PUBLIC HEARING
BAYWATCH RESORT & CONFERENCE CENTER
NORTH MYRTLE BEACH, SOUTH CAROLINA
JANUARY 21, 2013

MR. McCAFFITY: My name is Chris McCaffity. I am a commercial fisherman out of Morehead City, North Carolina. I wanted to comment on two of the issues, one of them being Snapper Grouper Amendment 29 with the gray triggerfish and what you are calling the ORCS. I think the way that you are doing those is very good. You're using the landings data, the high end, and then reducing it by 10 percent and make sure there is not going to be any overfishing. I support that measure. I think you're also doing a good thing about the split seasons to align with the vermilion snapper. They have lived together in many of the same areas and it is really important that both species are going to be legal at the same time. I think that is important that the council is listening to us, and I really appreciate that. Then with the triggerfish quota, it is not as high as the vermilion snapper quota. It is not going to be even with these ORCS.

What we need to do is consider that when we allocate or set the possession limit. That possession limit needs to be set at a level; and you can do it several different ways. You either start out with one possession limit that is going to be low enough to extend that season for six months, or for the large majority of it, or you can start with the high poundage limit that then reduces down to a level that fills that quota without a long closure. See if you could start out with 500 pounds or something like that and drop down to 100 pounds; and that would pretty well extend the season. That gives the consumer a dependable supply of that product through most of the year. It also reduces regulatory discards. Nobody really wants to see wasted fish. The size limits kind of touches on the wasted fish thing, too. All the fish houses I've ever dealt with, they told me we don't want your midget triggerfish; and if you brought them in, they wouldn't buy them.

The free market has pretty well taken care of that. Recreational anglers, if they want to clean the 12-inch triggerfish, more power to them; let them do it. Don't force them to throw back a fish. If they are only allowed 20 or whatever the limit is now on the recreational side, it would be better off from the scientific standpoint and from their benefit to just allow them to keep the first 20 that they catch regardless of size. There is a sad joke on the recreational side that you need a lawyer to go with you to follow all of the laws. Another size limit, you have to consider how it is going to be enforced, too. All laws, even the ones you guys write, they are enforced by the threat of force and seizure of your private property, all of that kind of stuff. You need to take that into consideration. I would like to see that the free market is what dictates the size limit on the triggerfish.

As long as you don't have a quota, it really doesn't matter what size that fish is or when it is harvested as long as you don't exceed the quota and overfish. I think that pretty well touches on the gray triggerfish. The black sea bass pots; I think some of the proposals Rusty Hudson talked about it on the webinar about just having the right whale critical habitat being the closed area and the rest of the areas open. I didn't really like the way the endorsement thing went down. I lost my bass pot tags; many other fishermen did, too. But those bass pot fishermen shouldn't be made to suffer, and I want to support their freedom to fish and do it when the market is right, when the fish are right. In the middle of the summer; that is not the best black sea bass time. The wintertime is when you're going to have the bigger fish and the better price. By doing that, you would also open up the opportunity for a pot fishery for lionfish.

I was at the Marine Resource Education Program down in St. Petersburg; and you were there for the first part of it. The fishermen during the second leg of it that were from the Caribbean, they talked about how they would take female gonads from a fish and use them as bait. They took nothing more than milk crates, zip tied them together, cut a hole, took a flower pot with the bottom cut out of that for the funnel and stuck in there with a couple of bricks and the female gonads. They said they would be stuck full of male lionfish, nothing else, no bycatch of any kind; no females either, just male lionfish. I would like to see that we try to create an exploratory fishery, anyway, and see if we can do that off of our coast and try to control the population of that invasive species. Create another market and profit from it. I guess for what you are scoping today that is pretty much what I had to say, but I am always happy to answer questions and have a discussion.

I'll be part of the visioning project. I will try to work on that. I do urge the council to really look at we need to manage each individual species, as I mentioned with the triggerfish, to avoid these closures. We have over a million pounds of our quotas now allocated to dead discards, and we really need to try to get that under control and reduce that. The biggest way we can do it is by avoiding these extended commercial closures that we have now; and to a lesser degree the recreational closures. I just wanted to add one more thing about the triggerfish and all fish with small mouths. We really need to look at the circle hook mandate and consider removing that. Fish like a grouper and snapper; the circle hooks work very well with them. They have decreased the mortality rate, and that was the reason for putting them on there.

I would also encourage the council to ask John Carmichael in the stock assessment going on with gag grouper – that is off of this subject – to look at reducing the mortality rate in the stock assessment for gag grouper based on the circle hook use. But then think about it is not very effective on triggerfish and it is making a lot of people basically just break the law to fish for triggerfish with a J-hook instead of a circle hook. I wish I had a triggerfish here so that you could see how it is to dehook a triggerfish with a circle hook in its mouth. It tears his mouth up. It is going to break a lot of their jaws to where if you have the discard they are going to die, and they are going to starve to death slowly because of that. That is just a wanton waste of the resource of something that you need to look at; that we can't just do that kind of thing, it is unethical. That was my comment on that. Thank you.

MR. MERSHON: I'm Wayne Mershon, President of the Council for Sustainable Fishing, also owner of Kenyon Seafood, a federal dealer for our fishery. I would like to thank you for the opportunity to provide input on a number of proposed fishery management plan amendments that are either up for scoping or public hearing. These are our comments for council consideration. Snapper Grouper Regulatory Amendment 16; the black sea bass pot fishery closure, November 1st through the 30th; we believe the action the Fishery Council took in Snapper Grouper Amendment 18A in 2012, such as capping the number of vessels utilizing pot gear at 32, limiting vessels to 35 pots, requiring the pots be back to shore after each trip and establishing a commercial trip limit of 1,000 pounds reduce the potential for any interactions with right whales, even though there has never been any reported document of a whale and pot gear interactions. The Council for Sustainable Fishing also supports allowing a black sea bass pot fishery November 1st through April 30th, even if it is restricted to the areas outside the defined right whale critical habitat, such as considered in new Alternative 6 of the proposed amendment.

Moving on to Snapper Grouper Amendment 29, the only reliable catch stocks approach; we support amending the Fishery Council's ABC Control Rule proposed in Action 1, Alternative 2; to adopt the SSC's recommended approach to determine ABC values for only reliable catch

stocks. Action 2; we support the application of revised ABC Control Rule through the selected unassessed snapper grouper species in the low-, moderate- and high-risk category using the risk tolerance scalars in Subalternatives 2B, 3B, and 4B. Fishermen would benefit from the higher ACLs that would result from the amended ABC Control Rule and the application of the higher risk tolerance scalars. Gray triggerfish, Action 3; we support Alternative 4, which would specify a minimum size limit for gray triggerfish of 14-inch fork length in federal waters off North and South Carolina, Georgia and Eastern Florida.

From the standpoint of yield of a 12-inch or smaller triggerfish, it is not large enough to benefit commercial markets and it is pretty small even for a recreational fisherman to eat. We think the fishery could benefit from a minimum size limit of 14 inches. Action 4; we support Alternative 2, which would change the allocation of the commercial ACL to 50 percent from January 1 through June 30th and the other 50 percent from July 1st through December 31st each year. The gray triggerfish season would then mirror the seasons for vermilion snapper. Since these are co-occurring species that are caught together, this alternative would reduce bycatch of both species. Action 5; we support the use of trip limits to manage commercial fisheries; however, this action needs more alternatives for an analysis. Consideration should be given to establishing a trip limit for gray triggerfish that is combined with a step-down trip limit when 75 percent of the commercial ACL is met or is projected to be met.

A range of step-down trip limits such as 50 pounds, 75 pounds, 100, 150 pounds should be considered. Coastal Migratory Pelagics Amendment 24, modifying sector allocations for Atlantic migratory group Spanish mackerel and Gulf migratory group king mackerel; the Council for Sustainable Fishing supports optimization of fishery ACLs. It is clear that in both fisheries the total ACL has never been landed in the 10-year time series within Tables S-1 and S-2 in the scoping document and that the commercial sector has exceeded this ACL while the recreational sector has landed decreasingly lower proportions of its ACL. The Fishery Council should consider reallocation alternatives in both fisheries. Coastal Migratory Pelagics Mackerel Framework Amendment 1; modify an annual catch limit ACL for Atlantic and Gulf Spanish mackerel migratory groups; the Council for Sustainable Fishing supports the alternatives that would increase the ACLs for these fishery groups. Consideration of our comments is appreciated, and I thank you all very much for hearing me.

MR. SOLANA: My name is Alberto Solana. I have a snapper grouper unlimited permit. My boat is out of Wrightsville Beach, North Carolina. Our main method of harvesting fish is spearfishing. A lot of these amendments don't have too much effect on us, but I would like to say something about Amendment 29 and the changes in triggerfish. Although I agree with increasing the size limit on triggerfish to 14 inches, I just feel like there is not enough data on triggerfish to make any changes in ACLs or any size limits on them. As far as I'm concerned, I spearfished all the way from Rhode Island down to Key West; and gray triggerfish in my eyes is a highly migratory species where massive amounts of them are all the way in the North Atlantic and massive amounts are taken in the Mid-Atlantic area and even New England area and back to here. I would like to see more tagging programs and more information taken on them before you make any more changes in it, although the 14-inch size limit I would agree with. I would like to say that the changes in trip limits are another thing I really agree with and I like it. I think it should be used with more of the species, especially triggerfish. Definitely in my eyes we have very little bycatch, if any, but I like being able to having all the fishery seasons opened at the same time even if we're only allowed 50 or 100 pounds trip limit. I would agree with the motion to do that and just have a step-down trip limit on there. I think it has worked really good. This year we saw a start of it with the gag grouper. They just didn't jump in fast enough or lower the

trip limit enough to keep it open throughout the season, which would have helped us a lot. Even 100 or 50 pounds of gag a trip, it makes a big difference. I would like to see the step-down work, even jumping in when it hits 50 percent of the ACL to a certain level and then continually dropping it. That is about all I have to say about any of the amendments up here. Thank you.

MR. CONKLIN: Alberto, there is a stock assessment going on with gray triggerfish right now.

MR. SOLANA: I saw some of the data.

MR. CONKLIN: There are discrepancies in some of the aging on the fish. There has been more information gathered on those. Hopefully, when that comes out, we'll be able to make a more educated decision on what to do about gray trigger.

MR. SOLANA: I was just curious if that was ever considered in any of the stock assessments or data collection. They are on the migratory species category in my eyes. Most people here think they go inshore and offshore, and that is that. I have seen just through my commercial fishing career from all the way up in Rhode Island and Massachusetts; in the summer they are there and then they start migrating back in the fall. We would follow them going right down along the coast. It is not just a couple fish. It is I would say a good portion of the whole stock; half of it is migratory and half of it is staying here and moving inshore or offshore, staying in the same area. I was just wondering if that was ever mentioned in any of the stock assessments or any of the data just doing a tagging program just to find out more about them.

MR. CONKLIN: I can't give you a clear answer on that. Maybe David or Tom might know something a little bit more about what has been done previously.

MR. SOLANA: The main thing that I am just saying is I think you should definitely get some more data on gray triggerfish before we start making any new ACLs or any size limits on them, just to understand the stock and the species a little bit more.

MR. MOORE: My name is Captain Matthew Moore. I run a charterboat out of Little River, and I also commercial fish out of Wilmington, South Carolina, where my primary tool for harvesting fish is speargun during the wintertime. During the stock assessment for Amendment 29 with the triggerfish, have they taken into consideration that probably a couple years ago when they started making everybody go from J-hooks to circle hooks that the number of triggerfish that I was bringing in by charter significantly dropped because of the use of circle hooks, because of the dynamics of their mouth and how they feed and how they are pickers and everything. I saw a lot less fish coming back to the docks triggerfish-wise because of the circle hook. I want to know if that was taken into consideration while doing the stock assessment by looking at all of our trip reports and everything.
Another thing, I will state that I do agree with split season that co-exists harvesting of triggerfish with vermilion snapper, because a lot of guys going after vermilion snapper during the daytime, they have trouble getting on a bite during the day when the triggerfish are awake, and the triggerfish chew them up. They wait until the triggerfish go to bed, lay down in the rocks or on the sand at night until they can get the majority of their vermilion snapper. I will agree with the split season. That's all I've got to say.

MR. CUPKA: Matthew, I don't know if it is being considered specifically, the impact of the different hooks on a triggerfish, but it is I guess considered indirectly in that the type of hook is

going to impact the catch. Catch is one of the data elements that go into the assessment. It is kind of considered indirectly, but I don't know that they have looked at it directly.

MR. MOORE: Yes, I hope like NOAA and the scientists weren't like, oh, my God, the population is plummeting, and like look there is this less fish coming back to the dock; you know, it is because you made us use different hooks. Like I said, I do a lot of diving. I watch them chew up the hooks. They are a bait-stealing little fish. They have a small mouth, fused teeth. They are just hard to hook on the small circle hooks, and you've got to go to a wider gap, smaller shank or a smaller diameter circle hook if you want to get them. Then you are obviously breaking lines and breaking hooks with weaker hooks if you do get attacked by a jack or something like that on the same one. Then you are leaving hardware into a fish, and that is not good.

MR. CONKLIN: Well I've got your e-mail and I am going to try and find that out for you and get back with you as far as the circle hook question.

MR. MOORE: Like I said, a lot of my target fish is not triggerfish; it was just a thought and a concern of mine.

MR. FORD: I didn't see anything other than what was caught over the last – I don't know eight or nine years, as far as the king mackerel and Spanish. I was really surprised by the figures. The king fishing has been atrocious here for the last I would say four to five years. I tournament fish and I recreational fish and I commercial fish. I noticed about five years ago that the decline in the kings was absolutely related to these Virginia boats that were coming here wiping out all of our menhaden, our pogies. That went on year after year; and now when we're out and we're looking at our screens, you don't see the bait balls on your screen that you saw five or six years ago. To me it makes complete sense that the kingfish are smart enough to leave an area when they have nothing to eat. They have nothing to eat. You are looking for a restaurant out in the ocean and Long Bay is like a desert. It doesn't have a whole lot of artificial reefs.

It doesn't have a lot of structure. It is almost like the Saudi Desert, except for an occasional manmade reef. Now that these Virginia vessels cleaned out big, large pods of the pogies, I think basically the kingfish were smart enough to move elsewhere. Now this year was better than it has been for the last four years. This year I saw them coming back; and someone told me that those Virginia boats were banned from harvesting the pogies so close to the beach. Now I don't know whether they were banned or not. But, I believe that the king fishing has been bad basically because the bait fish aren't here. If the bait fish aren't here, the predators aren't going to be here. I don't know the status of these Virginia – it is a big company in Virginia. You are aware of them? You're not one of the shareholders, right? They sell the oil, the pogy oil. They make fertilizer. I don't understand how boats from Virginia can just come down here and wipe out our bait fish. I think that that is a big problem. That is all I wanted to say basically.

I hope they've been banned. I know that Captain Brant out of Ocean Isle and his family have been fighting to get them out of North Carolina because of the pogy situation. We just don't see the bait balls on the screen anymore that we used to see. Your whole screen would be covered. Now occasionally you will see a little blip on the screen. I think it definitely ties into the lack of fish. You are going to go look for a restaurant; and if there is no restaurants, well, then you will head somewhere else. That is all I wanted to comment on.

MR. CUPKA: Thank you for your comments; and you are right, pogie is an important food fish.

MR. FORD: Pogie, menhaden; up in New York we called them bunker. When I first came here – I moved here about 13 years ago – I always called them bunker and nobody knew what I was talking about down here. Bunker; what are bunker? Then they said pogies, and we call them menhaden up in New York as well. The best fishing I ever had in New York under the Verrazano Bridge, when I was 16, was one year the pogies made it up the Hudson River. I was with my dad under the Verrazano Bridge, and all of a sudden we saw miles of pogies. Boy, did we catch the fish. We caught striped bass and bluefish all summer. Then they disappeared and the pogies never came back under the Verrazano, at least while I was fishing there. The fishing went back to catching hackleheads and eels, because they follow the bait.

MR. CUPKA: Like I was saying, they are an important food fish and are managed primarily by the Atlantic States Marine Fisheries Commission, which are states from Maine to Florida, because it is mostly an inshore fish. Many years ago they were banned here in South Carolina, and I'll tell you why; because there was a state senator, Senator Drummond, who was fishing off Georgetown and one of those pogie boats set their runaround net around Senator Drummond. Well, he went back and had a law passed saying that they couldn't fish for menhaden with runaround nets in state waters. That was many years ago. At one time there were a lot of factories, even in this state that processed menhaden. We used to have one down in Johns Island, and another one further down toward Beaufort, Lady's Island and all. But over the years they've all gone out of business and have been consolidated. Now the big one is out of Reedville, Virginia.

MR. FORD: That is the one I'm talking about.

MR. CUPKA: Yes, and then there is one in the Gulf that also works out of Pascagoula down there. But they are important fish, and the Atlantic States Marine Fisheries Commission within the last couple years have started paying more attention to them. What they are trying to do is limit the harvest of them, because they are so important as food fish for striped bass, bluefish and various fish.

MR. FORD: Absolutely. If you don't have something for the fish to eat, they are going to go to Alaska. They're going to go to Florida. They are going to go wherever they can find food. If they wipe out the bait, what is going to keep them here? The water in Long Bay is surprisingly devoid of fish life in Long Bay. I mean, for such a big expanse it is devoid. You watch your screen, you don't see anything. You are watching your screen; you don't see the bait balls anymore. There is nothing for the fish to eat.
I was just fishing in Biloxi in the kingfish tournament. The bait fish are everywhere, and the kings are there; big kings. One of the records came out of there two years ago out of Ocean Isle guys that I know, in Biloxi. But when you go out and you throw a cast net in Biloxi, you fill it up in a minute and there is just an abundance of bait. That is why they have the tournament; they have the national tournaments there. You are going to go where the fish are. Long Bay, there are not a lot of pogies in Long Bay, they are just not here anymore. You see little and it is a shame. I think if they bring the bait fish back, they wouldn't have to worry so much about quotas and what is happening with the kingfish. They are so worried; well, they didn't catch that many this year, so they must be in trouble. They are not necessarily in trouble; they are somewhere else. They are not going to stick around.

MR. CUPKA: Like I say, Atlantic States is paying more attention to the importance of bait fish and trying to reduce the directed harvest on them so they will be available to provide food for

these game fish. I know what it used to be like. I worked for South Carolina DNR for 35 years, and I saw what happened with pogies in this state; but they were outlawed, the fishing for them. Senator Drummond did outlaw them years ago.

MR. SEBASTIAN: The only one I'm concerned with is the black sea bass trap, and it is currently closed down for, what, like a five-month period or something along those lines? I come from the recreational headboat/charterboat fishing. I don't mind letting those guys trap, that is fine, but I think that if not now, at some point in time there should be some type of delineation, a distance where they would have to stay maybe offshore to protect the headboat charter fisherman; because if they've got a 12-inch limit and we've got a 13-inch limit, we can catch almost the same poundage of fish roughly. They are trapping those areas right around the inlet where the charter/headboat guys have got to make their money. By the time we hit our open season, man, there are no 13-inch fish to be found. If you can kill two birds with one stone, hey, save the whales, save the headboat/charter fishing guys and let us make some money.

Push them to 20 miles offshore or something along that depth, 15 miles off. Just give us that 10-mile, 15-mile bump; where when our season comes in, we'll be able to make some money and our customers, which number in the thousands to tens of thousands versus 32 trappers, will be able to go out and have a really good time and enjoy themselves and come down and spend millions and millions and millions and millions and millions and millions of dollars in South Carolina, because that is where the real money is and not 32 guys making money off traps. That is pretty much about it.

MR. SHUMAN: I'm a recreational charter captain. On that amendment with the bass pots, the only think I would suggest was to have a depth or a mileage; you know, 15 to 20 miles before – in other words, they can't set them inside of that. I take a lot of families in Myrtle Beach here, and the kids love catching those things. But when you have somebody out there setting pots and scooping up all the things, it is just not good. Like Cam had said, all of mine are vacation people. They come down here and they have a blast. They have a blast out in the water. I teach them about fishing and the different fish that are out there, and it is a good thing. I want to keep it going. Thanks.

Transcribed By:
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January 2014

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
North Myrtle Beach, SC	January 21, 2014

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CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

- [x] Snapper Grouper Reg Amendment 16 (bsb pots)
- [ ] Mackerel Amendment 24 (allocations)
- [ ] Mackerel Amendment 26 (permits)

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LOCATION OF MEETING (CITY & STATE): North Myrtle Beach, SC

DATE OF MEETING: January 21, 2014

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DATE OF MEETING: January 21, 2014

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- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

- [x] Snapper Grouper Reg Amendment 16 (bsb pots)
- [ ] Mackerel Amendment 24 (allocations)
- [ ] Mackerel Amendment 26 (permits)

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
North Myrtle Beach, SC	January 21, 2014

YOUR NAME (PLEASE PRINT): Tracy Edge (SC House representative NMB-Little River)

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): SC House of Rep

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing: just to make a general statement

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
North Myrtle Beach, SC	January 21, 2014

YOUR NAME (PLEASE PRINT): Kenny Moore

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): Coastal Angler Magazine

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For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

- [ ] Snapper Grouper Reg Amendment 16 (bsb pots)
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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
North Myrtle Beach, SC	January 21, 2014

YOUR NAME (PLEASE PRINT): Dean Foster

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CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE) North Myrtle Beach, SC	DATE OF MEETING January 21, 2014
YOUR NAME (PLEASE PRINT) Chris Stevens	TELEPHONE NUMBER (& AREA CODE) (843) 281-9159
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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) HURRICANE FLEET	

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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LOCATION OF MEETING (CITY & STATE) North Myrtle Beach, SC	DATE OF MEETING January 21, 2014
YOUR NAME (PLEASE PRINT) Tom Swatzel	TELEPHONE NUMBER (& AREA CODE) 843-222-7456
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EMAIL ADDRESS tom@swatzel.com	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Council for Sustainable Fishing	

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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For Scoping:

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
North Myrtle Beach, SC	January 21, 2014

YOUR NAME (PLEASE PRINT): John Tinker

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
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YOUR NAME (PLEASE PRINT): TOM KEEGAN

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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LOCATION OF MEETING (CITY & STATE): North Myrtle Beach, SC

DATE OF MEETING: January 21, 2014

YOUR NAME (PLEASE PRINT): BARBARA MACKINNON

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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LOCATION OF MEETING (CITY & STATE): North Myrtle Beach, SC

DATE OF MEETING: January 21, 2014

YOUR NAME (PLEASE PRINT): D. GRANT MACKINNON

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
North Myrtle Beach, SC	January 21, 2014

YOUR NAME (PLEASE PRINT): Dan Aves

TELEPHONE NUMBER (& AREA CODE):

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): NA Seacoast anglers

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

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YOUR NAME (PLEASE PRINT): Melissa Morgan

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): Little River Fish House

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [x] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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North Myrtle Beach, SC	January 21, 2014

YOUR NAME (PLEASE PRINT)	TELEPHONE NUMBER (& AREA CODE)
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Little River Fish House

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PUBLIC COMMENT SESSION
KEYWEST MARRIOTT BEACHSIDE HOTEL
KEY WEST, FLORIDA
JANUARY 27, 2014

MR. KELLY: Chairman Hartig, Mr. Jolley, my name is Bill Kelly. I represent the Florida Keys Commercial Fishermen's Association, the largest trade association in the Florida Keys representing commercial fishermen, fish houses, restaurants and other interested parties. I will take these in order, I suppose. We'll start with Amendment 24 to the joint fishery management plan. Just very briefly, with regard to allocation; we would like to see you examine the catch history over a long period of time in fairness to the fishermen. There have been a number of changes that are taking place lately with regard to no sale provisions by the for-hire sector. In that regard, probably some adjustments are likely to increase the commercial allocation that would fill that void. It is also my understanding that the recreational sector has consistently underfished their allocation; and so a periodic review of allocations is in order and needs to be addressed by the council. With regard to Amendment 26, joint fisheries management plan for coastal migratory pelagics; this has been a contentious issue here with regard to both hook-and-lines permits and gillnet permits.

Several years ago we introduced some accountability measures and actually requested that the councils consider eliminating latent permits in the gillnet fishery. There were five of them. Much to our surprise and our relief, the council said, no, we're not going to do that just because these guys haven't exercised their right to fish. We shouldn't be arbitrarily putting people out of business. We salute that effort. The main reason and our main concern was to bring some credibility and accountability to that gillnet fishery, which is one of the most successful that there is prosecuted in the state of Florida; minimal bycatch, highly efficient. We just wanted to increase our level of accountability to the councils. We don't favor two-for-one provisions or any adjustments there or any retirement of latent permits in the hook-and-line fishery. The reason is here in Munroe County we have a number of latent permits and it is directly related to our trip limits, which I have suggested to both councils are inappropriate at 1,250 pounds with a step-down to 500 pounds at 75 percent of quota.

With fuel costs and the distances that we run, it is simply inappropriate. If we're going to assess whether or not there are latent permits in the fishery and they are going to remain that way, then maybe a modest boost in the trip limits would address that issue. I will tell you that there are a lot of very surprised fishermen; in excess of 100 hook-and-line permit holders in Monroe County that are particularly annoyed and upset about the South Atlantic Council and their Mackerel Committee endorsing those increases and the Gulf Council's Mackerel Committee endorsing those increases; and then suddenly for the Gulf Council to take a reversal on this, keep it at 1,250, remand it to the South Atlantic Council, who in turn also did 180's by both their Mackerel Committee and the Full Council; they then sent it back to the Gulf Council and it will be addressed at the meeting next week in Houston.

Like I said, we've got in excess of 100 permit holders in Monroe County that are being severely restricted by that limit. The case is being made by approximately 25 permit holders in Collier County that this would financially drop the price of mackerel, but that has happened for years, anyway. But the bottom line is whether the price remains the same or it does drop is that 18 years ago, when these council's proposed the rebuilding programs for king mackerel, the

industry was promised that they would get those quotas back when the stocks were rebuilt. They are; they have been. It is one of the most underutilized species in the Gulf of Mexico, and we're continuing to be penalized. That small handful of fishermen in Collier County now enjoys the migration of those fish down to the south at the beginning of the season. Our hook-and-line permitted fishermen can't afford to travel those 80 miles each way to harvest those fish. Then the Collier County fishermen enjoy and reap the rewards when those fish make their trip back northward. I will make one final plea at the Gulf Council meeting next week to see if we can't get a modest increase to 2,000 pounds.

That would be I think an appropriate way to gauge whether or not there is going to be an increased renewed action in the fishery and also help us to address latent permits. The next item coastal migratory pelagics for Mackerel Framework Amendment 1, Action 1, modify the annual catch limit; we support the South Atlantic's preferred Alternative 2. On Action 2, modify the annual catch limit for Gulf migratory group Spanish mackerel; we support the Alternative 2. Something I skipped over; we are not in favor of separate permits for Gulf and South Atlantic or separate permits for Spanish in Spanish or king mackerel fisheries. The final item here for Snapper Grouper Amendment 29, Action 1, amend the South Atlantic Council's ABC Control Rule; we support your Preferred Alternative 2. On Action 2, apply the revised ABC Control Rule to select the unassessed snapper grouper species; we support your preferred Subalternative 3B. Action 3, modify the measurement method for gray triggerfish and establish a size limit; we support the Preferred Alternative 3. On Action 4, establish a commercial split season for gray triggerfish; we support Alternative 1, no action. Action 5, establish a commercial trip limit for gray triggerfish; we support Alternative 1, no action. That completes my testimony. I want to thank both of you for taking time to come down here and give us the opportunity to voice our opinions.

MR. HARTIG: Thank you, Bill, I appreciate that. One of the interesting things I saw come out of the Spanish mackerel assessment was the realization that there are a lot of mackerel in the Gulf coming out of that stock assessment. I think you will see the same thing in king mackerel from the preliminary. Now, I can never tell you how an assessment will come out, but to me it looks like the recruitment is up; and it has been pretty steady on the high end for a pretty good period of time. I would hope that translates into a higher TAC for the Gulf. If that happens, I have no problem coming n and entertaining a different trip limit for your guys. That is not in the distant future. That is not far away.

MR. KELLY: Right; but the thing that concerns us is if we got a good stock assessment and they were to increase quota and we're harvesting more fish, isn't that going to have the same economic impact that fishermen seem to be concerned about now both in northeastern Florida and in Collier County?

MR. HARTIG: Well, mainly northeastern Florida should be done. Their fishery will be over by the time your fishery starts. The only interaction we'll have is between what used to be the mixing zone on our side and then the Keys fish. We'll have to see. We'll have to see what kind of a trip limit. Your guys were willing to go from 3,000 to 2,000; which I thought was a pretty good compromise. I think if we get enough fish, that wouldn't be a problem. Yes, there may be some impacts on our fishermen; but if you have the fish, that is just going to have to be part of it. To me; we had talked about it before, the fairness issue, the guys who had been in lobster and stone crab versus the guys who were in king mackerel and grouper and then how things evolved

over the 18 years, we had the 1,250 pounds. As fuel prices rose and as prices for lobster and stone crab rose, there wasn't that interest as much in king mackerel as there was previously. People evolve – people from Collier County, which you say, evolve more into king mackerel and grouper; and then your guys primarily lobster and stone crab fishermen. But you do have still a pretty good contingent of trollers in Key West that still participate in the fishery. Based on that petition that I saw, that internet petition, and the interviews with each one of them who put their points to why they wanted to see the 1,250 pounds stay at that level; it was pretty compelling to me that you still had a lot of participation from Key West in that fishery.

It is not all the same people probably. But I know the stalwarts; I know Bobby Pillar has talked to me for years, and a number of the Cuban fishermen as well have wanted that trip limit increase. Hopefully, we'll be able to do that in this next go round if we get a substantial increase in quota. I just can't see if you are going to increase it and make it high enough for more people to participate in it now, you've already got the quota stretched out about as far as you can get it based on the number of fish you have. We stretch it out into March, you get some of that Lent interaction, and you get some of the highest prices. If we put that significant increase, you are going to add more people. You are going to catch the quotas quicker. You are not going to get the economics of Lent and it is going to create a problem in people's business plans. Now, yes, it disadvantages the guys in the Keys who have fished that fishery forever, and I understand that. But, they have evolved into other fisheries.

MR. KELLY: Well, we've traditionally been multispecies fishermen down here. When we say the fishery is evolved, the fishery has evolved the way it has because these guys were regulated out of business essentially in that fishery. We've got well over 100 permit holders here in Monroe County that had to adapt to that. Yes, it evolved to other areas where it was convenient and they were closer to shore. We've actually seen a growth in the fishery in permit holders in Collier County, because that is a much lesser run. We're being penalized because of the regulatory measures. The stocks are fully rebuilt. This is a fishery that was traditionally in the Florida Keys. It was anchored here. The thing is with the promises that were made; we're not seeing any benefits of the rebuilding program. We have a substantial number of fishermen who have had to make do. But it is like anything else, a multispecies fishery; if I take ten grand out of your pocket here on mackerel and maybe to get another five grand out of your pocket on yellowtail or something like that; it all adds up. They've still got the same mortgage payments and kids to put through school and things of that nature. We're asking for fairness in the allocation of the fish.

MR. HARTIG: I know that wasn't a topic on the agenda, but I wanted to get your views on record.

MR. KELLY: Right; and I certainly appreciate that. I want to thank you very much. As I recall on that last stock assessment, the SSC recommended – well, they set the quota at 13.2 million pounds. I believe the SSC had said that you could go to 17 million pounds without having any negative impacts on the fishery. We really need to take a look at these numbers here and we need more and frequent stock assessments on all species, so that we can adapt on a timely basis.

MR. HARTIG: You are absolutely right. The assessments have been behind on the Gulf stock based on what I have observed over the years. Hopefully this one will catch up and get us to where we need to be.

MR. KELLY: Right; and there are some meetings taking place in Washington here soon on the reauthorization of Magnuson and so forth. We are pressing for fisheries management based on science and not on the best available science. Let's set some minimum standards. Let's get assessments made on economically important species by region, so that we're on top of these things.

MR. HARTIG: You're preaching to the choir with that one.

MR. WARD: I'm Gerald M. Ward; Riviera Beach, Palm Beach County, Florida. I am also an owner down here in Monroe County, Florida. It got too cold in Palm Beach. I gather, Mr. Chair, you are a Jupiter man.

MR. HARTIG: Actually I grew up in Riviera Beach, so I grew up around the Morays, Hardens, and Darville's.

MR. WARD: Since I'm supposedly on the record now, I'm not going to tell you what I told your member earlier about Riviera Beach. He, like me, has had optimism that we have the best piece of real estate in southeast Florida; bit somehow we are walking backwards. I guess the first thing is I did try and drum up some people to come tonight, because I appreciate the two of you showing up all the way for five hours away. It is convenient to me, because I just go down Truman; and when it makes a 90 right the second time, it makes a 90 right here; and it makes a 90 right the second time, that is my house. I think you do need to overhaul the meeting process out the door. The ladies next door are as important as you guys are to making people understand; and when I first pulled down – and I did Snapper Grouper Amendment 29 first because that interested me both from the basic species as well as the triggerfish.

I would tell you the use of acronyms – and I do this to the Florida Legislature and to no end of bureaucrats at the state level, spell out what you're saying and quit using them. Now you do identify – like ACL shows up on Page 3, at the top of the page, explained. For those of us that don't deal in bureaucracy every day, acronyms get us confused. I have been very successful in some elements – Fish and Wildlife Conservation Commission, Office of Boating and Waterways – of changing their attitude. You spell out what you're saying, even if it is repetitive. It often makes the report shorter, because you really don't need as many pages as come forward.

(Remark made off the record)

MR. WARD: He has been very good for a half a century or so in Palm Beach County. He and I are getting old. The experience I've had was a week ago or two I went out on a small headboat and went bottom fishing in 70 feet on the reef, and then out to 120 feet on the reef. I got four hours or three hours worth of experience. And it was a rough day; probably six foot. The wind was 3/20 when we started. We went north of the inlet and had what I called great success, but more importantly the success was in diversity. We kept snapper, we kept triggerfish; we caught one small peanut dolphin with a flat line off the back. We sent back a number of other diverse species. I am not a fisherman as such. I can't tout being a West Palm Beach Fishing Club guy; but I would tell you that it impressed me to no end that we do have available for any Tom, Dick and Harry a large diversity of species in the Palm Beach County area. We were within three miles so we stayed within Riviera Beach shoreline. The state changed it in 1974, so the town goes three miles offshore.

That is just one more attribute that I tout about Riviera Beach. The proposed rule is to change a process which appears to be highly statistical, the ABC Control Rule. It is touted to be applied to unassessed species, meaning species that we don't seem to have a lot of data on harvesting or total quantities. That rule went into effect in 2012. I am not quite sure that you are ready to change it unless you have the staff prove to you that they didn't do good enough in something that is less than two years old. I am a great fan of the Florida Fish and Wildlife Conservation Commission Group out of St. Petersburg. Back in the sixties we used to go rifle their library; effectively their reports. I've done that in the seventies. It went downhill. A director ago was actually heading it up before he became the director of the commission. They do a lot of good work.

I'm not so sure that the feds should not start funding at a greater level Fish and Wildlife Florida as a means to stop what I see here as a – well, this may be better than what we've got, but is it really correct to proceed to it? I am very concerned about the risk factors. You have four being proposed; low, moderate, moderate low, and moderate high. The scale factors that come out of that get applied and then you have – I call it a safety factor – 10 percent for low. Moderate is 1.5 percent – I mean, 20 percent and moderate high is 30 percent. Almost everything in this whole new computation is nice round numbers of 10 percents or something of that nature. I know we have a lot of smart people that come out of the universities with PhDs.

I keep telling people the best thing they need to do is take statistics in their high school – physics, statistics, geometry – and forget all this higher math. That is a common sense way of doing business. I happen to be an engineer so higher math doesn't help me in most of our business. I would certainly like to see you query the staff as to whether they really are going to get something out of this. I am not a fan of splitting – although it has been touted that if you split north and south in evaluations, you can make changes quicker. If you can show that the bureaucratic process will feed you information back to make changes in allocations quicker, then, yes, maybe so. I think that when you get around to the reductions in landings, Page 13, which target the private, charter and headboat sectors, you need to start asking some economic questions.

If we target them, what is the difference when we have made things so complex that many people do not want to accommodate commercial fishermen in the state of Florida anymore? The businesses turn around and say it is simpler to buy fish out of a foreign country. That may be good to do what I just found in the last week or so, the diversity of what we landed off of Palm Beach; but I am not sure that is good for the health and welfare of the country. I am not sure I wanted to bring it up on this particular segment – but I think I had it under another one – that we have to look towards our younger folk. I guess I need to go to the public hearing for framework for Amendment 1, which is supposedly and truly three-tenths of a million pounds increase in catch. But if I were sitting in your shoes, I would start asking staff to give me not a ten year, which they did on the grouper snapper, but I would like to know for the mackerel 50 years worth of data.

The first thing they are going to tell you is, oh, we don't trust the data that is old. Yet I think that is illustrative to you, because I go back to 1964 when I was on a coast survey ship and every night at quitting hour we would anchor down over an old wreck. We either fished for bottom fish or fished for mackerel. The schools of mackerel would come down the coast. That was probably before we had aircraft to go put big nets around them and cause a significant problem.

I think you need presented the total picture of what we think landings were. Now, yes, they may be flawed, which is the reason that you've got the Amendment 29 to deal with the control rule, because you want something to deal with unassessed species. I really would like to think you need the full presentation, because I would take a silver spoon and flip it into a school of mackerel and the ship of 35 had dinner that night for three or four of us having fun, whether we put a whaler over or whether we just fished off the ship and the school came by. It was something that we fixed. We overfished the mackerel and it is no longer a problem. That sort of covers the Framework Amendment 1.

For Amendment 24, it is curious to me from the statistical standpoint when you look at the Tables S-1, S-2, which is roughly 10 years worth of tables, a decade; it is good information on landings yet we basically probably didn't have any stock data, because it is all the same. If you are dealing in 10 million pounds, it doesn't matter to me whether it is 10.2 or 10.8; we've got numbers that may not have had significance for years. That is why giving you a historical presence in terms of any species you're dealing in should be better. If you go to the Table S-4, and Table S-3, people said, well, let's just discount the times when tropicals occurred. We all know Francis and Jean. My wife just screams and hollers will it ever quit? She was moving 2 knots. The landings went down in the following fish year, because people had other things to do. They had to fix their house and they had to fix this up and the other.

It is needed to have that displayed; and our statistician is really the person who can tell you whether you should discard it. I sometimes wonder whether you should ever discard something, because it often finds that the following year or two years or whatever there is a bump that goes way up the other way. Using climatic events may not be the thing you need to do. I've taken your time. I really do think we need to go back at the NOAA elevation of our government to look at what the costs are when you develop dual permits, for instance. How many bureaucrats have to be hired? How many dollars have to come out of permittees' pockets? I'm very concerned that you don't get back what you hope. An academic or scientific type may think, oh, we're really trimming the data; but it is like me going through. Everything I did I rounded it to tenths of a million in terms of pounds.

There is no use dealing with these numbers that just go on forever. You can't get your mind wrapped around it. The system as structured by the Federal Fisheries Act is intended to function on data. The better thing would be to find a way to get our data better. I think Fish and Wildlife Conservation Commission, state of Florida – and your member here today raised a very good question; why there wasn't anybody there from FWC in the last couple days at the tournament we opened a brand new marina facility here, had a big tournament, and had to be supplied out of the north for bait fish, for instance. You turn around and nobody would do like we do at the KDW and have a Fish and Wildlife guy there censusing and checking on fish. I think more people would become better served by having less diversity of regulations and less options. It may be that you can have a Gulf and an Atlantic permit split, but I typically find that scofflaws are going to flaunt that; and all it will do is run a few younger people out of the business saying I want to go do something else. Thank you, gentlemen.

MR. HARTIG: Yes, Mr. Ward, it is interesting; you pointed to our tables and chose a very limited landings' years. That is correct; we only usually look back at that number to look at those allocations; but if you are really interested in where the science comes from in assessing our stocks, the SEDAR website; S-E-D-A-R –

MR. WARD: I saw that acronym.

MR. HARTIG: You can get on that website and you can go to all the assessments of the species you are interested in. If you go to that website like for king mackerel or Spanish mackerel, we usually go back into the fifties in historical and sometimes farther for most of our stocks. Like you say, there are uncertainties in your landings prior to a certain date; prior to when trip tickets were implemented, prior to when species were separated and things of that nature; so the model is weighted. That data is weighted differently going into the assessment than the other data. We do take those into account.

MR. WARD: By the scientific committee. What I'm always concerned about is the decision-makers get the bigger picture.

MR. HARTIG: That is a good point as well. When all of that is talked about at the data workshop for all those years, recreational and commercial fishermen are involved in that process or can be and usually are at least recently when they review that data. All the questions that the data providers have about the data try to get answered at that data workshop. It is week long when they look at the data. We do this periodically. We have different kinds of assessments; a benchmark, a standard and an update. The benchmark is the comprehensive where you look at everything. You have a week-long data workshop, you have a week-long assessment workshop and then you have an end review by independent scientists from other parts of the world that come in here to review our assessments. It is a very good process; and the data that goes into it is reviewed extensively by both people in the fishery that have the experience and the scientists to groundtruth that data to make sure it is up to our standards.

MR. WARD: But do you, as boots-in-the-water fishermen, believe that your associates can go to a meeting like that and tear apart a scientific, academic, statistician's desire to do something?

MR. HARTIG: The assessment process is supposed to be neutral, but human nature it is not.

MR. WARD: It is not.

MR. HARTIG: It is not and that is a very good observation. What we do is over the years we have developed a number of people who are credible witnesses or credible people on the water that will bring the truth to the table as they know it and not try and manipulate the system in a uninformed way or something different than how people have seen it. I think we get a pretty good analysis from the people who participate. We have what we call a SEDAR Pool. That is something you could get into.

MR. WARD: If I get into anymore things, I'll be worse off. You have a representative on our 12-county navigation authority for the east coast, Jerry Samson out of Brevard County. Jerry is absolutely the tempering force because he comes at things different. That board is a good board, because it has been fairly diverse over the past. You need to find a replacement for him, because he isn't going to find another appointment. He is term-limited. Regardless of his lobbying abilities in Tallahassee, I think the next governor won't reappoint him. You need people like him on a board. Our purpose is more or less to make you think about some things that maybe will –

MR. HARTIG: Your comments are very appropriate. We're just going into this visioning session that we're going to do. What you have told us today is really a lot of what we want to hear from the public in this visioning process that we're going to start here in April. We're trying to schedule one at the club, so I very much encourage you if you're available.

MR. WARD: You do a very good job of noticing meetings, at least the council does. I obviously got this and said, oh, I'm going to be in Key West and I can be there.

MR. HARTIG: We appreciate it. I don't know you personally and we have a parallel time in Palm Beach County. I moved there in '57. We have grown up seeing the same kinds of things and changes.

MR. WARD: From different perspectives; I'm an engineer you are boots in the water.

MR. HARTIG: Yes, but I mean you have a love of the water as well. You have seen the changes. I'm heartened to hear that your trip on the headboat was a good observation that we still have a diversity of fish to be able to be caught in that area, because there is a lot of pressure there. John knows the changes. For the largest animals; the largest animals have changed the most, there is no doubt about that. We don't see as many of the large animals, except for Goliath grouper and then gags when they come through in their migration. But other than that, you don't see many black grouper in that area anymore, which used to be pretty common back in the day, nice big fish, too.

MR. WARD: My last tour of duty was in Hawaii so I became a diver. In Hawaii you dive off the beach, just absolutely – it is great for your physique, because you get to swim out with your tank. You don't have a boat you have to deal with. You understand currents that go around the island, because you don't want to be walking back a quarter of a mile, a half a mile with your tank. You want to be able to come back in to the same spot. The same thing happened here diving in the seventies. We truly do need to watch what my real business is, water resources. As much as people scream, we've done very well in protecting you against a flood of your rear end since '76; but we have not understood that we keep discharging a bunch of crap, storm water, I mean. All you've got to do is drive over the Blue Heron Bridge and say; hey, I can't see the bottom because it rained a half an inch or two inches. That is because we're pushing it out the oven.

MR. HARTIG: As a fisherman over the years, I've noticed the changes and the algal blooms have increased tremendously and dramatically over the last 20 years in particular, so much to the degree that it actually settles on the reef in places on the back sides of current eddies in the reef and smothers portions of the reef. Those types of things, as we pumped some of this sewage into the ground; out of sight, out of mine; but that percolates through the aquifer and actually could come back up. I don't have to tell you; you are Mr. Water.

MR. WARD: C-1 Canal down in southern Dade County; that is where the other part of the Tiki Restaurant is at Black Point. I would go between here and Palm Beach. It is a short distance off of the turnpike. But the C-1 Canal; adjacent is the landfill; adjacent is the South Dade Waste Water Treatment Facility. The documentation is right there. Pump it down 3,000 feet, and by God it is showing up in the bay. You do have a lot of signature pollutants that you can track and yet nobody wants to talk about it. That is where we have a real problem. I did just give John a

copy of the Department of Interior Budget that was just passed. In it is a substantial increase, like four-tenths of a billion dollars over last year in terms of the grants' program for drinking water and waste water treatment. Somebody; they took three-tenths of a billion off of the Land and Water Fund, but they put four-tenths of a billion into these other issues. We have got to think about where we put stuff in the ground and otherwise treat it and reuse it.

MR. HARTIG: I've always been a proponent of reusing water. We haven't gone to the extent that I've always wanted to see it. One other thing, though – I'm going to change gears just a second. You had mentioned that only reliable catch or data-poor species; that you thought we probably should use a longer time series or maybe a more informed judgment on how we change it before – well, really review it. Well, that process actually had fishermen and scientists actually sat at the same table and arrived at these numbers. Now, were we happy with what we got as everything moderate? No.

MR. WARD: You better not be.

MR. HARTIG: We were not happy.

MR. WARD: Cut the baby.

MR. HARTIG: This is a first cut at that process. Hopefully, we want to improve that going into the future. The initial way we did it, that was pretty tough. We've got some closures in place for some of the species that I don't think are warranted, so we've got to work on that. This was a way to try in a stop gap. We're moving ahead with a new process of how to manage. It is going to take some time and some different ways of looking at things. In fact, they are having a big workshop at the Miami Lab about data-poor species with everybody from around the country, and even other places in the world are coming to talk about how do we manage these data-poor stocks better? We're making inroads into that and this is one way we're going to try it.

I don't think anybody from the fishing side of the equation was happy with everything coming out like it was. It needed to be more informed by more fishermen. We could only include a few people so we had a limited range of scope to develop all these different levels. I can't remember exactly the word to use for it. But all these different characteristics of each species were informed by not enough people in my opinion. I said we have to do this with our advisory panel through the entire range to get a better informed look. Frankly, I can come up with rock hind – rock hind was one, not the red hind, not the strawberry grouper, but rock hind is an animal that I've seen virtually disappear from the reefs that I fish. Where I am it is locally depleted, but up the coast it is not that way. How do you put all these in? A certain area is locally depleted and they are fairly abundant up here; so what does that come out to? We are going to tackled that.

MR. WARD: Well, I am very happy with the system we have in the state. The feds, no different than my lead income, it is about communication. Sometimes the further you get away, the less the communication is; that we didn't know these folks were next door until after we found out. It is important to be able to communicate. We need the data, because the data is where you solve the problems.

MR. HARTIG: I think a number of us on the council – and I know John is a proponent of this – is any increase in science funding I think we should funnel through the state system to do that.

We've talked about even at the congressional level that the states need to be more involved with the science, because I think they could do it more economically and, frankly, better.

MR. WARD: I am totally convinced. Well, do we have ten other people that want to speak? It is only 18:30.

MR. HARTIG: No, because based on the weather I saw coming down here, I knew what was going to transpire. And rightfully so; fishermen have to make a living, both recreational and commercial. Anybody with a boat is going to be on the water.

(Whereupon, the public hearing was adjourned)

Transcribed By:
Graham Transcriptions, Inc.
January 2014

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Key West, FL	January 27, 2014

YOUR NAME (PLEASE PRINT): Bill Kelly

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): FL Keys Commercial Fishermen's Assn.

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [x] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [x] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

- [ ] Snapper Grouper Reg Amendment 16 (bsb pots)
- [ ] Mackerel Amendment 24 (allocations)
- [ ] Mackerel Amendment 26 (permits)

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Key West, FL	January 27, 2014

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

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CHECK IF YOU WISH TO MAKE A STATEMENT

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Key West, FL	January 27, 2014

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For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

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YOUR NAME (PLEASE PRINT)	TELEPHONE NUMBER (& AREA CODE)
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LOCATION OF MEETING (CITY & STATE): Key West, FL	DATE OF MEETING: January 27, 2014
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For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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For Scoping:

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LOCATION OF MEETING (CITY & STATE): Key West, FL	DATE OF MEETING: January 27, 2014
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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Key West, FL	January 27, 2014

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PUBLIC HEARING
COCOA BEACH, FLORIDA
DOUBLETREE BY HILTON
JANUARY 28, 2014

MR. HUDSON: Thank you, Mr. Chairman and Council Member John Jolley. Rusty Hudson; representing the East Coast Fisheries Section of the Southeastern Fisheries Association. Today I've have brought five written comments that East Coast Fisheries Section Board affirmed. If there are any further needs for changes, we'll do that with a February 3rd date. Right now consider these final unless some changes come up. As I also mentioned, several of the folks are going to be showing up in Jacksonville tomorrow, who are either fishing today or whatever; having to do other work so they couldn't make it here. The first thing I would like to comment on is Snapper Grouper Regulatory Amendment 16; the removal of the black sea bass pot fishery closure. In our desire for proposed action to modify the annual November 1st to April 30th prohibition, we choose Alternative 4; the black sea bass pot closure applies only in the designated right whale critical habitat in the South Atlantic Region. We feel that is preferable.

We have a very difficult time with revised Alternative 5 and the new Alternative 6 since they are using the idea of a 25 meter depth, which equals greater than 82 feet of depth. For the benefit of fishermen, any protected resources references to depth should be done also in feet and/or fathoms so that they can better understand it as opposed to meters. Even if they went to less than 20 meters, that would still be just under 66 foot. As you know, we have a lot of shelf area that extends far offshore of our region that is in the 60 to 80 something foot range. We like the idea of doing lat/long coordinates from the shore to the current eastern boundary of the right whale critical habitat. The last thing that we would like to emphasize about this is that we would like to see the council and National Marine Fisheries Service work as rapidly as possible, so that we do not lose two seasons; because right now we are going to completely lose this season for the black sea bass pots from November 1st through the April 30th. From some of what I have heard with the environmental impact statement, that could wind up dragging things along.

I know that they haven't reviewed Revised Alternative 5 and new Alternative 6 as thoroughly as they would like. You have copies of that in front of you. The other public hearing document is the Coastal Migratory Pelagics Fishery Management Plan Framework Amendment 1. We support the South Atlantic Preferred Alternative 2 to Action 1 with regards to the increased ABC and ACL and ACT in reference to the current levels. We appreciate that the Scientific and Statistical Committee wound up making some modifications that actually benefitted the fishermen. With regards to Action 2, the Gulf of Mexico will not even be meeting until next month in Texas. We felt like at this time we will reserve any further comment on that particular action until a future public hearing if that is part of the process for the secretary when we get those answers.

On scoping documents, the first one I'll start with is the Coastal Migratory Pelagics Amendment 24, which has to do with reviewing the allocations for the Atlantic migratory group Spanish mackerel and the Gulf migratory group king mackerel. As you know, I had participated with others at the data workshop for king mackerel recently in December. The fact that it looks like we're going to have a scientifically verified change to the mixing zones so that it will be 100 percent Atlantic king mackerel north of the Dade/Monroe County line; and that it will be a mixing zone from there south and west and all the way to the Tortugas, which will be a 50/50,

then anything else from north of Tortugas on west to Texas will from now on be 100 percent Gulf; and we support that potential change. I don't know how long it will take the council to pull it off, but we have made some suggestions for Atlantic Spanish mackerel migratory stock. It appears that a slight commercial percentage increase of between 5 and 10 percent could be done to change the 55/45 allocation due to the inability of the recreational to really focus on their fish for the last decade, plus.

Then with the king mackerel the same situation is going, although we don't have numbers broke out as per the current mixing zones, which could have been useful, too, since it is a scoping document, it is something that we might be able to see later; but the idea of increasing significantly the commercial percentage to 18 percent for that area, for what we term the Gulf migratory group that actually makes up a lot of our mixing zone currently; that 18 percent would make for a 50/50 split and still leave plenty of fish to land for the recreational sector. With the next scoping document, Coastal Migratory Pelagics 26, which deals with the idea of separating the commercial permits for both Spanish mackerel and king mackerel into a South Atlantic and a Gulf of Mexico Council permits; a lot of the king mackerel participants in particular on this side of the world have been very supportive of that change.

The scientific justification of the mixing zone changes I have included in this comment towards the end. I am not certain how it should work, but there should be the caveat that we've included here that any people that have commercial landings in both the Gulf and the South Atlantic Council regions should continue to be able to hold both permits. I am not certain what kind of control dates would be utilized, but usually the fresher the control dates the better. We want to keep as many fishermen fishing as we can simply because there are not many of us left supplying food for our consumers.

The last scoping document is the – and I hope I have this right – Snapper Grouper Amendment 29 with regards to the setting the new ACLs based on the ABCs using the new Level 4 approach; we are very supportive of all three or all of the council's preferred alternatives for the ORCS, because it definitely seems to benefit the fishermen. The only thing that was missing from this document, and I was told it could be included in a later document, was a breakdown of the commercial and recreational allocation percentages, which is actually currently found in the Comprehensive ACL Amendment. I didn't bother to go to that much trouble to try to determine who gets what. With that said, we are very supportive of all of the council's choices up through Preferred Subalternative 4A.

Then when we get into Action 3, modify the measurement method for gray triggerfish and establish a size limit; we have been fishing under a size limit offshore of the state waters of Florida's east coast for gray triggerfish for many years; no one else has. At the same time, we don't like regulatory discards and we would like to have seen an option that would have included the minimum size of 12-inch total length that is currently in place off of the east Florida EEZ; and then be able to also recognize that is equal to 10.46 or roughly 10.5 inch fork length. Then that alternative should have been made available for the entire council region. That way we would have been able to harmonize everybody, both in Florida state water east coast as well as from Florida's EEZ federal waters all the way up to North Carolina.

Action 4; establish a commercial split season; none of the East Coast Fishery Section Board seem to be satisfied with that idea. We would like to just stay with the calendar year. We do

recognize that under the increased quota that would come from the ORCS for gray triggerfish that there is a slight increase; but at the same time some folks at times have to focus on triggerfish, because of other closures like grouper, for example. Although I personally recognize that 40 percent of the gray triggerfish landings came in the first half of the year and 60 percent in the second half of the year; we went ahead and chose your Subalternative 2B, 1,000 pounds, as the preferred from East Coast Fishery Section for commercial trip limit with no step-downs. Until we can see that the Science Center can count their beans, we are just not trusting where we're at this moment with the electronic reporting. Furthermore, looking at the commercial and recreational landings updates, we feel like the Science Center appears to be running about a month behind. That is causing us some concerns, because we don't want to see massive overages especially in any kind of situation that could cause us to see some kind of takeaway as a result. With that said; that is pretty much my comments on behalf of the group. You will actually get to see some of their faces tomorrow. I was hoping somebody would show up today besides me, but thank you very much.

MR. HARTIG: Thank you Rusty. It has been several months now since the black sea bass pot fishery has closed. Have you looked at the landings of black sea bass recently so we can know how many?

MR. HUDSON: The last time was 52 percent or thereabouts, so we are going to wind up leaving quit a few unless, of course, somebody can really start banging them with a hook-and-line rack gear approach like you and I spoke about.

MR. HARTIG: That is really not going to happen to any large extent, at least based on my fishing of that species. It is just there is so much bycatch. The traps were good because they were able to selectively let the small animals out. The hook and line; the animals don't seem to segregate very well by size even going to the deepest water. I have a lot of discards. To me there is a cost of doing business with your discards. It is a fishery of last resort. It is the last thing I am going to be doing, because I just don't like to have that many discards. I don't know if it is the same up and down the coast. I would be interested to know the Carolina guys' perspective and what they're seeing. For us it is a mixed fishery all the way to 300 feet.

MR. HUDSON: With gray triggerfish?

MR. HARTIG: No; with black sea bass.

MR. HUDSON: With the gray triggerfish bycatch that went with some of the black sea bass pots, I have heard 100, 150 pounds on the 1,000 pound of black sea bass sometimes, and they make a great fish sandwich at that size. Jimmy will probably emphasize that because of his restaurant situation. One thing that we are concerned about and I don't know – having got away from the straight hooks; I know I hear a lot of folks talking about wanting circle hooks removed so they can go back to straight hooks, but I believe that gets you into another gray area with other fish. I just know that unless they are using the very smallest circle hook possible, because of the leathery skin they have some issues. You may have more harm be imparted on the gray triggerfish if they wind up having to discard under – like I have heard them wanting to push for like 14-inch fork lengths and stuff like that. You could wind up having some serious throwback, because based on the analysis I saw we're looking at 22 to 28 percent of our recreational guys off of the east coast of Florida that have normally been able to fish within that 12-inch total length.

If you went to 14- or 12-inch fork length, you are going to wind up having a whole lot more regulatory discards coming from that big user group. We would like to minimize those types of things.

If people are interested in releasing fish, they need to do it in the best method possible. Some of that may involve better equipment than using a pair of pliers to remove a hook or other types of things. There are solutions to it. And, of course, gray triggerfish are very hardy unlike some other fish that usually swim back. I was real happy to see the state of Florida just the other day announce the removal of the venting tool in the Gulf state waters. I had serious issues with the harm that was being caused not only to the fish, but also to people that would be accidently on the wrong end of one of those needle strikes. With that said, the state of Florida did step up in that same announcement and make a good comment about descenders and stuff. I think that there are a lot of good tools coming down the pike in the future.

MR. HARTIG: Yes; one of the interesting comments that Myra had mentioned yesterday from some of the fishermen up to the north is that when we switched to circle hooks for gray triggers, we pretty much took the smaller animals out of the equation, because their mouth morphology at that size is small enough where they are not going to be hooked readily and very often. There is no way to account for that in the assessment or anything, but it will be accounted for in the survival of the stock over time. What we've seen, at least recently in the last couple years with the closures, this year in particular must have had a big year class come in as well; but the fishery just took off when it was reopened. There were incredible numbers of nice big gray triggers again. There are some things working there with that circle hook that could give us dividends as well.

MR. HUDSON: Agreed; I've been a circle hook proponent since 1980. They work really great. In fact, sometimes I would be fishing for the grouper with a big circle hook. I would take the sanding line, instead of cutting it, I would feed it back through and put in the smallest tuna circle hook on there. It would actually hold sows and black bellies, too, which I thought was really cool. As far as the fact that the hook-and-line guys are using those circle hooks; I believe that it has, as you said, benefited in some fashion the smaller animals in those regions. I know that our guys have seen a lot of bigger triggerfish using hook and line, but once you get to that – I think it was like a 13 inch or something like maybe fork length, the maximum that you would see get in a black sea bass pot.

But you are going to have a couple of the local experts here, and I assume that some of the North Carolina guys weighed in already much to the same. The main thing is being able to just have a sustainable stock and the science, of course. As you and I both know, the triggerfish got kind of nixed because of aging issues from SEDAR 32 and is now going to be part of the package, at least tentatively, with Red Snapper SEDAR 41. I am hoping that Panama City Lab can help open our eyes a little bit as to what kind of animals, aging and depths and stuff that was causing this concern in the first place. At that point, we'll know what kind of maybe – we might even see another increase for triggerfish could happen a couple years from now. Thank you. Got any questions, John?

MR. JOLLEY: Thanks, Rusty, I don't have any. I was glad to hear your comment on the new descending devices, though. Do you know any of the boys that are starting to bring them on board and use them on the boats yet?

MR. HUDSON: Well, some of these FWC trips, I think that they wanted to do some testing with some of that. I know we got some CRPs in place, and it would be great to be able to do that with this deepwater CRP, if indeed we get picked for it. That is something that I think was going to be worked through Marcel and SEFIS and the cooperative boats and stuff. I don't know where that is at right now. But the Sequalizer, when you see that descender that Gary Graham gave to me last June; then I made that available on Jimmy's boat, The Sea Lover; yes, they like these better mousetraps. I encourage any of that kind of work that we can do with our state and federal people and be able to get people educated. You know like I know historically whether you find some new mousetrap through the commercial or the recreational components; when one sees the benefits of it, they go and they embrace it. That is one of the things I really like about the private and the for-hire recreational is the fact that they do believe in that stuff.

In fact the 2012 Fisheries of the United States Document that just came out late last year had on Page 1 at the bottom left that 63 percent of all of the recreational-caught fish are released. That is a pretty strong statement for wanting to leave the animal in the best condition possible. We'll see how that goes for the education in the future, because you're doing a lot of that, too, with that MREP; that educational program. I've seen a lot of enthusiasm about that. It sounds to me like your visioning port meetings that are going to be coming up soon – as soon as I can get those dates, I can get that into the Version 3 of the calendar of events for everybody and get some people to show up and express their views.

MR. HARTIG: It sounds good Rusty; thank you very much.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Graham Transcriptions, Inc.
January 2014

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE): Cocoa Beach, FL

DATE OF MEETING: January 28, 2014

YOUR NAME (PLEASE PRINT): Barrett Colby

TELEPHONE NUMBER (& AREA CODE):

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EMAIL ADDRESS:

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

CHECK IF YOU WISH TO MAKE A STATEMENT

For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [ ] Mackerel Framework Amendment 1 (Spanish Mackerel)

For Scoping:

- [ ] Snapper Grouper Reg Amendment 16 (bsb pots)
- [ ] Mackerel Amendment 24 (allocations)
- [ ] Mackerel Amendment 26 (permits)

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Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE): Cocoa Beach, FL

DATE OF MEETING: January 28, 2014

YOUR NAME (PLEASE PRINT): Michael Merrifield

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): Cape Canaveral Shrimp Co

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For Public Hearing:

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

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Ron Skelly	561-262-2766

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107 Duval St. Melb Beach FL 32951

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)
Comm. Fisherman

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For Public Hearing:

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PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT)	TELEPHONE NUMBER (& AREA CODE)
DON COHRON	1-321-729-6290

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PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): James Turner

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): Michael Sappe

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): Michael A. Sappe INC, Unnamed INC.

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For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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PUBLIC COMMENT ATTENDANCE RECORD

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Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): Keith Bowen

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE):

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For Public Hearing:

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PUBLIC COMMENT ATTENDANCE RECORD

Public Hearing and Scoping

LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): Joshua McCoy

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): Cape Canaveral Shrimp Co. / TOP Tuna

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For Public Hearing:

- [ ] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
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PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): Rusty Hudson

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): SFA East Coast Fisheries Section

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For Public Hearing:

- [x] Snapper Grouper Amendment 29 (ORCS & Triggerfish)
- [x] Mackerel Framework Amendment 1 (Spanish Mackerel)

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE): Florida Sport Fishing Association

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For Public Hearing:

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LOCATION OF MEETING (CITY & STATE)	DATE OF MEETING
Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): Emily Helmick

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Cocoa Beach, FL	January 28, 2014

YOUR NAME (PLEASE PRINT): JACK Robinson

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