts to gather and utilize meaningful input from us.

The inadequate time frame did not allow a thorough review of the public hearing documents, nor did it even allow adequate time to prepare CCA representatives to participate in the public hearings as fully as we would have preferred. After further review of the extensive documents, Coastal Conservation Association has prepared these final comments to address the following issues:

The Generic Annual Catch Limits/Accountability Measures Amendment
Reef Fish Amendment 32

AMENDMENT 32

Amendment 32 must prohibit commercial take during the gag grouper spawning season, just as recreational take is prohibited during spawning. We recognize that the commercial fishers are limited by a quota, however, allowing a directed fishery on any of the spawning aggregations is disruptive and very likely will produce negative impacts on spawning success. Allowing directed commercial take during the spawning season while prohibiting

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Dr. Bob Shipp
May 26, 2011
Page 2

recreational take is not only damaging to the resource it undermines the angling public's trust in the management system.

To CCA, one of the most important issues regarding Gulf grouper management is allocation. We recognize that the gag stock in the Gulf has been substantially reduced through a mixture of fishing and red tide mortality and support a rebuilding plan. However, CCA requested 5 years ago that the Gulf of Mexico Fishery Management Council develop formal allocations for Gulf grouper based on maximizing the value and benefits of this common property resource to the nation. Several discussions have occurred since then but ultimately no definitive action has been taken. Given the apparent necessity for future restrictions on gag harvest, we believe that it is absolutely necessary for the Council to address allocation of this resource. That allocation effort must be guided by current economic, demographic, conservation and social criteria. Allocating based primarily on prior catch records is unacceptable. Although not a subject of Amendment 32, another such arbitrary allocation for black grouper is being considered in the ACL/AM amendment – again without any of the analyses of impacts and benefits that are required by the Magnuson-Stevens Act and the Catch Share Policy. We will resist efforts to continue to arbitrarily allocate these resources.

We insist that the Gulf Council use the required economic, social and conservation criteria – as mandated in the NOAA Catch Share Policy – to allocate grouper and all other natural resources under its authority to maximize the economic benefits available to the nation from the wise use of these resources. The current Gulf Council 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. CCA has contended that in 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 impacts of recreational fishing. We are opposed to this management program which subsidizes marginal commercial fisheries while strangling more valuable recreational fisheries. CCA currently has a case against this action before a federal judge and are waiting for a decision.

Regarding the specific management measures of Amendment 32:

- CCA would support a 10-year recovery period and basing the allowed harvest on reaching the Annual Catch Limit (ACL) as opposed to the overly restrictive Annual Catch Target (ACT). The Council is using the conservative optimal yield target for overall management of grouper and we do not think an ACT is necessary. We support achieving the longest open season possible.
- If the major problems noted previously are resolved, CCA would support a recreational and commercial spawning season closure for gag in February, March and April. We do not support closing any season for other groupers than gag.
- CCA does not support a slot size for gag, and prefers the current 22-inch minimum size. It should be restated that the primary cause in the recent decline in gag

grouper populations is not overfishing. Gag populations were severely damaged by a massive red tide off of Florida which lasted for more than a year. Prior to the red tide event, gag grouper biomass levels were rising under the existing regulations.

- For red grouper we can support the preferred alternative of setting the bag limit at 4 per day and scaling it back, if necessary, in subsequent years if this is needed to avoid a future closed season. An increase in recreational take is long overdue.
- CCA also supports maintaining the 20-inch minimum size for red grouper and the February-March spawning season closure.

Gag and red grouper fisheries are extremely valuable to the State of Florida in particular, where 96 percent of all the gag grouper taken in the Gulf is caught and landed. Recent economic comparisons of Gulf red and gag grouper show that the value of the recreational fisheries dwarfs the commercial fisheries. CCA will continue to insist that the Gulf Council and NMFS fairly allocate the resource to all users based on current economic, social and conservation criteria.

GENERIC ANNUAL CATCH LIMITS/ACCOUNTABILITY MEASURES AMENDMENT

Coastal Conservation Association has several significant concerns with the concepts contained in the Generic ACL/AM Amendment:

- Given the Gulf Council's solid history of setting overfishing limits, we urge the members to consider all options in the context of which measure will give them the most flexibility in making case-by-case decisions in the future.
- With regard to Annual Catch Limits, CCA believes that all recreational ACLs should be measured in numbers of fish rather than pounds. This will remove some of the uncertainty and error that plagues recreational catch data.
- We support moving species with landings of less than 20,000 pounds out of the management complex, rather than designating them Ecosystem Species. Doing so will prevent managers from being required to enact measures that may impact dozens of species in a single complex in order to recover the weakest species.
- For unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. It is absurd to employ an ABC control rule that could require significant reductions of harvest for a species when no problems have been documented with the stock. The logical option would be to simply cap the harvest at current levels until data is available to support an assessment.
- We are greatly dismayed to see that this document still looks exclusively at past landings history as the sole method to set allocations between the recreational and commercial sectors. We believe the allocation process should be forward-looking and that managers should make every effort to manage these fisheries to

Dr. Bob Shipp
May 26, 2011
Page 4

reflect present and future realities, rather than locking in these resources to repeat history.

The Gulf of Mexico Fishery Management Council should use the criteria set out in the NOAA Catch Share Policy in setting any allocation and use economic value as a key criteria in order to set allocations that achieve the greatest benefit to the country.

We do appreciate the opportunity to comment on these issues, and hope that in the future we and other concerned members of the public will have the chance to participate more fully in the process.

Regards,



Chester Brewer, Chairman
CCA National Government Relations Committee

Subject: GagDate: Monday, May 9, 2011 2:54 PMFrom: Ira Pearson
<naclh20skier@verizon.net>To: John Milner
<GulfCouncil@gulfcouncil.org>Conversation: Gag

Dear gulf council:

I recently attended your meeting last Monday night, May 2nd, at the Hilton. My opinions regarding gag closures:

I am, like most fishermen, concerned with protecting the species and overfishing. That is why it is amazing to me that longlining is permitted at all. Is it because of a strong lobby or good-old-boy connections??? I am not trying to be facetious. You mentioned at the meeting that you had decreased the number of long liners. If you are really concerned with protecting the species, why have they not banned long lining completely and made them switch to bandit fishing (electric reels)? What would be the result??? higher grouper prices???? why would that be bad???

At the meeting you mentioned if a commercial fisherman was at his quota and then caught more, he could get on the radio and try to "buy" somebody else's share. That doesn't make a lot of sense it doesn't even sound plausible. You spoke of a huge amount of bycatch for commercial fishermen as if it was insignificant and yet you plan on curtailing recreational fisherman who MIGHT take a couple extra fish a year.

I am surprised that, in this down economy, that all of your plans hurt the recreational fishing industry tremendously. It does not seem that the recreational fishermen are the ones depleting the species. You will be hurting hotels, bait shops, dive shops, boat builders, boat repairman, party-boats, and much more. Tourists pour money into our economy....and MANY will not come if they cannot fish.

I have dove for 30 years in the Gulf of Mexico from 28 feet to 90 feet anywhere from off Anna Maria to off Clearwater. There are more gags now than 30 years ago. Do they move around from ledge to ledge...Yes. In the same summer a ledge can be loaded, become almost barren and then loaded again.

I thought about the one older gentleman that got up and spoke. He said he was retired and liked to go out with a couple of buddies and fish....and now he can't. If the recreational fisherman is not depleting the stocks, why is the opportunity being taken from so many "little" fishermen like him??? What about fishing every other month and increase the size of gag to 24 inches????

Like I said, I am concerned with protecting the species and overfishing. I think you are allowing the commercial fisherman to tax the species at the expense of the recreational fisherman and our overall economy. If you just banned long-lining wouldn't that help the overfishing tremendously??? You would protect the species and protect our overall economy (tourist & resident) by allowing recreational fishing.

Sincerely, Cheryl Pearson
chl20skier@verizon.net
1124 38 Avenue NE St.
Petersburg, FL 33704
727-823-1322

From: <C21JWHITE@aol.com> **Date:** Fri, 27 May 2011 20:16:58 -0400 **To:** John Milner
<GulfCouncil@gulfcouncil.org> **Subject:** Gag Grouper closure

The State of Florida depends on its tourists visiting our state each year for business and commerce. Thousands of tourists go fishing on their visit to Florida. It has been this way for decades. You are destroying many industries and business that depend on an open season for grouper. It is hard to believe that you are doing all of this in the middle of a very bad economic cycle. I have lived her since I was 6 years old. My father moved her from Connecticut because of his love for fishing and the water. I am sure thousand of others did the same. I have owned a Beach Business since 1983! You reduced the Gag grouper take 60% never has there ever been this drastic type of cut. Now you want to close the season for most of the whole year! I have been diving these waters since 1976 I believe my knowledge from first hand dives over 100's of dives is better knowledge than you are relying on for you decisions. There are plenty of grouper in the Gulf of Mexico. There are just as many grouper in State waters as there was in the 80s.

The current bag limits are working. You people do not care about the consequences of these awful decisions you are making for Florida and surrounding gulf states. ALL OF YOU HAVE NO COMMAN SENSE! I have fished my whole life her in Florida. With Gas prices so high, the red tides of this past decade the pressure from recreational fishing as dropped off the shelf! All you care about is your commercial friends and interests. Why not consider the following which would greatly reduce the pressure and maintain a healthy population of grouper while letting the recreational angler and businesses that depend on this fishery year round. Close all recreational gag grouper fishing Monday thru Friday. Allow fishing on the Weekends only. That would be a 70% closure on days to fish during the year. Raise the size to 24 inch min reduce bag limit to 1 fish per person. . This is a fair plan that works for everyone .Businesses do most of their business on Weekends and that is when most working Floridians have time to fish. Tourists visiting Florida could still catch and keep 1 grouper on the weekends. As every knows the wind seems to blow always on the weekends. The Weekend fishing would not be available all 52 weeks year round because of our fall and winter weather cold fronts which would restrict fishing for grouper, reducing the fishing days even further! This is a win-win solution for everyone and will greatly reduce the recreational take but allow year round fishing. Could really help business stay afloat and which will reduce unemployment and job loss. This is a common sense solution!

James White Seminole FI Recreational Fisherman

Dear Gulf Council,

My name is Louis Rossignol,

I am a,

30 Vet of the Hell Divers Spearfishing Club,

Director of the Louisiana Council of Underwater Dive Clubs,

Board member of the Fishing Rights Alliance,

For public record, I would like to state that this meeting appears to be in violation of the Federal Register Act, United States Code, Title 44, Chapter 15, section 1508, which states that 15 days public notice is required. The notice of change was posted in the federal register on April 29th, less than 15 days before the meeting. This was a change of location that was not adequately publicized. How can you expect the public to believe that you really care what they think by having meetings and not adequately posting them? The last public input meeting, we were given the wrong day to show up, and we missed it completely, this is more than a typo, this is a purposeful, misleading of the public to squelch public input.

The first public input meeting I ever attended almost 20 years ago, I was told by a Gulf Council member before the meeting started, "Why are you even here, we are just going to do what we want to do". No wonder attendance is so low tonight!

The Council claims to listen to the public, yet the examples of ignoring the public are in these proposals.

Where is the 24 inch gag minimum size limit? 22 inches is below the desired 50% sexual maturity size.

Where is the accountability measure that carries uncaught 'allowable catch' to the next year? We just had the BP spill that stopped us from fishing for over 6 months last year. There is no possible way the ACL's of last year were met.

Why is there absolutely no consideration of re-capture and release of undersized gags in the process?

Why is new best available science showing minimal release mortality in under 100 feet of water NOT being used to estimate landing reductions?

Why have we not done a full benchmark stock assessment when your own Scientific and Statistical Committee asked for it? Because of the once in 30 year red tide event, the assessment is showing that the stock was reduced by 1/3. This has been shown to be wrong, yet a new assessment is not on the five year schedule of assessments.

We request a new full benchmark stock assessment. Interim management to be 24 " gag minimum size, 4 fish bag limit, 2 month spawning closure protection (Feb and March) for recreational AND commercial harvest.

DATA AND THE PUBLIC:

Why are Annual Catch Limits being irresponsibly set when the National Marine Fisheries Service has not even complied with the Magnuson mandate to fix their fatally flawed data? Congress mandated that MRFSS fix its data collection in January of 2009, yet the data collection by MRFSS is still fatally flawed.

The amberjack closure is just another example of the Gulf Council trying to thwart the public's right to fish. Closing the season in June and July does nothing to help the fish stocks; all it does is thwart the public in a supposed effort reduction, when in fact the stock has never been healthier. If the Gulf Council was really concerned about Amberjack stocks, it would close the season during spawning time, recreationally and commercially, not during peak fishing months. But how would the Council know, they still haven't fixed their data collection, yet they still impose unfair regulations on fishermen.

The red snapper regulations are a joke as anyone of the fishing public will attest. You claim this year to give us a higher ACL while reducing the season on an over populated fish, claiming that the fish we catch are larger. Instead of an ACL in

pounds, you should be giving us and ACL in numbers of fish, if you had any data other than the fatally flawed dockside surveys you use to mismanage our fisheries. This fishery and others have given the fishing public a complete distain and lack of trust for the Gulf Council which we will be relaying to Congress.

ABOUT THE DOCUMENT AVAILABILITY

Why were the documents not available until Wednesday afternoon? The 27th.

Why was there was NO announcement when the documents WERE posted to the website. Why didn't our Louisiana representatives notify us? Aren't they supposed to represent us? Who made the decision to NOT tell the public that the overdue documents were finally available, albeit only electronically? The main document is a 27 MEG download. That is a HUGE file. The public is rightfully offended by the Council's lack of respect and obvious disdain for meaningful public input. Now we are supposed to give public input on 2 - 200+ page documents, which are still labeled DRAFT?

Does the Council have any idea or even care about the people who have no or very limited computer access? This process has certainly denied the general public adequate time with the final proposals. Amendment 32 had initial public hearings over a year ago. It appears that you're not too busy to push catch shares though, as we can see by all of the recent Council activity.

Now, the documents presented to us only days away from the FINAL HEARINGS are still labeled DRAFT.

While the Council spends hundreds of thousands of tax dollars on 'outreach' designed to 'engage the angler in its mismanagement process, they systematically deny us the opportunity to provide thoughtful comments on proposed regulations. This appears to violate the Magnuson-Stevens Act.

We request another round of hearings with at least fifteen days in which to review the final documents, not drafts, prior to a hearing. The fishing public is totally disenchanted with the Council's catch share driven agenda, total distain

for public input, and over-regulation and mismanagement of our fisheries while using still fatally flawed data.

As in the Jones Act, the recreational sector has spoken loud and clear: NO CATCH SHARES. What more does the Council need? Or is the catch share agenda another Council damn-the-public-opinion steamrolling of the public's rights?

The recreational sector, including the majority of it's for hire captains, have CLEARLY SPOKEN AGAINST SECTOR SEPARATION. So why is the Council staff preparing a sector separation amendment?

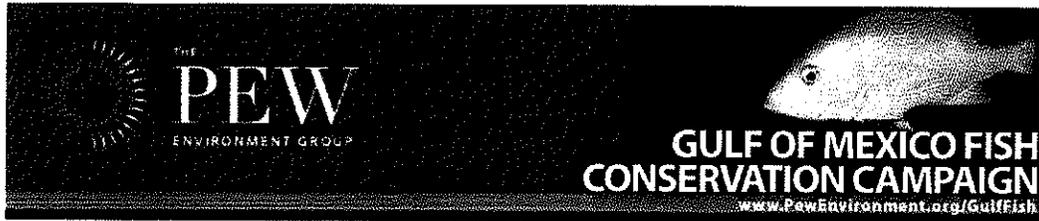
LOBSTER

I read on the Gulf Council website that they are having public input on Spiny lobster in South Florida; Duck Key, Key West and St. Pete Beach, why is it, if you're from Louisiana or any other of the neighboring states we don't have any say so on Spiny Lobster? Why do you discriminate against Louisiana? We like lobster too.

Let me tell you, Congress is listening, and our Senators and Representative are getting tired of hearing from us about the mismanagement of our fisheries from the Gulf Council and NMFS. When we go to Washington, again, our message will be clear, we want complete removal of those involved in the mismanagement process. The fishing Public has had enough.

Just as you are putting a check mark in your box, listening to me in this public input, I am putting a check mark in my box also. With this video, I will show Congress, I tried to work within the system. But the system doesn't work, and the system is stealing the rights of the American Angler. We want it changed, we are tired of having our right to fish steamrolled by an agenda driven Gulf Council, with absolutely no data, to back up their findings.

On our next visit to Congress we will DEMAND that any Council members and NMFS employees who continue to defy Congress be REMOVED from their position.



Dr. Robert Shipp, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue
Suite 1100
Tampa, Florida 33607

May 27, 2011

RE: Public Hearing Draft on Reef Fish Amendment 32 (Rev.04/27/11)

Chairman Shipp:

The Pew Environment Group strongly urges the Council to approve Reef Fish Amendment 32 at the June 2011 meeting to ensure new measures are in place by January 2012. Gag is one of the most important fisheries in the eastern Gulf of Mexico, particularly with the recreational community, but gag is heavily overfished. The population declined dramatically after the 2005 red tide event, adding additional mortality on top of overfishing. Significant reductions in harvest are needed now in order to end overfishing and rebuild the population. We appreciate and commend the Council's and staff's effort on the development of the Amendment. However, we also have recommendations to address some concerns regarding several action items in the Public Hearing Draft for Reef Fish Amendment 32 (Rev. 04/27/11).

We would be supportive of either option to allow the longest recreational season possible, or splitting the recreational season into two to give south Florida anglers more of an opportunity to participate in the fishery. Whichever scenario the Council chooses, the most important considerations should be crafting a rebuilding plan that has a high probability of success and ensuring that the management scenarios and harvest reductions are conservative enough to prevent the annual catch limit (ACL) from being exceeded -- which would trigger accountability measures (AMs) and further reduce fishing opportunities. The primary objective of the rebuilding plan should be to end and prevent overfishing so that the gag population can more quickly recover. Additionally, in order to rebuild a healthier and more productive gag population that can support a robust fishery in the years to come, actions that will protect the already depleted large males and spawning aggregations should also be adopted.

Specifically, we recommend:

- Expanding time and area closures to protect male gag year-round and spawning aggregations. This should include year-round protections at "The Edges" and in addition, should also include expanding protections for the spawning aggregations along

the shelf break where gag are known to spawn. At a minimum, the Council should expand the spawning area protections.

- Selecting recreational management measures that achieve rebuilding at the Annual Catch Target (ACT) levels and mortality reductions on the order of 60%.
- Ensuring the assumptions on effort intensification and shifting for all the actions, including increases in the recreational red grouper bag limit, are sufficiently taken into account and supported by data analysis.
- Accounting for all mortality in any changes in gag size limits for the recreational and commercial fisheries.

Protection of Males and Spawning Aggregations

An important objective of the rebuilding process should include increasing the population's reproductive potential through further protections of males in the population and of spawning aggregations. Scientific analysis has shown the quickest population recoveries for species that change sex, such as gag, can be achieved through a combination of significant decreases in mortality on all age classes coupled with added protection of the male proportion of the population.¹ Additionally, it makes sense biologically to offer further protection during spawning season for a species as heavily overfished as gag, particularly on the aggregations.

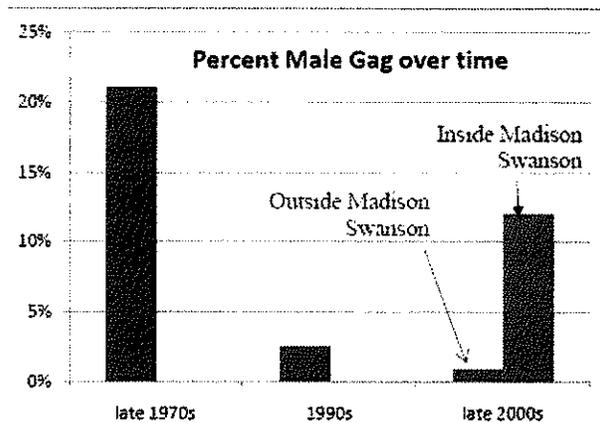
The proportion of males in the Gulf of Mexico gag population has dropped precipitously: from about 17-21 percent the late 1970s to 2-5 percent in the mid 1990s, where it continues to hover today.² Because of this dangerously low proportion of males, a regulatory amendment was implemented in 2000 that established two marine reserves (Madison Swanson and Steamboat Lumps) primarily to protect and increase the number of males. Initial research documented modest gains in the male sex ratio though the proportion of males declined following those initial gains, likely due to illegal fishing within the reserve.³ However, recent research during 2007-2010 has documented that there has been a substantial increase in the proportion of males in the Madison Swanson reserve -- which is significantly different from the sex ratio outside the reserve (see figure below).⁴ These results provide strong evidence that the protected areas are benefiting male gag and fulfilling the primary goal of the marine reserves. More importantly, the ability to increase the male sex ratio through protected areas can only help rebuild the gag population more quickly if properly scaled and enforced.

¹ Heppell, S.S., et al. 2006. Models to Compare Management Options for a Protogynous Fish. *Ecological Applications*, 16(1), pp. 238-249.

² Koenig and Coleman, draft of MARFIN Project Final Report, Project No. NA07NMF4330120. Protection of Grouper and Red Snapper Spawning in Marine Reserves: Demographics, Movements, Survival, and Spillover Effects in the Eastern Gulf of Mexico.

³ Ibid.

⁴ Ibid.



(sources: Koenig et al 1996, Koenig & Coleman draft MARFIN Project Final Report for 2000s)

We strongly urge the Council to consider additional measures to protect male gag by adopting a year-round closure at "The Edges" [Alternative 4d, Action 6]. Important considerations for such action include:

- Gag males tend to stay year-round at the offshore spawning sites with relatively little movement and are especially susceptible to fishing pressure.⁵
- Gag are protogynous hermaphrodites, which means they all start life as females and some portion of the females become males, typically after the spawning season (April – July) when those fish that are approximately 7 years old and about 31 inches.⁶
- Year-round protection of known male habitat and spawning sites also affords protection for the transitioning gag -- which will be males for the next spawning season.
- Full protection would allow the population to get older and larger, and the sex ratio to return closer to historical levels, which would increase productivity.
- Over the past few decades, research shows gag have gotten substantially smaller in unprotected areas, due to fishing pressure which tends to remove the larger fish.⁷
- Continued loss of the large dominant males could be "detrimental to the gag rebuilding plan".⁸
- Protecting the males year-round could be beneficial for rebuilding the population but also could help reduce overall mortality by reducing bycatch.⁹

⁵ Koenig, C. C., F. C. Coleman, L. A. Collins, Y. Sadovy, and P. L. Colin. 1996. Reproduction in gag (*Mycteroperca microlepis*)(Pisces: Serranidae) in the eastern Gulf of Mexico and the consequences of fishing spawning aggregations. In F. Arraguin-Sánchez, J. L. Munro, M. C. Balgos, and D. Pauly, editors. Biology, fisheries and culture of tropical groupers and snappers. ICLARM Conf. Proc. 48:307-323.NOAA.

⁶ Ibid.

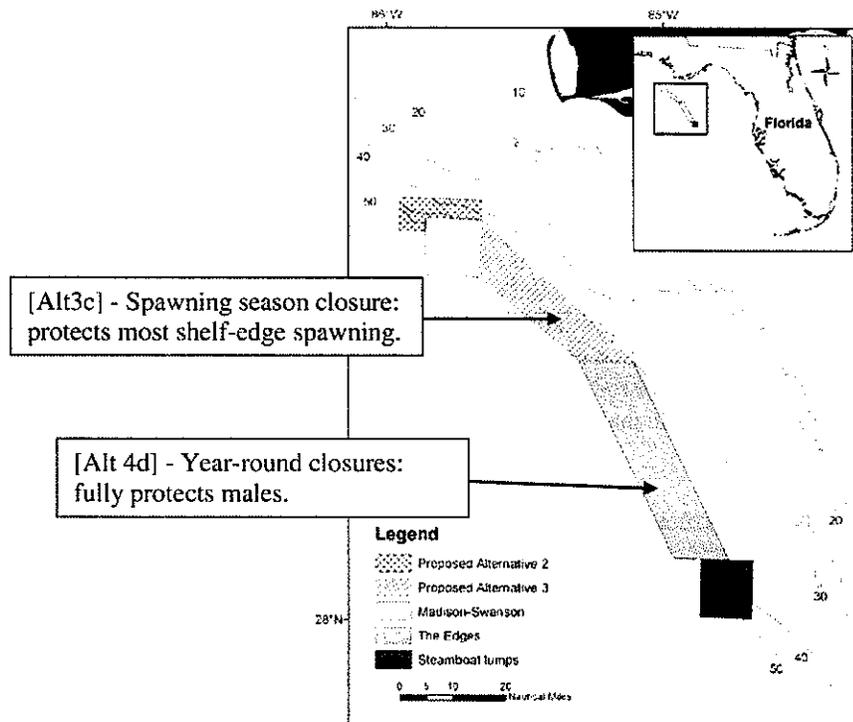
⁷ Ibid.

⁸ Public Hearing Draft, Reef Fish Amendment 32. Revised 4/27/2011. Pg. 128.

⁹ Ibid., Pg. 53

- o Closing the Edges year-round would also reduce gag discards and adjustments to the commercial quota under Action 3 might not be necessary.

In addition, the **Council should expand protections for the spawning aggregations in the area along the shelf-edge that currently is not afforded that protection [Alternative 3c, Action 6].** Gag spawn at known sites offshore during winter and early spring in large aggregations where they are vulnerable to fishing pressure. During this time, females move to the offshore, deepwater shelf-edge habitat where the males reside. Historically, intensive fishing pressure on these spawning aggregations has greatly contributed to the decrease in the proportion of males. A seasonal closure offers partial protection for these fish, and gives them the ability to spawn uninhibited which should in turn increase reproductive output over time. Additionally, a seasonal closure may also help to reduce gag discards and adjustments to the commercial quota under Action 3 may not be warranted.



(Figure 2.6.1. Public Hearing Draft, Reef Fish Amendment 32 (rev. 4/27/11).)

Recreational Management Measures Should Have High Probability of Success

The Pew Environment Group supports the longest recreational season possible or a split season within the confines of appropriate assumptions that provide a strong assurance that overfishing will not occur. As stated in the Public Hearing Draft of Amendment 32 for the recreational management action, a 47 to 61 percent reduction in mortality is needed to achieve the annual catch target level in order to end and prevent overfishing. **However, we urge the Council to aim for achieving mortality reductions closer to 61% to provide a high probability of successfully rebuilding gag within the scheduled timeframe.**

That higher percentage of necessary mortality reductions is based on 2006-08 data from the updated stock assessment and better captures the true nature of the fishery and population. In contrast, that lower percentage is based on just one year of recent landings (2009). Relying on only one year of data when just landings statistics are available may be overly optimistic and lead to overfishing, which could in turn trigger accountability measures.

Baseline data	Reductions needed	Reductions selected
2006-08	61%	56%
2009	47%	54%

Under the yield projections recommended by the Scientific and Statistically Committee in the Amendment (Table 1.4.1), the ACT is reduced from the ACL by only 16%. Because there is high management uncertainty associated with the gag recreational fishery, and expected reductions in catch under the preferred alternative in Action 2 are below the upper end of the range, we feel there is a high likelihood of exceeding the ACL and triggering AMs. We therefore urge the Council to **aim for higher reductions in mortality, i.e. closer to 61%**, to provide a high probability of success in maintaining the rebuilding plan for gag within the scheduled timeframe.

Effort Intensification and Shifting

The Council's preferred option for recreational management measures only achieves a 54-56 percent reduction in mortality, and this assumes state consistency in Florida and across the Gulf and factors in a 50 percent increase in catch during the much shorter open season. While we commend the Council for factoring in effort intensification, the 1.5 effort intensification factor selected may not capture the potential effort shift for gag during the truncated open season. Examining red snapper as an example, when the recreational season dropped from 194 days in 2007 to 65 days in 2008, the number of private recreational trips for red snapper increased by about 130 percent.¹⁰ While catch and effort statistics are not directly comparable, there is reason to believe that the effort intensification factor, which assumes a 50% increase in gag landings during the open season, may be overly optimistic, particularly since the gag

¹⁰ Figure 5 of Tab B No.4(d), February 2011 Gulf Council briefing book. Data provided by N. Farmer (NOAA SERO) to C. Hanson on May 11, 2011.

recreational fishery is dominated by private recreational anglers. **The Council should ensure measures realistically capture effort intensification.** Since the selected level of mortality reduction may not be sufficient to end overfishing (as discussed above), assumptions should be conservative enough to provide for a higher probability of success.

As proposed in the Amendment, harvest for red grouper, and other shallow-water grouper, will be allowed throughout the year. Since there is a close association among the gag with red grouper, other shallow-water grouper and other reef fish, anglers may shift effort to red grouper, which potentially could cause discards of gag to increase. In addition, the proposed increase in the red grouper recreational bag limit may further increase directed effort to red grouper. **The selected management action should be supported by data analysis to ensure mortality of gag is not exacerbated.** Additionally, **any changes in the red grouper bag limit should factor in impacts to gag and be supported by data analysis to ensure there is not an increase in total mortality.**

Size Limit Changes and Mortality

The primary objective in adjustments to size limits should be to reduce overall mortality, including from discards. **Any changes in gag recreational and commercial size limits should be supported by data and analysis to ensure the changes won't increase total mortality.** Proposed size limit changes in both the commercial and recreational fisheries would have multiple simultaneous effects in mortality. The net balance of these impacts should be considered in selection of preferred alternatives for size limits so that all mortality is accounted for and addressed properly.

Conclusion

In conclusion, we urge the Council to adopt measures to fully protect a large portion of the male gag population through a year-round closure at The Edges, as well as protect the shelf-break area between Madison Swanson and The Edges where gag predominantly spawn. At a minimum, the Council should provide protection for the seasonal spawning aggregations throughout the shelf-edge. Additionally, we urge the Council to strive for a high probability of success in the recreational management measures by aiming for close to 60% mortality reductions. Management decisions should be supported by data and analysis to ensure mortality is not actually increased through effort intensification, shifting and changes to size limits.

While this Amendment calls for a ten-year rebuilding plan, recovery of the gag population can occur much more quickly and robustly if the recommendations above are taken into consideration. Not only should the Council be working towards reducing overall mortality, but also providing measures to rebuild a more sustainable gag population by protecting males and spawning. A more sustainable gag population will mean a stable and viable fishery in the not-so-distant future.

We look forward to continuing to work with the Council and staff on ending and preventing overfishing of gag so the population can rebuild as quickly as possible and we can all enjoy a vibrant and sustainable fishery over the long-term.

Sincerely,



Chad Hanson
Senior Policy Analyst
Gulf of Mexico Fish Conservation Campaign
Pew Environment Group



Holly Binns
Manager
Southeast Fish Conservation Campaigns
Pew Environment Group

Date: 6/6/11

To Gulf Council and Commission Members,

I would like to supply comments in writing regarding the proposed alternative for grouper regulations in the Gulf of Mexico. The numbers represent proposed actions by the Council or Commission. My responses are in bullets below.

1) The current preferred management alternative for the recreational gag grouper season would be a July 1 through October 31 harvest season. These season dates would yield the greatest number of fishing days (123) without exceeding the annual catch target. However, the Reef Fish Advisory Panel is recommending a split season that would allow fishing in the winter (January 1-31 and December 24-31) and summer (June 1 through July 7).

- First I should set the stage for the type of Angler I am because I am typical for a majority of small boat owners in the Tampa Bay area/W Central FL. I own a vessel <25' in length with a single outboard engine. Most of my "offshore" trips occur in <20 miles offshore because I do not want to either A) spend the \$ on fuel and oil or B) do not want run the risk of getting stranded well offshore with only a single engine. I summarize this because this type of angler probably represents >80 % of the recreational vessels going offshore in the Tampa Bay Area to catch grouper and we are directly impacted by these proposed regulations. In terms of experience I have been fishing W Central FL waters for about 20 years.
- In relation to proposed dates for the open season they could NOT BE WORSE in timing. As you should know, Gag grouper migrate year round moving from offshore to inshore and back offshore to feed, spawn and avoid excessively hot water during the summer months. The best nearshore (State Waters) fishing in W Central FL for Gag grouper occurs in spring and fall. Gag can be readily caught in state waters during this time. The open season for 2011 (Sept 16 - November 15) could not be more APPROPRIATE. In addition, when gag grouper was open this past spring (April 1 - May 30) in State waters, the fishing was excellent. Fish begin to move to deeper depths starting in late June and July and do not return until October. Thus, any of the proposed times in which Gag grouper would be open in June or July only creates harder fishing conditions for recreational anglers. Even with it open who wants to run 20 or 40 miles when you can catch them in Tampa Bay or 3 or 4 miles offshore during spring and fall?
 - o The recommendation the Council should consider are maintaining the 2011 open seasons (April 1 - May 30 and Sept 16 - Nov 15). This minimizes costs to the recreational angler
 - o If anything, the June/July dates should be taken off the table for consideration and reallocated to accommodate fall or spring fishing. Potentially a 4 month season from October 1 - January 31 would be ideal.

2) The Council is also considering reducing the commercial size limit from 24 to 22 inches to reduce release mortality in the commercial fishery. The current recreational minimum size limit for gag is also 22 inches. Staff requests Commission direction on these issues at this time.

- The council needs to adopt better consistency between the recreational and commercial sectors. This is a problem which I'll explain under the proposed red grouper alternatives. If consistency is adopted for the size limit of Gag grouper it **MUST ALSO BE CONSISTENT ACROSS SECTORS** for Red Grouper. Whether the size limit is 22 or 24 inches for Gag I don't have a preference although the conservationist in me recommends making it 24 across the board (especially if it is undergoing "overfishing". One thing the Council and Commission need to remember is that unlike the Red grouper fishery, much of the Gag grouper occurs in waters <100' and discard mortality is much, much lower.

3) The Council is also considering management alternatives red grouper (Reef Fish Amendment 32). Red grouper is not overfished, nor is it undergoing overfishing. In recent years, the recreational sector has not caught its allocation of red grouper, so the Council is considering relaxing recreational red grouper regulations.

- First, let me thank the Council and Commission for considering this option. This is welcome news. Now for the reality, especially in regards to the statement that the recreational sector has not caught its allocation of Red Grouper. There are two primary reasons for this and are in direct relation to the points discussed above.
- The Red grouper fishery is truly more of "offshore" fishery which requires a distance of >25 miles or more in W Central FL. With the recession and soaring fuel prices that >80% of anglers that I described under #1) doesn't deem it worthy to travel that kind of distance to catch 2 Red grouper. I catch the occasional Red grouper 10 to 15 miles offshore but I don't target them.
- Most importantly, Red grouper up to 18" are abundant. The reasons the recreational sector doesn't catch its quota is because it's nearly **IMPOSSIBLE** to land a 20" Red. The commercial sector cleans them out. I mention this because before the 18" rule was implemented for the commercial sector, it was easier to catch the 2 Red grouper bag limit in water <25 miles offshore. Again the Council and Commission **MUST** adopt consistency across sectors. The 18" rule for commercial and 20" rule for recreational should be changed. If you are proposing it for Gag then recreational fishers should be allowed to take 18" Reds. This is a no-brainer. Regulations in recent years have been tilting in the commercial sectors favor and the balance should be restored. For example, even though the grouper fishery now operates under a

quota system it is still ludicrous that commercial sector can take grouper during spawning season. If the Council truly wants to manage these stocks responsibly then ALL GROUPE FISHING should be closed in the late winter months (February & March).

4) Other Targeted Spp.

- This is not a current issue but I would like to see the size limit for hogfish raised from 12" to 16". My anecdotal observations (because I'm also a diver) make me believe that hogfish in the Gulf are less abundant than 10 to 15 years ago. More restaurants sell hogfish and the recreational spearfishing community has grown exponentially over the last 3 decades resulting in more pressure on this species. The problem with hogfish is it is managed under snappers and while taking 12" snappers is OK because they are numerous, this size limit is not appropriate for hogfish.

Thank you for your consideration. Please feel free to contact me if you would like more input. Given my schedule it is very difficult for me to attend these meetings.

Sincerely,



Rob Ruzicka
2433 Tropical Shores Dr SE
Saint Petersburg, FL 33705
Phone: 786-385-6613
rob_ruzicka@gmail.com

----- Forwarded Message

From: Charles Saussy <c_saussy@yahoo.com>

Date: Tue, 7 Jun 2011 21:13:26 -0400

To: Bob Gill <bgillbgill@embarqmail.com>, Chris Blankenship <chris.blankenship@dcnr.alabama.gov>, Corky Perret <Corky.Perret@dmr.ms.gov>, <dennis@thefra.org>, <douglassboyd@yahoo.com>, Ed Sapp <ewsapp@hotmail.com>, John Milner <GulfCouncil@gulfcouncil.org>, Kay Williams <hkaywilliams@hotmail.com>, <info@superstrikecharters.com>, John Greene <intimidatorcharters@yahoo.com>, <Jane.lubchenco@noaa.gov>, Joe Hendrix <jhendrix1706@aol.com>, Kevin Anson <Kevin.Ansen@dcnr.alabama.gov>, <label@fsu.edu>, Myron Fischer <mfischer@wlf.la.gov>, <Nick.Wiley@myFWC.com>, Harlon Pearce <nolah@aol.com>, Robin Riechers <robin.riechers@tpwd.state.tx.us>, Roy Crabtree <roy.crabtree@noaa.gov>, Bob Shipp <rshipp@jaguar1.usouthal.edu>, Tom McIlwain <tom.mcilwain@usm.edu>, "Teehan, William" <william.teehan@MyFWC.com>

Subject: Amendment 32 Comments

Dear Council members, please accept my apologies for the first blank email. I am a recreational fisherman and diver of 25 years from Pinellas County Florida and I am very concerned about the regulation trends I have seen over the last 3-4 years. I am in total agreement with the following and hope at some point your Council will take us "little guys" seriously. I have over the years invested thousands of dollars in boats, dive gear, and fishing equipment for the recreation I and my family truly love. Your organization seems to have no problem taking all of that away without my vote or my input. Please consider this my comment and request;

Dear Gulf Council:

Amendment 32 comments.

Please enter these comments into the public record for the Key West Council meeting.

The public hearing meetings appear to be in violation of the Federal Register Act, United States Code, Title 44, Chapter 15, section 1508, which states that 15 days public notice is required. The notice of change was posted in the federal register on April 29th, less than 15 days before the meeting. Further, the change of location for the LA and MS public hearings were changed and not properly noticed in the federal register. How can you expect the public to believe that you care what they think?

I would like to get an official answer as to who exactly is responsible for these apparent violations of law.

The Council claims to listen to the public, yet the examples of ignoring the public are in these proposals. Where is the 24 inch gag minimum size? 22 inches is below the desired 50% sexual maturity size. The public called for a 24 inch minimum size as opposed to season reductions and/or bag limit reductions.

Where is the accountability measure that carries uncaught 'allowable catch' to the next year? Another LOUD and CLEAR request from the public appears to be completely ignored.

Why is there absolutely no consideration of re-capture and release of undersized gags in this process?

Why are Annual Catch Limits being set when the National Marine Fisheries Service has not even complied with the Magnuson mandate to fix recreational data? NMFS and the Gulf Council appear to be operating in defiance and contempt of Congress.

ABOUT THE DOCUMENT AVAILABILITY

Why were the documents not available until Wednesday afternoon before the hearings started? This is absolutely inexcusable and quite possibly a violation of Magnuson. I am sure that a NMFS lawyer will tell you otherwise. I will remind you that this is an OPINION that has caused members of Congress to take great umbrage with the interpretation of the law. After all, Congress wrote the law. It has become clear that NMFS legal opinions continue to defy Congressional intent.

There was NO announcement when the documents WERE posted to the website. Why not? Who made the decision to NOT tell the public that the overdue documents were finally available, albeit only electronically? The main document is a 27 MEG download. That is a HUGE file. The public is rightfully offended by the Council's lack

of respect and obvious disdain for meaningful public input.

Does the Council have any idea or even care about the people who have no or very limited computer access? This process has certainly denied the general public adequate time with the final proposals. The excuse of 'we're busy' does not hold water. Amendment 32 had initial public hearings over a year ago, so this is not a last minute amendment. The council is not too busy to push catch shares and sector separation, as we can see by all of the recent Council activity.

While the Council spends hundreds of thousands of tax dollars on 'outreach' designed to 'engage the angler in the management process', they systematically deny us the opportunity to provide thoughtful comments on proposed regulations, as evidenced by the timeliness of document availability. This appears to violate the Magnuson-Stevens Act.

How docile do you think the public is that we will allow you to treat us this way? We request another round of hearings with at least fifteen days in which to review the documents prior to a hearing.

The recreational sector has spoken loud and clear: NO CATCH SHARES. What more does the Council need? Or is the catch share agenda another of the Council's damn-the-public-opinion steamrolling of the public's rights? It certainly appears that the Council has wholesale ignored public input.

The recreational sector, including the majority of its for hire captains, have CLEARLY SPOKEN AGAINST SECTOR SEPARATION. So why is the Council staff preparing a sector separation amendment? How can the Council possibly deny its ignoring of public input?

ABOUT THE DOCUMENT ITSELF

The document shows that Maximum Sustainable Yield is reduced by 25% and is renamed Optimum Yield. This is an arbitrary 25% reduction. It will now be even easier for the anti-fishing crowd to claim that anglers are overfishing. What a crock of bad soup this is. Optimum Yield should be set at the old Maximum Sustainable yield. That is, in fact, optimum. We reject the automatic reductions. They are NOT required to be set so low by Magnuson. In fact, Magnuson does not prohibit $MSY=OFL=OY$.

Why is the concept of re-capturing not considered? We know full well and have scientific proof spanning fifteen years that daily re-capture of undersized fish is a regular occurrence, yet we treat every discard as a unique fish and apply a high release mortality rate. This discard rate is a major driver of regulations to eliminate fishing effort.

Why is new best available science showing minimal release mortality in under 100 feet of water NOT being used to estimate landings reductions? The state of Florida has tagging evidence indicating low release mortality and strong survival rates,

Why have we not done a full benchmark stock assessment when the Council's own Scientific and Statistical Committee asked for it? Because of the once in 30 year red tide event, the assessment is showing that the stock was reduced by 1/3. This has been shown to be wrong, yet a new assessment is not on the five year schedule of assessments.

Given that release mortality estimates HAVE been lowered slightly, why is a 24" minimum size limit for recreational anglers not being considered? It would result in a nearly 30% reduction in landings. The reduction should be even higher now, given the knowledge that 2/3 of the released gag are in state waters with an average depth of less than 30 feet. We would expect a benefit of more like 40%. All that without destroying a person's opportunity to fish. This would maximize the biological effect and minimize the social and economic impacts. THIS OPTION NEEDS TO BE INCLUDED AND LISTED AS PREFERRED.

A slot limit on a grouper is insane. Even your own Reef Fish AP rejected it unanimously.

We are concerned that the Council is once again using a couple of agenda-driven comments to paint the picture of the gag fishery in the northern gulf. The individuals are proponents of sector separation and recreational catch shares. This is another example of selective hearing on the Council's part.

Why are the Interdisciplinary Planning Teams, formed and directed by the National Marine Fisheries Service, writing the regulations behind closed doors and without any accountability for formulation and methodology behind landings reduction estimates?

Just like with Red Grouper, overwhelming anecdotal evidence has been presented attesting to strong abundance, strong recruitment and a wide range of sizes available in the gag fishery. These all contradict the flawed, outdated gag assessment.

This is a 3 billion dollar (Fisheries Economic of the US- DOC) mistake that the state of Florida will bear the brunt of. We have had enough of the mismanagement under which we have suffered for years. We demand accountability for mismanagement.

I request and fully expect another round of public hearings, based on final documents which will be made available AT LEAST fifteen days prior to the hearings.

Here are some comments on the Amendment, by section:

2.2 Action 2. Recreational Bag Limits, Size Limits, and Closed Seasons

2.2.1 Gag Scenarios

PUBLIC PREFERRED ALTERNATIVE:

New full benchmark stock assessment. Interim management to be 24 “ gag minimum size, 4 fish bag limit, 2 month spawning closure protection (Feb and March) for recreational AND commercial harvest.

If we have a spawning protection closure, it should be closed for all harvest.

2.2.2 Red Grouper Bag Limit

Preferred Alternative 3. Increase the red grouper bag limit to 4 fish per person. If, at the end of any season, it is determined that the recreational sector has exceeded its red grouper ACL, the bag limit will be reduced to 3 fish. If, at the end of any subsequent season, it is determined that the recreational sector has exceeded its red grouper ACL again, the red grouper bag limit will revert back to 2 fish.

Again, the rec sector does NOT receive the 5 red grouper bag limit (what we used to have).

Action 3 commercial dead discard adjustment – If dead discards are used in recreational calculations, then they should be used in commercial as well.

2.5 Action 5. Commercial Gag Size Limit

Alternative 1: No action. The commercial gag minimum size limit remains at 24 inches total length.

Female gag reach 50% maturity at about 23 inches (Figure 2.5.1). At smaller size limits, the majority of the fish will not yet have spawned. This will reduce spawning potential and could negatively impact the rebuilding plan. These words say it all. What is the motivation to kill fish before they reach sexual maturity?

2.6 Action 6. Time and Area Closures

*Note: more than one alternative and option can be selected as preferred

Alternative 1: No Action, Do not create additional time and area closures that prohibit fishing for gag and other reef fishes.

There is not enough data to accurately assess stocks. How come we can be so precise about fishing areas?

NMFS promised sector accountability when NMFS sold the catch shares idea to the commercial sector and then played recreational against commercial by using cross sector accountability measures. This was used to threaten the state of Florida into complying with NMFS outrageous and arrogant demand that the state match the federal rules. The state of Florida FWC Commissioners all cited the fear of ‘punishment’ by NMFS if the state failed to bend to NMFS demands. A threat from a rogue agency should NOT be the reason for a state to ignore its own citizens. In fact, I will encourage the state of Florida to reject this ‘blackmail’ and to further hold responsible those who perpetrated the federal actions.

When will NMFS become accountable for their mismanagement?

The Council and NMFS violated federal law by moving two of the public input meetings after publishing in the federal register. Who is responsible for this?

I hope the Council will remember the Red Grouper debacle in which NMFS claimed Red Grouper were overfished/undergoing overfishing, in direct contradiction to the vast majority of observations and anecdotal evidence presented by the public to the Council and NMFS. A year and a half later, a new stock assessment VERIFIED THAT THE RED GROUPE WERE, IN FACT, HEALTHY at the time of the NMFS action, supporting the overwhelming anecdotal evidence presented by the public at the time.

Fast forward to Gag Grouper: The SAME THING is happening. Overwhelming anecdotal evidence is being ignored

while unconscionable economic and social distress is being forced upon the public by this out of control agency (NMFS). When will accountability be provided for the mismanagement of our fisheries?

Thank you for your time. I look forward to a response.

Respectfully,

Charles R Saussy Jr.

PO Box98

Crystal Beach, Fla., 34681

From: Richard Appell <rappell@sabalpalmbank.com>

Date: Thu, 9 Jun 2011 10:57:57 -0400

To: John Milner <GulfCouncil@gulfcouncil.org>

Subject: Grouper restrictions

As a Florida Native I would like to recommend that you reconsider the ban on grouper fishing that is currently under proposal by Amendment 32. For some reason the Council keeps putting more and more restrictions on the recreational and local charter captains and giving more to the Commercial Long Liners that results in the taking of undersize fish of all variety, including endangered sea turtles. If you did a comparison of economic impact in this state I feel you would discover that the recreational money is far greater than the Commercial impact at this time. Why cannot someone use common sense when they look at restrictions of the taking of public stock. Examples of this would be the removing of species from commercial sale in this state and country like Redfish, Snook and other wildlife that improves once they are removed from the commercial market. Then put on restrictions of the taking of species during their breeding seasons and limit the take to one or two fish per trip. The use of your non scientific counting of fish take is also questionable and based on the current take of Red Snapper in the Gulf would show that the species is or has improved beyond the estimates of your faulty calculations.

Perhaps I have been around too long and see the mistakes our government has made in the oversight of our wildlife and are influenced more by the money lobbying groups that profit more than the individual recreational angler. Please reconsider your rules and look at the actual individuals of the states rather than a few commercial groups that want to profit at the expense our countries natural reserves. I would one day hope my grandchildren would be able to enjoy the fishing experiences I have over my lifetime and not see our seas exploited to the point that citizens ignore the rules to be able to enjoy the dinner of a fish once caught in the seas.

Richard S. Appell

Venice Market President

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Venice, Fl 34285

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Submitted By Dennis O'Hern

[Federal Register Volume 76, Number 136 (Friday, July 15, 2011)]
[Notices]
[Pages 41766-41767]
From the Federal Register Online via the Government Printing Office (<http://www.gpo.gov/>)
[ER Doc No: 2011-17789]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA569

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS).

ACTION: Council to convene public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public hearings on: Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Atlantic and Gulf of Mexico and Amendment 32 to the Reef Fish Fishery Management Plan in the Gulf of Mexico.

DATES: The public meetings will be held on August 1, 2011 through August 3, 2011 at seven locations throughout the Gulf of Mexico. The public hearings will begin at 6 p.m. and will conclude no later than 9 p.m. For specific dates see SUPPLEMENTARY INFORMATION.

ADDRESSES: The public meetings will be held at locations listed in the SUPPLEMENTARY INFORMATION.

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

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director/Senior Fishery Biologist (Amendment 18), Dr. Steven Atran, Population Dynamics Statistician (Amendment 32) at Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Coastal Migratory Pelagic Resources

The Gulf of Mexico Fishery Management Council will hold public hearings on Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Atlantic and Gulf of Mexico including Environmental Assessment, Regulatory Impact Review, and Regulatory Flexibility Act Analysis. Amendment 18 contains alternatives for actions to set annual catch limits and accountability measures if such limits are exceeded for Gulf group king mackerel, Gulf group Spanish mackerel, and Gulf group cobia. It also contains measures to remove cero, little tunny, dolphin, and bluefish (Gulf) from the fishery management plan; revise the framework procedure; and separate cobia into Atlantic and Gulf migratory groups. Similar measures are being proposed for the Atlantic migratory stocks.

Reef Fish

Amendment 32 to the Reef Fish Fishery Management Plan establishes annual catch limits and annual catch targets for 2012 and 2015 for gag and for 2012 for red grouper. The Amendment also contains actions to: Establish a rebuilding plan for gag; set recreational bag limits, size limits and closed seasons for gag/red grouper in 2012; consider a commercial gag and shallow-water grouper quota adjustment to account for dead discards; make adjustment to multi-use IFQ shares in the grouper individual fishing quota program; reduce the commercial gag size limit; modify the offshore time and areas closures; and revise gag, red grouper, and shallow-water grouper accountability measures.

The Public Hearings will begin at 6 p.m. and conclude at the end of public testimony or no later than 9 p.m. at the following locations:

Monday, August 1, 2011, Amendment 18--Plantation Suites--1909 Hwy 361, Fort Aransas, TX 78373, (361) 749-3866; Amendment 18--Courtyard Marriott Gulfport Beachfront Hotel, 1600 East Beach Blvd., Gulfport, MS 39501, (228) 864-4310; Amendment 32--Hyatt Place Ft. Myers at the Forum--2600 Champion Ring Road, Fort Myers, FL 33905, (239) 418-1844.

Tuesday, August 2, 2011, Amendment 18 and Amendment 32--Hilton St. Petersburg Carillon Park--950 Lake Carillon Drive--St. Petersburg, FL 33716--(727) 540-0050; Amendment 18--Fairfield Inn & Suites, 3111 Loop Road, Orange Beach, FL 36561, (251) 543-4444; Amendment 18--Louisiana Department of Wildlife and Fisheries Research Lab, 195 Ludwig Annex, Grand Isle, LA 70358, (985) 787-2163.

Wednesday, August 3, 2011, Amendment 18 and Amendment 32--Boardwalk Beach Resort, 9400 S. Thomas Drive, Panama City Beach, FL 32408, (850) 230-4681.

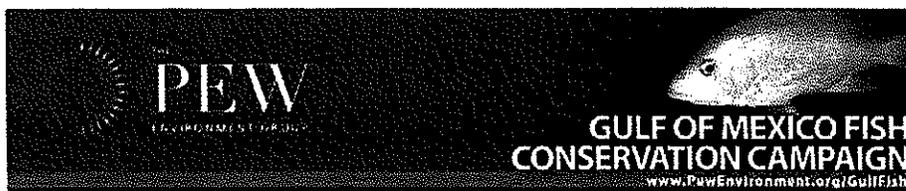
Copies of the documents can be obtained by calling (813) 348-1630.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council (see ADDRESSES) at least 5 working days prior to the meeting.

[[Page 41767]]

Dated: July 11, 2011.
Tracey L. Thompson,
Acting Director, Office of Sustainable Fisheries, National Marine
Fisheries Service.
[FR Doc. 2011-17789 Filed 7-14-11; 8:45 am]
BILLING CODE 3510-22-P



Testimony at the Gulf of Mexico Fishery Management Council workshop
Sharon McBreen, Gulf Outreach Coordinator, Pew Environment Group

August 2, 2011

RE: Public Hearing Draft for Amendment 18 to the Coastal Migratory Pelagic FMP (Mackerel 18 Amendment) and the Public Hearing Draft for Amendment 32 to the Reef Fish FMP

Good evening, members and staff of the Gulf Council. Thank you for the opportunity to address you today on these important issues. My name is Sharon McBreen, with the Pew Environment Group's Fish Conservation Campaign in the Gulf of Mexico.

Mackerel Amendment 18

As you know, we have been supportive of the Gulf Council's efforts to develop the Generic Annual Catch Limits Amendment, and although we understand there are notable differences in each of the fishery management plans, the design and implementation of both Mackerel Amendment 18 and the Generic ACL Amendment should be similar: catch levels should be properly and consistently established to prevent overfishing, and catch limits along with accountability measures (AM) should be in place to maintain catches within the prescribed limits.

In setting catch levels for the species covered in Amendment 18, the Council has opted to use the Acceptable Biological Catch control rule developed by the Scientific and Statistical Committee for the Generic ACL Amendment. The Council has also decided to set the ACL equal to the ABC, but is not using an annual catch target, or ACT, as is done in the Generic ACL Amendment. The ACT is intended to capture management uncertainty in the fisheries and to provide a buffer so that the ACL is not exceeded. To not consider and account for management uncertainty assumes the Council and NMFS are able to perfectly track and record catch and landings from all sectors, which we know is not the case.

Therefore, we strongly recommend the use of the ACT control rule from the Generic ACL Amendment for all species in Amendment 18, just as the ABC control rule is incorporated. To do so, an alternative should be added to the document to this effect.

Additionally, there are no post-season AMs selected for use in the Amendment. Relying solely on the in-season AMs to maintain catch within the prescribed limits may not be

enough to prevent going over the ACLs. Having post-season AMs selected and ready to be implemented gives the Council more tools in the toolbox to make sure the annual catch limits are not routinely exceeded.

In addition, the species currently slated for removal from the Coastal Migratory Pelagic FMP should remain in the FMP as managed species and **should not** be removed. Adequate scientific justification for removing these species has not been provided, nor have any scientifically based criteria been established to judge whether or not species should be removed. Additionally, the SSC has not been asked to provide advice on which species could be removed safely from the FMP. Removing these four species, all of which have landings above the established threshold for removal, and well above in some cases, or which are commonly misidentified with similar species -- is short-sighted. The better alternative would be to maintain these species in the FMP and establish ACLs and AMs using the recommendations above or to develop scientifically based justification for removal of species supported by appropriate data and analysis before taking this ill-advised action.

We view the use of the ABC and ACT control rules and sufficient AMs for all targeted species as key to an overall proactive plan that will help the Council to prevent overfishing by setting limits and sticking to them, while allowing adjustments over time as conditions change. This system will enable better monitoring and allow adaptive management. Together, this approach should help to avert tougher, more painful restrictions or population declines in the future by managing wisely now. More importantly, it moves fisheries management into a more sustainable future which will benefit not just fish but the communities that rely on healthy and vibrant fisheries.

Thanks for the opportunity to comment on Amendment 18. We will provide more detailed comments regarding our concerns and recommendations prior to the August Council meeting.

Amendment 32

We support final approval of Amendment 32 to the Reef Fish FMP as adopted by the Council at the June 2011 meeting. In particular, we are supportive of additional protections for gag spawning aggregations and appreciate efforts to account for discard mortality and effort shifting in the recreational fishery. However, we do have concerns that the recreational management measures for gag and red grouper may not be conservative enough to prevent excessive gag mortality or ACLs from being exceeded. Additionally, the recreational in-season AMs should be targeted toward the ACT rather than the ACL so there is higher probability of keeping the catch under the annual catch limit. We will provide more detailed recommendations on changes we urge the Council to make to address these concerns prior to adopting Amendment 32 at your August meeting.

Thank you for hosting this public hearing and we look forward to continuing to work with the Council and staff on these and other issues.

The Generic Annual Catch Limits/Accountability Measures Amendment
Reef Fish Amendment 32

AMENDMENT 32

Amendment 32 must prohibit commercial take during the gag grouper spawning season, just as recreational take is prohibited during spawning. We recognize that the commercial fishers are limited by a quota, however, allowing a directed fishery on any of the spawning aggregations is disruptive and very likely will produce negative impacts on spawning success. Allowing directed commercial take during the spawning season while prohibiting recreational take is not only damaging to the resource it undermines the angling public's trust in the management system.

To CCA, one of the most important issues regarding Gulf grouper management is allocation. We recognize that the gag stock in the Gulf has been substantially reduced through a mixture of fishing and red tide mortality and support a rebuilding plan. However, CCA requested 5 years ago that the Gulf of Mexico Fishery Management Council develop formal allocations for Gulf grouper based on maximizing the value and benefits of this common property resource to the nation. Several discussions have occurred since then but ultimately no definitive action has been taken. Given the apparent necessity for future restrictions on gag harvest, we believe that it is absolutely necessary for the Council to address allocation of this resource. That allocation effort must be guided by current economic, demographic, conservation and social criteria. Allocating based primarily on prior catch records is unacceptable. Although not a subject of Amendment 32, another such arbitrary allocation for black grouper is being considered in the ACL/AM amendment – again without any of the analyses of impacts and benefits that are required by the Magnuson-Stevens Act and the Catch Share Policy. We will resist efforts to continue to arbitrarily allocate these resources.

We insist that the Gulf Council use the required economic, social and conservation criteria – as mandated in the NOAA Catch Share Policy – to allocate grouper and all other natural resources under its authority to maximize the economic benefits available to the nation from the wise use of these resources. The current Gulf Council 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. CCA has contended that in 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 impacts of recreational fishing. We are opposed to this management program which subsidizes marginal commercial fisheries while strangling more valuable recreational fisheries. CCA currently has a case against this action before a federal judge and are waiting for a decision.

Regarding the specific management measures of Amendment 32:

- CCA would support a 10-year recovery period and basing the allowed harvest on reaching the Annual Catch Limit (ACL) as opposed to the overly restrictive Annual Catch Target (ACT). The Council is using the conservative optimal yield target for overall management of grouper and we do not think an ACT is necessary. We support achieving the longest open season possible.
- If the major problems noted previously are resolved, CCA would support a recreational and commercial spawning season closure for gag in February, March and April. We do not support closing any season for other groupers than gag.

- CCA does not support a slot size for gag, and prefers the current 22-inch minimum size. It should be restated that the primary cause in the recent decline in gag grouper populations is not overfishing. Gag populations were severely damaged by a massive red tide off of Florida which lasted for more than a year. Prior to the red tide event, gag grouper biomass levels were rising under the existing regulations.
- For red grouper we can support the preferred alternative of setting the bag limit at 4 per day and scaling it back, if necessary, in subsequent years if this is needed to avoid a future closed season. An increase in recreational take is long overdue.
- CCA also supports maintaining the 20-inch minimum size for red grouper and the February-March spawning season closure.

Gag and red grouper fisheries are extremely valuable to the State of Florida in particular, where 96 percent of all the gag grouper taken in the Gulf is caught and landed. Recent economic comparisons of Gulf red and gag grouper show that the value of the recreational fisheries dwarfs the commercial fisheries. CCA will continue to insist that the Gulf Council and NMFS fairly allocate the resource to all users based on current economic, social and conservation criteria.

AMENDMENT 18 TO THE COASTAL MIGRATORY PELAGIC RESOURCES

Coastal Conservation Association has several significant concerns with the setting of ACL/AMs:

- *Given the Gulf Council's solid history of setting overfishing limits, we urge the members to consider all options in the context of which measure will give them the most flexibility in making case-by-case decisions in the future.*
- *With regard to Annual Catch Limits, CCA believes that all recreational ACLs should be measured in numbers of fish rather than pounds. This will remove some of the uncertainty and error that plagues recreational catch data.*
- *We support moving species with landings of less than 20,000 pounds out of the management complex, rather than designating them Ecosystem Species. Doing so will prevent managers from being required to enact measures that may impact dozens of species in a single complex in order to recover the weakest species.*
- *For unassessed species, unless there is clear evidence that the stock is declining, the control rule should not limit current harvest. It is absurd to employ an ABC control rule that could require significant reductions of harvest for a species when no problems have been documented with the stock. The logical option would be to simply cap the harvest at current levels until data is available to support an assessment.*
- *We are greatly dismayed to see that this document still looks exclusively at past landings history as the sole method to set allocations between the recreational and commercial sectors. We believe the allocation process should be forward-looking and that managers should make every effort to manage these fisheries to reflect present and future realities, rather than locking in these resources to repeat history.*

The Gulf of Mexico Fishery Management Council should use the criteria set out in the NOAA Catch Share Policy in setting any allocation and use economic value as a key criteria in order to set allocations that achieve the greatest benefit to the country.

August 3, 2011

Re: Reef fish amendment 32

To: Gulf Council Members

I am a recreational fisherman and member of CCA. I fish in the Gulf of Mexico about 15 days a year targeting gag grouper out of Homosassa. I have witnessed the damage done to the marinas, restaurants, motels, bait shops and charter captains caused by the recession, high gas prices, and your closure of gag grouper in the Homosassa area. I have been offshore twice since the closure and seen almost no(3-5) other recreational fishing boats each time. This is in areas I would normally see 20-30. I am hearing many fishermen talk about selling their offshore boats. Your actions have to have seriously impacted the boat dealers also.

My request is that you take a common sense approach to your decisions. Take the input from the numbers people, take the input from the fishermen, groups like CCA which have a long range concern for the fishery, and use your knowledge of recent history of the fishery and how quickly it can rebound to come to a conclusion that will help these industries to recover during these difficult times. A two fish limit on gag grouper will easily allow for a quick recovery. They did fine for years with a five fish limit even under the pressure put on them during the booming economy with lower gas prices. Even with the season open, there will not be nearly as many fishermen in this weak economy.

Please give us a practical, common sense solution.

Charles T. Holt 4495 Roosevelt Blvd.
unit 701 Jacksonville, FL 32210
charlesandgeorge@bellsouth.net

From: John Milner <GulfCouncil@gulfcouncil.org>
Date: Tue, 9 Aug 2011 16:50:26 -0400
To: Emily Muehlstein <emily.muehlstein@gulfcouncil.org>
Subject: FW: Proposed Gulf Gag Season

----- Forwarded Message

From: Philipp Muennig <pmuennig@yahoo.com>
Date: Sun, 7 Aug 2011 19:06:05 -0400
To: John Milner <GulfCouncil@gulfcouncil.org>
Subject: Proposed Gulf Gag Season

I would like to address the proposed July through October season for Gags: though it is an improvement over the current season, it favors the head boat and charter boat recreation population not the individual fisherman who would benefit more if the season were set during the colder months of the year. Since the individual fishermen are greater in total number, we represent the largest population of fishermen and should be given the most consideration according to democratic principles. I recommend reductions or a complete closure to the commercial fishing for gags so the recreation season could span 6 months total. Commercial fishing should technically always be closed for any species identified as being overfished, since everyone would be allowed equal access to fish according to democratic principles. As a compromise a split 6 month recreation season should be set when the largest population of gags are in shallow water such as April-June and October-December. With the increased prices in fuel this will allow fuel conservation minded individual with smaller boats a greater opportunity to harvest gags safely. Thank you for accepting my input.

The form letter below was received via email by the following individuals, August 5 – 8, 2011:

Charles T. Holt – Jacksonville, FL
Terry Sobo - Cape Coral, FL
Charles M. Weddel - Tampa FL
Jeannine Brady - Gainesville, FL
Scott Mitchell Hagee – Kilder, IL
Capt. Chip Blackburn - Mexico Beach, FL
Leon Paul Kass - Seminole FL
Capt. Henry Clayton James - Land O' Lakes. FL
Christopher Dailey - St. Petersburg FL
Bruce Waits - St. Petersburg FL
Brad Grant - Merritt Island FL
Capt. Bill Cordonnier - Palmetto, FL
Ed Makatura
Steve Moore - Key West, FL
Allen Patrick - St. Petersburg, FL
Eric Gill - Parrish, FL
Matthew Avery - Parrish, FL
Michael Messaros
Brad Belzel - Largo FL
Adam Wilson - North Port, FL
William and Patti Causey - Perry, FL

Dear Gulf Council members-

I fish in the Gulf and have a great interest in the management of my fisheries. (ADD PERSONAL INFORMATION HERE, IF YOU WISH, such as business owner, boat owner, life long angler, etc.) I am submitting comments on THREE SEPARATE AMENDMENTS in this email; Amendment 32, Amendment 18 and the ACL/AM amendment, in that order.

My information, for the record:

Name
address
city/state/zip

Amendment 32

This quick list is followed by more in-depth comments on Amendment 32.

- Do NOT reduce the commercial minimum size for gag.
- INCREASE the minimum size for recreational gag to 24". This would maximize the biological effect and minimize the social and economic impacts.
- Make available the NMFS formulas used to determine season length, future effort and angler behavior.
- Provide for the carryover of uncaught allowable recreational landings to the following year's recreational allowable landings.
- What part of NO CATCH SHARES and NO SECTOR SEPARATION did you not hear?

- Concern of inflated gag landings driven by the speculation of sector separation. Incentive to misreport drives landings estimates through the roof.
- Why is gag's Maximum Sustainable Yield reduced by 25%? This is NOT a mandated reduction: This is policy not agreeable to the stakeholders.
- Why is the concept of re-capture of undersized discards being flatly IGNORED despite OVERWHELMING EVIDENCE that it happens regularly?
- Why is the evidence of an extremely low release mortality rate for gag being IGNORED? The Florida FWRI has the evidence, which is also supported by strong anecdotal evidence presented by participants in the FWRI tagging program.
- The slot limit for gag should never have even been considered.
- Why are the Interdisciplinary Planning Teams, formed and directed by the National Marine Fisheries Service, writing the regulations behind closed doors and without any accountability for formulation and methodology behind landings reduction estimates?
- Red Grouper was healthy when NMFS tried unsuccessfully to stop all grouper fishing to protect the red grouper. Overwhelming anecdotal evidence of a healthy stock provided by anglers was proven to be correct two years later. We are experiencing the same with gag grouper today. How many jobs will you destroy with these unnecessary regulations?
- Why has the SSC's recommendation of reruns using the latest figures been ignored? Why are signs of crashing effort ignored?

A spawning closure is a spawning closure. Why would IFQs exempt commercial fishermen from a fishing closure to protect the spawn?

- No additional time or area closures should be considered at this time.

These hearings are being billed as additional hearings due to the lack of availability of the documents for the last set of hearings, yet the documents for this hearing have only been available for a week. They were not on the website (the guide to the hearing is not the full document). Why did it take so long to make the documents available again? Does the Council realize the damage this does to credibility with the stakeholders? Many anglers are convinced that their input has no effect on the process.

This latest document contains absolutely no consideration of the 24" gag minimum size. There is also ZERO discussion of a provision for carrying forward unused allowable landings, such as those caused by overly restrictive regulations. Again, there is the appearance that public input means nothing.

A 24 " gag minimum would allow for a far longer fishing season than any other management measure, yet it is ignored. The rationale for ignoring the size increase is an increase in dead discards, yet that rationale is flawed in that it relies upon known to be inflated discard mortality rates.

Several years ago, a 24" gag minimum length was the Council's PREFERRED alternative. Recent Council/NMFS documents showed a 24 inch limit would produce SIGNIFICANT landings reductions while having only a MINIMAL EFFECT on the anglers' actual opportunity to fish, as closed seasons would be avoided.

The minimum size limit for commercial gag should NOT be reduced. It is below the 50% sexual maturity level of gag, which is at 23 ½ inches. This is far from sound management. Why would we encourage commercial fishermen to target smaller fish?

The 100% effort increase multiplier being used in the estimates of effort shift due to season closure is pure speculation and has no real merit as a plausible concept. Given the development of these ideas outside of the view and participation of the public (under the guise of IPTs), one can reasonably surmise that transparency means nothing.

The recreational sector has spoken loud and clear: NO CATCH SHARES. What more does the Council need? Or is the catch share agenda another of the Council's damn-the-public-opinion steamrolling of the public's rights? It certainly appears that the Council has wholesale ignored public input.

I am greatly concerned by the implications of inflated gag landings due to the incentive to misreport/over report landings by those who feel that doing so would possibly secure them a larger 'share' of a recreational pie, all at the expense of the recreational angler.

The document shows that Maximum Sustainable Yield is reduced by 25% and is renamed Optimum Yield. This is an arbitrary 25% reduction. It will now be even easier for the anti-fishing crowd to claim that anglers are overfishing. Optimum Yield should be set at the old Maximum Sustainable yield. That is, in fact, optimum. I am appalled by the automatic reductions. They are NOT required to be set so low by Magnuson. In fact, Magnuson does not prohibit $MSY=OFL=OY$.

Why is the concept of re-capturing not considered in the assessment of the stock? It is well known that scientific proof spanning fifteen years exists showing the daily re-capture of undersized fish is a regular occurrence, yet we treat every discard as a unique fish and apply a high release mortality rate. This discard rate is a major driver of regulations to eliminate fishing effort.

Why is new best available science showing minimal release mortality in under 100 feet of water NOT being used to estimate landings reductions? The state of Florida has tagging evidence indicating low release mortality and strong survival rates.

Why have we not done a full benchmark stock assessment when the Council's own Scientific and Statistical Committee asked for it? Because of the once in 30 year red tide event, the assessment is showing that the stock was reduced by 1/3. This has been shown to be wrong, yet a new assessment is not on the five year schedule of assessments. The 2006 gag assessment was declared UNRELIABLE UPON ITS VERY COMPLETION IN JANUARY 2006.

Given that release mortality estimates HAVE been lowered (slightly), why is a 24" minimum size limit for recreational anglers not being considered? It would result in a nearly 30% reduction in landings. The reduction should be even higher now, given the knowledge that 2/3 of the released gag are in state waters with an average depth of less than 30 feet. We would expect a benefit of more like 40%. All that without destroying a person's opportunity to fish. This would maximize the biological effect and minimize the social and economic impacts. THIS OPTION NEEDS TO BE INCLUDED AND LISTED AS PREFERRED.

A slot limit on a grouper is insane. Even your own Reef Fish AP rejected it unanimously.

We are concerned that the Council is once again using a couple of agenda-driven comments to paint the picture of the gag fishery in the northern gulf. The individuals are proponents of sector separation and recreational catch shares. This is another example of selective hearing on the Council's part.

Why are the Interdisciplinary Planning Teams, formed and directed by the National Marine Fisheries Service, writing the regulations behind closed doors and without any accountability for formulation and methodology behind landings reduction estimates?

Just like with Red Grouper, overwhelming anecdotal evidence has been presented attesting to strong abundance, strong recruitment and a wide range of sizes available in the gag fishery. These all contradict the flawed, outdated gag assessment.

A spawning closure is a spawning closure. Why would IFQs exempt commercial fishermen from prosecuting fish during the spawn?

No additional time or area closures should be considered, other than a spawning closure in the winter, if necessary. There is not

enough data to accurately assess stocks. How come we can be so precise about fishing areas?

Why has the SSC's recommendation of reruns using the latest figures been ignored? Why are signs of crashing effort ignored? When all fishing stops, what will you manage?

Amendment 18

Who made the LATEST mistakes in the Federal Register notice of these meetings? Did Steve Atran get his Ph.D.? When did Orange Beach move to Florida?

Copies of the website and the Federal Register Notice (FRN) with the mistakes highlighted were submitted at the St. Pete hearing on August 2, 2011. Who will be held responsible? The last set of FRN's regarding the May public hearings also contained critical errors. A request for determination of responsibility for that set of errors has been ignored by Steve Bortone. Transparency takes another hit.

Once again, no mention is made of how unrealized allowable quota is to be carried over into the next year. While this is a public theme of every single FMP and action, Council and NMFS continue to ignore the public, much like they ignore Congress.

NO reductions in current landings levels are acceptable, nor are any accountability measures that rely on in-season quota monitoring using the MRIP/MRFSS data. Refer to the NRC reports of 2000 and 2006 for rationale supporting exclusion of said data.

There is currently no need or indication of a need for further reductions in landings of recreational mackerel, cobia or dolphin. Why then would we make a decision which would FURTHER reduce economic activity generated by fishing? Fishing activity is projected to continue to decline, according to the US Fish and Wildlife Service.

Why was a control rule group established with NO fishing representation while having significant environmental group representation? Further, why was that group established in violation of the Council's charter, yet its decisions were requested to be voted in as compliant?

Annual Catch Limit/Accountability Measures amendment

Why was the control rule written by a group that included an Ocean Conservancy member, a PEW trust member and NO OTHER stakeholders whatsoever? Why were funds spent on an unauthorized group? Why was the unauthorized control rule group's output accepted for use by the Council? Does this speak to transparency?

Why did the Council SSC use a P-star table paid for by Ocean conservancy, which differed from NMFS own p-star values? Who will be held accountable? Why was this allowed?

This invalidates all ACL/AM limits set using the Ocean Conservancy version of p-star thus far. Is there any wonder why the public has no faith in the management system? Council members are ultimately responsible for allowing this behavior.

Worthy of note is the LACK OF A PROCESS FOR UNUSED ALLOWABLE CATCH. Any overages are not carried forward. Why not? The public clearly requested this over the last three years, yet the public remains ignored.

Taking 25% off of the top, then another 25% for a 'buffer' in which Accountability Measures (fishing slowdown regulations) will kick in is tantamount to a fifty percent reduction, with NO BIOLOGICAL NEED for such a reduction.

The 'old method' gave us Maximum Sustainable Yield and allowed us to exceed that once in every four years, allowing for the cyclical nature of fish stocks.

Optimum Yield should be set at the old Maximum Sustainable yield. That is, in fact, optimum. Any automatic reductions are unnecessary, economically damaging and possibly even in violation of Magnuson. Optimum yield is NOT required to be set so low by Magnuson. In fact, Magnuson does not prohibit $MSY=OFL=OY$.

We should NOT suffer any further erosion of our fishing rights. We request that all Florida and Louisiana representatives assert that Floridians Louisianans have the RIGHT to fish. It is not a privilege.

This whole idea of setting Annual Catch Limits on data poor species is preposterous and designed to end fishing as we know it. The flawed data collection process has not been improved upon. Magnuson is being ignored or selectively observed. This is wrong and people should be held accountable for this.

How can ACL and AM be set when the data remains flawed and unreliable? Magnuson calls for two years of functioning Angler Registration before setting ACLs. Again, there is no mention in Magnuson of automatic 25-50% landings reductions.

I am concerned by reports of over-reporting of trips and landings by some members of the charter community. This practice seems to be in response to the push for recreational catch shares. The perceived benefit of this is to get the largest possible piece of any recreational pie that might be carved up and handed out in the future. The effect this will have on the effort and landings estimates for the recreational sector is astounding. Anglers already are suffering a shortened red snapper season due to increased landings and landed size of the fish. The effort estimates are still incredibly high. Could this be why?

Fish have tails. They don't know that they are supposed to stay in one place, or not cross an arbitrary line. How then can we in good conscience close areas to fishing when the benefit is negligible.

There should be no accountability measures set until such time as we have reliable data upon which to make decisions.

Worthy of note is the LACK OF A PROCESS FOR UNUSED ALLOWABLE CATCH. Any underages are not carried forward. Why not? The public clearly requested this over the last three years, yet the public remains ignored.

NMFS and the Council ignored Congress about catch shares and sector separation. Given the recent memorandum from NOAA legal counsel regarding catch share programs, it is very easy to believe that there exists an agenda that will be advanced regardless of the law or Congressional intent. We now understand how NMFS consistently abuses its authority.

Do not move forward with the ACL amendment until such time as the control rule group issue and congressional intent are resolved. According to NMFS attorney's interpretations of the Magnuson, the very act of discussing seething provides evidence of action. You have discussed a plan. Now you should hold off until the issues brought up in discussion are resolved.