

# **South Atlantic Fishery Management Council**

**Snapper Grouper Amendment 16  
Shrimp Amendment 7  
Public Hearing**

**North Charleston, South Carolina  
August 12, 2008**

## **Summary Minutes**

### **Council Members:**

Robert Boyles

### **Council Staff:**

Gregg Waugh  
Rick DeVictor  
Julie O'Dell

Myra Brouwer  
Kim Iverson

Hi, my name is – am I close enough to the microphone? My name is Fred Dockery. I'm a commercial shrimper from Charleston, South Carolina. I'm on the Shrimp Advisory Panel. And I'm really here on behalf of two other shrimp boats from Charleston. They have larger boats that could participate in the Rock Shrimp Fishery.

One in particular is the *Haley Marie*, owned by Neil Cooksey. I think it's actually listed as being owned by Miss Marie, Inc. because I did have to research what was going on with their permit. They, like many people, were confused about what permit they had and didn't have. They thought that they had had a Rock Shrimp endorsement and had lost it for lack of landings. From what I was able to track down, they have had and currently have a Rock Shrimp permit but have never had the endorsement.

That said my comment would be that I understand that there is an interest in getting some – a sufficient number of boats in the fishery to sustain the fishery. There are a couple of boats, that I'm aware of, that would not get back in with this pending proposal because they never had the endorsement. And they may have not had it out of confusion. I don't really know.

So I would say that it would be nice to consider at least the possibility – if you don't think you're going to get enough boats back in to look at letting boats in that have had the permit but did not ever get the endorsement – to consider that possibility of letting them in. Neil has not said that he would go Rock Shrimping if he got it, but he certainly has an 82 foot with a freezer on it that could do it if it were viable.

I also noticed, when looking through the big book, that there was at least one permit. And actually after speaking to Myra it sounds like it's seven or eight that are assigned to very small boats that clearly would never go out Rock Shrimping. So letting them back in wouldn't put any more effort into the fishery.

So that's the extent of my comment. Otherwise I'm a – I think the changes are reasonable. I just thought I'd try to do my little duty to say that there are a couple of boats that are – that would be good for it and would not get back in as this stands. And maybe you could consider some other alternatives like the lottery, too.

So I – the other boat that I'm thinking of is the Bachman Enterprise and I left a copy of the package with Junior Bachman but I did not hear back from him so I don't know if he has the

Rock Shrimp permit or if he ever did. But that boat is certainly built for Rock Shrimping. It draws too much water really for shrimping around here.

That's it. That's all I have. Thank you for all your work.

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*Kenny Fex:*

Hello, my name is Kenneth Fex. I'm – hello, my name is Kenneth Fex. I'm owner of Captain Fishing Vessel, Raw Bar. I like to see you guys at the council meeting doing what you're doing. You guys are taking a lot of input of what's going on.

I'd like to first talk about your allocations on the gag grouper. The 51 to 49 percent I don't think is correct. That's only a four or five year period. I don't believe it's very historical. I think you ought to go with the '86 through 2005 because that's more historical and I believe that would be a better alternative.

And I agree with your start time of the May period for the gag groupers. I believe that'd be the best time of the year. It would be a good time for four months out of the year for the gags to actually have a chance to spawn in the beginning of the year. Plus it's rough weather from January all the way till May, so it would be easier on all the vessels.

I agree with your allocations of the main snapper. As I officially said earlier, it's more historical. It goes with – through the time periods. I agree with your start date of May. And like I said, the weather's rough at the beginning of the year from January all the way to April. I believe it would be a lot easier on all the commercial vessels.

And I have a question on your 1,000 pound gag trip limits. I believe that's kind of high. A lot of the vessels I know, I literally can't think of anyone in the last year or two that's caught more than 1,000 pounds. I think that's a little excess. I think maybe 800 pounds or maybe even 700 pounds might be more accessible that way. That's actually a limit. Because 1,000 pounds, that's not going to really slow anybody down.

And I agree with 1,000 pound trip limit on the vermilion. That'll keep from excessive fishing of one species, especially since we'll be under a quota system.

And I also agree with you guys eliminating the recreational bycatch. I think I probably would have took the lap program a little bit easier if I'd have know you'd have got rid of the recreational bag limit because then that – what actually takes in the commercial count. So it probably wouldn't have been the 60 percent that we originally would have thought. It might have been maybe 45 percent if the recreational bag limit was taken out of the commercial count.

So I wish that would have went in effect before because then I wouldn't have fought against the lap so much because I – after reading a lot more and finding out about the benefits and the disadvantages of it, the lap program does have an actual benefit to the industry. It'll keep the prices up and everything.

And I think the council might ought to consider giving some kind of estimation to the permit owners maybe about what they might get if the lap program was in effect. Because then they might have an understanding of what they might get because of their catch history.

I know pretty much all my catch history. I have had the boat for about 12, 13 years. So if you would have told me I was only going to get 45 or 55 percent of my vermillion count, your only reduction of 45, I probably would have took it because that's my main fish.

So I see the lap program is still an alternative. I'm glad to see the council is still pursuing in ideas and everything with it. And I'd like to appreciate the video you guys have sent out to the permit holders. That was pretty informative. I pretty much kept up on all this but there's a lot of people that really don't. So I think that outreach was really beneficial to some people.

I wish more fishermen would get more involved with what's going on because they really don't know what's going on. I listen on the radio all the time and I don't see anybody talking about it or nothing like that. I've talked to a lot of commercial, recreational, and charter fishermen in my area and they pretty much agree with what I'm talking about. They understand where I'm coming from. They know I'm not out to mess over – anybody over.

So again, I appreciate you guys doing what you do and if you guys have any questions. I have something off the record; just something out of the ordinary. It's not about what's on the agenda. I'd talked to you guys about bycatch before and told you that I'd like to have an observer go out with me.

Well, through SEDAR, I met a girl, a UNCW student – talked to her. And she works for the UNCW School over there. And she did a – she went out there with us – did a bycatch mortality report and it will actually be available here in a couple of weeks she said. So if you want to get it, it'll be through Scott Baker. Her name is Laura. He'll have her number. He'll understand what I'm talking about.

But the scenario was she had a couple days to go out fishing. We had to leave on Monday. The weather was rough – blowing out of the southwest. I really wanted to go to the south because I know what time of the year it is – what fish bite. We were forced to go up to the east because of the weather just like we're forced not to go fishing because of the weather.

So I went up to the east – had to go up inshore. It was a full moon tide. The current always runs. I couldn't go offshore so I had to stay up inshore and fish in an area that's common for grouper but being the time of year, it really ain't that prevalent this time of year, let alone that the pinkies are dominant in that area – red porgies.

So we fished for three days and we caught and threw back a lot of fish. I was really disappointed in my bycatch just because I was trying to show her that this wasn't happening. I don't know what the total count was. I think it was over 300 fish that we threw back. At the end of them three days, I asked her, "How many fish did you see float away?" She said, "Two."

So I want the council to understand that I've told you that them fish swim down. Comments she made, she said, "I can't believe these fish are so vibrant and alive." She was struggling to grab them fish every time we'd bring them up and have her measure them and throw them back.

So I just wanted the council to understand that and that I've tried to explain that to them and if any of you council members ever want to go out fishing with me, you're more than welcome to. I'll take you out there for a day just to show you what's going on. I'll bring you a rod and a reel and you can go out there and have a good time, do whatever.

I just – I want you to understand if you're going to be taking our bycatch mortality from us that you need to realize the amount that make it back down. So I just wanted to make that comment to it.

And like I said, the report will be made and I've been trying to help everybody out. SEDAR, they requested a lot of things from me and I'd helped Scott Baker out a lot. He just asked if I'd volunteer for the vessel monitoring system. I volunteered for it and then hopefully I will receive it and be able to show you that – the bycatch mortality. It may be good or bad or whatever. At least they're making it back and the majority of our fish aren't dying, floating away.

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So again, I thank you guys for your time and thank you very much.

*Robert Boyles:* Can I ask you a question?

*Kenny Fex:* Oh yeah, always. Yeah, oh no, please.

*Robert Boyles:* Kenny, just a question to clarification. You said you – when you took the – Laura from UNCW the weather forced you to stay inshore. Can you give me a sense of how deep you were fishing?

*Kenny Fex:* It was 110 foot of water.

*Robert Boyles:* 110.

*Kenny Fex:* And that's the thing. I wanted to go to the southwest which was – it's actually towards the southern. We catch vermillion snapper that time of year, red porgies, gray scamps, everything pretty much. I just know the time of year and the time of the tides because a full moon makes the tide run. And up to the east is the deeper water – drop – or a deep drop. And so when you go up to the east, you chance running into tides.

So I wasn't able to go offshore past the 110 foot of water because you start shelving off – start dropping off and then you get in the tide and it's hard to fish. So I didn't want to take her out there and then sit there and not be able to catch fish because the tide would be running. So, my – I can't afford to run that fuel back and forth to try to chance it.

So I was wanting to go to the southern. I was wanting to take her in deep water, and that's the thing. I'll take her in 160, 200 foot of water. I understand the depth change makes a difference. But at 110 foot of water, that's pretty deep and it's still coming up as fast or whatever. Them fish made it all back down except for two. One was a red grouper and one was a pinky.

So yeah, oh it's probably more than 300. That's why I feel bad that I don't know the exact number but she was impressed by it and I just made a point about that. But yeah, if you guys ever have any questions, you can get up with me through Scott Baker. He's a good friend of mine.

And I appreciate the questions. I like them.

So I start with my name? Okay. Name, rank and serial number. Mark Marhefka, Chairman of Snapper Grouper, AP, commercial fisherman, fish dealer, father of four – no, three. Anyway I guess some of my comments are to the 16 – I don't even know where to start here.

One of my thoughts was when we first started talking about this in the AP is that – the gag being the indicator species for the other mid-shelf groupers. And the more I think about this, you know, when we're getting ready to come up with more ACL's on these other groupers there could be a possibility that you're going to go with the lowest tack or the lowest ACL for the indicator species.

You know, so it's very hard for us to go and sit there and try to figure out how that's all going to go and come in play when we really don't know – it's like you're not showing all the cards. And it's not because you're not showing the cards. We just don't know. Because clearly, in my mind, I would think red grouper is probably one of the lowest unless you go and use rocks or something, you know.

But how would we go and – you know, the whole ideal is – what our ideal was, is to use the gag as the indicator species. You would go and then have your 1,000 trip limit and with your maybe one opening. And I guess what I'm – what I'm saying is I'm endorsing – I endorse this. I think this is something that would work for the fish and work for the fishery to extend it as much as it can be.

I think I was just in there with Greg a minute ago and we looked at the gag landings as it is now and with 350,000 pounds, we're going to go and end up having our season is going to go – if we start May 1, we're going to be shut down in October, okay? So now only are you going to have a four month closure, you're going to have close to a six month closure.

But when we first all started talking about this, or as I started thinking about this, I feel it's very, very important that we go with what the ACCSP has put in place up in the mid-Atlantic for the dealer log book – electronic dealer log book reporting. So we don't have any confusion with our landings of what's going on and it can be monitored a little closer to where maybe we can get a little bit closer to, you know, MSY. You know, close that gap just a little bit so we don't have, you know, so much buffer put in place.



I think if the council was to adopt something like this, that they would then be able to show that we want things to be tightened up. This is a good way for us to go and get our data put together and I really feel that that's an important step in any part of what we're getting ready to do, you know, and you know – and why re-invent it for the South Atlantic? Why not just adopt what's already being – happening.

It's going on in upper North Carolina as it is right now. Why not go ahead and bring it on down to, you know South Carolina, Georgia and Florida?

You know, and same way with the vermilion with the trip limit on the vermilion. Now I understand that Georgia and Florida – there's probably going to be some hardships and things like that and the weighing of the fish and how do you go and get accurate weights and things. And little, you know, things like that, you know, we're going to – you know the council is going to have to figure some sort of way that you can relax it as much as possible but don't go and go overboard with it.

But gosh, basically, I personally feel that the council needs to go and use the control date. I think the council – in some shape, form or fashion, go back and use the control date. You put it in place and our fishery can't go and withstand having as much pressure as we have on it right now that the control date needs to be used.

I also feel that, you know – and these are recommendations that the Lap Panel asked for. Also, you know, doing a maybe some sort of another shake out of the 1,000 pound trip limit shake out would be – you know, would help because it's just once we get all these ACL's put in place here, you're not going to have a whole lot of fish to go and choose from to pick and choose. And it's just – it's going to be like who's going to be spanked? Who's going to get the spanking?

And to me it's very frustrating because I've been around the table for over 20 years now, almost. And it's like I'm going to be spanked because I don't have any other income that goes and, you know, is going to go and keep me alive and keep me going here. This is all I've done all my life and I feel like maybe at some point, I need to be compensated in some shape, form, you know, for giving my – wanting to feel like the council is actually listening or whatever, you know, to what I've got to go and say.

But anyway, I think that's pretty much the gist of where I'm at – my ideals. Sure. Whenever you –

\* DO NOT ADD TO MAILING LIST



**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**  
4055 FABER PLACE DRIVE, SUITE 201  
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**PUBLIC COMMENT ATTENDANCE RECORD**  
Charleston, SC -- August 12, 2008

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO



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

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Please check the "yes" box below if you wish to make a statement.

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Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermillion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO  X



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4055 FABER PLACE DRIVE, SUITE 201  
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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

NOAA - NMFS

Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO



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4055 FABER PLACE DRIVE, SUITE 201  
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Charleston, SC -- August 12, 2008

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Aquatic Release Conservation, Inc

Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO



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**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO





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4055 FABER PLACE DRIVE, SUITE 201  
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*Owner + Captain Raul Bora*

Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO



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4055 FABER PLACE DRIVE, SUITE 201  
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Charleston, SC -- August 12, 2008

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Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

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YES

NO



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**PUBLIC COMMENT ATTENDANCE RECORD**

**Charleston, SC -- August 12, 2008**

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Kenneth M Sessions LLC

Please check the "yes" box below if you wish to make a statement.

**SG Amendment 16 (gag and vermilion snapper)**

YES

NO

**Shrimp Amendment 7 (rock shrimp and reporting)**

YES

NO