

Letter from John Polston and Jim Freeman
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The letter I am writing today is in reference to the GOLDEN TILEFISH CLOSURE. The rule as recorded in Part 622 - Fisheries of the Caribbean, Gulf, and South Atlantic reads as follows: In 622.44 (C) South Atlantic Snapper-Grouper (2) Golden Tilefish: UNTIL 75% of the fishing year quota specified in 622.42 (e)(2) is reached 4,000 pound trip limits will remain in effect. 622.44(c) (2) (ii) After 75% percent of the fishing year quota specified in 622.42 (e) is reached the trip limits will go to 300 pounds.

With that being stated, it is my understanding that the intent of the 75% was to allow the commercial fisheries to fish UNTIL the 75% is met. The 25% was in place to serve as a buffer so the commercial fisheries did not exceed the 295,000 pound quota. No where have I read that the quota was to be based on projections and not the actual data being produced. After speaking with Mr. Rueter (May 18) he gave me the landings for the month of April, which now have me more upset!

The break down I received for the monthly quotas:

January 33,955 pounds
February 50,548 pounds
March 48,719 pounds
April 57,731 pounds

This accounts for a total of 199,953 still leaving 30,297 pounds of the 75% quota not met! When I asked what percent of the quota had been landed he told me 70%. By my calculations, that would put us at 64.7%. When asked about the discrepancy he stated that the non-reporting dealers accounted for 9,000 pounds (according to formulas used from last years numbers). The 9,000 pounds is a projected number these non-reporting dealers may or may not have even landed. These dealers fill out the same trip tickets we do, yet there data is not collected on a bi-weekly basis like ours. NOAA Fisheries now takes these "projected totals" from a previous year and adds them to current data. Even with the additional 9,000 pounds added it puts the quota at 199,953 pounds, 67.8% of the quota met. Now if there is a 25% buffer, why are we not being allowed to fish til our 75% limit is met? Why not subtract the non reporting dealers amounts from the 25% buffer?

The really confusing part about all this is the bi-weekly totals for the month of April had to be sent in by May 7. On May 11 the Southeast fishery bulletin FB07-021 was released stating "NOAA fisheries service is reducing the trip limit after determining 221,250 pounds of the 295,000 pound quota has been taken." WHERE ARE THESE FIGURES ???

I am looking at the same data they are and nothing adds up. Our Government is paying people to be in the field first hand to collect the data, we go from monthly reports to bi-weekly reports to avoid overfishing errors, and yet we still cant get the information processed properly!!! In the winter update of the South Atlantic Fisheries Management Councils 2006 edition they purposed that the reduction needed was 34% for the Golden Tilefish industry. At the time, the commercial fishery quota was at a million pounds. The purposal would have resulted in a 660,000 pound quota and provided us with a year long fishery. Instead we had a 70% reduction taken from us and a fishery that lasted us 4 months and 2 weeks. Why is there such a huge discrepancy between the 2 agencies? Was the same data provided to both agencies??

I understand the closure has already been placed into effect. However, this letter is intended to bring to attention that the system is flawed and a more defining law needs to be put in place. It needs to be black and white with no gray. And it is not just this law. We are currently in discussions with certain agencies over transitting through the OCULINA BANK, with golden tilefish. Agencies are being misled with these gray areas. Golden tile falls under the snapper-grouper complex. However it is a subset group, we are ALLOWED to LONGLINE golden tile, grey tile, snowy, and yellowedge grouper. However if conditions are becoming increasingly dangerous and my captain determines that his, his crews, and the vessels safety is in jeopardy, they should be allowed to come into the shallower water to seek safer conditions. I understand the banks closuer is intended for a preserve, but a preserve should not supersede human life. We are not asking to fish the area (the tilefish grounds are much further out anyway), we are not asking to anchor in the area, what we are asking is just to be able to transit through the area for safety reasons. Yet because of these gray areas a agency can manipulate the law and issue a violation, for transporting snapper-grouper complex even though golden tile is a subset fishery determined by NOAA. If one group can read the law one way, why can't another group read the law differently, Example - if we are allowed to LEGALLY LONGLINE golden tile, grey tile, snowy, and yellowedge grouper,

(which are in the snapper-grouper complex) why cant we longline grouper and snapper too? You should not be able to pick and choose what you want and come up with creative law enforcement.

We strongly urge you to re-evaluate the quota amount of 295,000 pounds, like I just previously stated why such a large discrepancy? You are dealing with people/families' livelihoods!! You have taken away Snowy Grouper. Golden Tile lasted four and a half months. Sharks will be open for 30 days out of a entire year, and Swordfishing is not allowed in this area. What is left for the commercial longliner to do? I understand the long term effects on overfishing, but how much of this data being collected is being used properly? We already know the shark data was misused and now with the golden tile, it appears you have not learned from your mistakes. The commercial fishermen is the one suffering from your errors. Meanwhile how many peoples voices and concerns can be pushed aside? The commercial fishing industry has been placed at the crossroads, due to people not looking at the big picture. You have people in the field seeing first hand what kind of shape the fisheries are in. Yet are their voices being heard? I know the fishermens and the dealers voices are not being heard!! At what point does it have to get to where enough is enough?

In the spring 2007 South Atlantic Update in the "From the chairmen column"; the very first sentence reads "**WE NEED BETTER FISHERIES DATA.**" With that being said how much correct data do you need to make these rash changes in the laws? Your chairman is admitting the data is inadequate. Yet what gives you the right to close entire fisheries, and place the American working man out of jobs for 8 months out of the year?

Also have any of your think tank groups thought of the dangers being placed on the commercial fisherman under these quota fisheries? In the month of May, the first 2 weeks had some of the roughest seas we have seen this year. The bell buoy off of Daytona Beach recorded 20 foot waves, yet due to the quota being within 10% of being filled the commercial fisherman had to go out, they don't have another fishery to fall back on due to closuers. Who is loosing what here? The fisherman are risking their lives out there in that kind of sea, injuries are a given. Boat owners know vessels can not take that kind of a beating without parts breaking, repairs are inevitable. And the dealers/fish houses are now being forced to either have imported fish brought in or close up shop because we cannot supply the American public with fresh locally caught fish on a year round basis. The only positives coming from all this is, Government agencies placing tarriffs and taxing the imports

more and more. Then these select agencies can sit back, while their employees get their raises and receive a good pat on the back, while being told what a great job they are all doing! While more and more Americans are losing their livelihoods, I hope all of those tariffs will be able to provide our families with an income too, since we are not being allowed to work.

Again, back to the 2006 South Atlantic Fisheries Management Council's proposal of the 34% reduction. That would have resulted in a 660,000 pound quota, allowing our industry 55,000 pounds a month and given us a year-long fishery. As you can see from the 2007 landings data, we only had 1 month with landings over 55,000 pounds. I really believe that by reassessing the fishery we can come up with numbers that would be beneficial to protecting the species while allowing us a fishery that lasts longer than 4 months. One in which there would be no quota/time restraints placing our fishermen in jeopardy! At the very least, if you choose to turn your cheek the other way, and not address this injustice; please correct the mistakes you made this year. Allow us to fish until our 75% is caught, then give us our proper notification (not projected closure dates). Subtract our final amount from the 295,000 pounds and then subtract the non-reporting dealers out of the 25% buffer. The remaining pounds will fall under the 300 pound trip limit. At least this way, we will be able to fish to our maximum capabilities before you shut us down for the remainder of the year.