

My name is Jeff Oden and i am here to comment on Amendment 51 on snowy grouper.....a fishery that i up until 2006 i spent well over 20 years in Previously as a former A.P. member i was one of a handful of litigants that sought relief from what at that time was Amendment 13C. Amendment 13C and subsequently 15A went on to ultimately cut the commercial trip limit on snowy grouper from 2500 lb's. per trip to 100 lbs... a trip limit that purposely made the fishery unprofitable and i subsequently fell back on a PLL permit which i had previously qualified for. At that time there were three or four charter boats that might on a slow day target bottom fish out of Hatteras inlet. Now there are 45 permitted out of my inlet alone and upwards of 30 that day in and day out target both deep water and shallow, not to mention at least another 70 out of Oregon Inlet....all in and industry that has been allowed to escalate on the backs of the disenfranchised. Twenty four years after the commercial industry was rationalized with a continuing 2/1 permit sanction, this same charter industry still has no control date or limited entry. Between discards and landed fish it is probable that these two Dare county fleets alone exceeds the present recreational coastwise ACL of a approximately 5723.....and ACL which itself is a smokescreen perpetuated on a 6.6 lb catch at intercept derived from old MRFSS methodology. Yet in this document, A51 states, and i quote, "NMFS determined that MRIP-FES data when fully calibrated to ensure compatibility produced the best data for use in stock assessments" end quote. Had the council chosen to use the same MRIP catch at intercept which a 2013 study listed as a 26.8 catch at intercept, the total ACL would have been closer to 1668 fish coastwise instead of the previously mentioned 5723 that it presently is. So now, in table 6 of A51, coincidentally the preferred alternative list a ACL of you guessed it....1668 fish. More incredible than anything however is the fact that if you multiply 26.8 lbs times the present rec. ACL of 5723 snowy, you end up with 153,376 lbs which is about the same as the commercial quota for this year. And this has been going on since 2013 on a quota that is supposed to be 83% commercial. Amazing!

When you do the math on a 119,654 lb. total quota proposed via A51 and times that by the 2013 MRIP 26.8 lb catch at intercept, you end up with 44,702 lbs or essentially over one third of the total coastwise quota..... and thats before discards as well as all the other uncertainties in a co occurring fishery, not to mention the fact of all the 40 and 50 plus pound fish inundating social media that skew it even further. It's little wonder that industry that has minded its business, done everything asked of it by both A13 and A15, and now finds itself being asked to cover for the unaccountable by a council held unaccountable.

So now this council in it's wisdoma council that took a commercial fishery and totally flip flopped it by rendering it basically economically unfeasible (especially now in the day and age of \$5 a gallon fuel) and yet allowed a recreational and charter industry a four month season from Key West to the Va. line to harvest a bogus ACL of over 5700 fish.....it intends to take another 43% reduction out of the industry that has done everything by the councils play book, except vanish. I am here to say instead of a 43% reduction, it's time for the industry to reap the benefits of its sacrifice rather than be sacrificed as a conservation buffer for a council unwilling to do its damned job on a runaway recreational fishery that it is unwilling to control.

Instead of a 43 % cut to the industry, perhaps it needs to enact a 80% reduction in the for hire fishery that it allowed to fill our void.... One can only wonder why this council shelved its previous visitation on limited entry to the for hire industry? Another question is, who gave this council the right to assign privilege from one enterprise to another?

Instead of taking from the accountable and giving to the black hole, perhaps it needs to put a tag system in place to verify each and every fish landed....not of course that would ever be feasible in a fishery with co occurring species and with a possible 20 million anglers. The simple fact is a fishery with such a small ACL and as enthusiastic an audience as it now has, it should have never be allowed more than a month..... not that a season will matter anyway.

So, Instead of 6 observed trips on permitted bottom vessels to check on our bycatch, perhaps you need to also implement that into all of the for hire vessels that are paid before they leave the dock, unlike the industry. We simply don't get paid for discards or the fishing experience. Also, since the observers have the data on size at capture on our vessels, why isn't that being applied to the recreational community because they are fishing the same places we are? And i can promise you, my size at capture this year is at least 26.8 lbs.

Instead of this council putting the final nail in the coffin of a commercial fishery it allowed to be highjacked, perhaps it should have mandated a one hook rig on a one fish per boat bag limit a long time ago...but of course it was never about the resource.....just about a council that chooses to stick its head in the sand and ignore the obvious until they have finally starved out the industry, and outcome A51 seems intent on finalizing. Five dollar fuel and a 100 lb trip limit will be our coup de grac. But of course that is obviously by design

Instead of pointing fingers at industry that has a quota on both offshore species as well as inshore, perhaps you need to start looking at bag limits that encourage snowy to be taken in co occurring fisheries. Out of Hatteras, you are invariably going to catch three snowy to one tilefish. As for the inshore, 10 triggers, 5 vermilion and 15 sea bass which in the latter case just increases discards on a fishery with a 12.5" size limit is ludicrous. When i quit, both the offshore and the inshore fisheries were alive. Notice i use "were" in past tense.

This year after having been a refugee from the SA fishery for 16 years, i bought another old vessel, took my permit off my PLL vessel and decided to spend a few of my golden years chasing the minimal trip limits allowed. What i have returned to has astounded me. Even though as stated before, Hatteras used to consistently be in the top 5% of snowy landings on the coast, and perhaps it will be this year, yet it is certainly but a mere shadow of its previous glory. The same with the inshore bass and trigger fisheries. And the simple fact is, either in the

inshore or offshore aspect of our bottom fishery, you need only look at the commercial landings of the last 16 years versus the previous and try as you might you CAN'T blame it on the industry because we have largely been eradicated.

The old vessel I purchased came with a bass pot endorsement, a fishery which was where I got my start offshore back in 1979. Between three trips with the pots and subsequently making drops on the way in from the deep to check the bottom and or let the triggers clean off the bandit rigs, after four months I am up to 23 bass total in count. Yes, you heard that right! Again, you can't blame the industry because we haven't bothered out front in years. I have a pending sale on that permit...as much as I would like to utilize it. I am seventy, I won't live long enough to likely see it viable again...at least certainly not without this council making some hard decisions....something its political makeup makes it incapable of doing.

To be truthful, perhaps there is more going on out there than just a runaway recreational or for hire fishery which is absolute fact.....perhaps climate change is a factor as well. Furthermore I don't envy a regional administrator that is facing some very hard choices. But the big question is, unlike with the previous regional administrator, does NMFS have the intestinal fortitude to put the things it can control fairly and squarely on the shoulders of the deservingor does it intend to keep blaming the only accountable sector of the fishery? Because in our case, you are quickly running out of scapegoats, by design of course.

In summation, A51 intends to penalize the only entity that should be getting rewarded after 16 years of supposed rebuilding. Furthermore A51 is a total farce perpetuated on a 6.6 pound catch at intercept and is typical of both a SSC only too willing to do the councils bidding, a council too biased to manage, and a regional administrator unwilling to lead. Hopefully the upcoming council meeting will consider A51 for the farce it is and go back to the drawing board with its options. At least I can dream....!

Jeff Oden