Public Comment Summary for Dolphin Wahoo Amendment 7 and Snapper Grouper Amendment 33

Fillets from The Bahamas

A total of 17 comments were received about these amendments during the public comment period of July 28 - August 18, 2014. One comment was received orally in Cocoa Beach, Florida. All of the others were received via email.

13 of the commenters spoke directly in favor of the actions in the amendment. However, 10 commenters spoke against requiring rods be taken out of rod holders or rocket launchers citing the majority of vessels that travel back and forth between The Bahamas simply are too small (e.g. 30' center console) and do not have the space available to store the gear or lay them on the deck without the possibility of them being damaged. Those who addressed the issue much preferred simply removing all terminal tackle from the rods and allowing them to remain in the rod holders.

One commenter was not in favor of actions that would allow only 2 fillets per fish. He claimed it was unreasonable for storage and future use of the fillets.

Two commenters stated that if the fish are legally harvested in The Bahamas, the fishermen ought to be allowed to bring the fish back into the U.S. EEZ. One commenter stated that this is currently allowed when bringing back game legally caught in Canada into the U.S. He stated that this is allowed even if the same species is currently closed to hunting in the U.S.

Public Comment Summary for Dolphin Wahoo Amendment 8, Snapper Grouper Amendment 34, and Golden Crab Amendment 9

Comprehensive AM and Dolphin Allocations

A total of 4 comments were received about these amendments during the public comment period of July 28 - August 18, 2014. Two of the comments did not speak directly to the actions and alternatives of the document. The Southeast Fisheries Association supported the Council's choice of preferred alternatives for all actions. The other comment received at the Key West public hearing on August 11th was from a recreational fisherman who agreed with the Council's preferred alternative for modifying the dolphin sector allocation.

Dolphin Wahoo Amendment 7/Snapper Grouper Amendment 33 Comments

I will not be able to attend the meeting in Key West however I am in support of allowing anglers to bring back fillets from the Bahamas as long as everyone on board is legally documented with fishing and cruising permits. Hopefully this will help with the decision you make in Key West.

Stephen M. Denkert Vice President Butler Buckley Deets 6161 Blue Lagoon Drive, Suite 420 Miami FL 33126 I agree with and support the CCA's suggestion that dolphin, wahoo, (and tuna, as well) snapper and grouper regulations be consistent and allow legally caught fish in the Bahamas to be transported from the Bahamas and landed in the US filleted; and also defining "stowed fishing gear" as "unrigged fishing gear".

As the owner of a 34' center console vessel, we travel to the Bahamas a few times a year for vacation and fish legally. While we consume a good portion of the fish we catch while in the Bahamas, we would like to be able to fillet, package, and return with fresh or sometimes frozen fish that we catch.

It puzzles me that we can enter the US from the Bahamas by air with filleted fish with no problem, but not by boat.

Harley Miller

Miller Construction Company 614 South Federal Highway Fort Lauderdale, FL 33301 Direct: (954) 847-0605 | Office: (954) 764-6550 Fax: (954) 764-5418 | http://www.nilerconstruction.com Visit us online at www.millerconstruction.com. I would ask you to support the measure to curtail the amount and degree of varying regulations anglers have to deal with when returning from fishing in the Bahamas. I have been on the receiving end of overzealous FWC officers when returning from a trip to Bimini. Simplifying the regulations would make for easier enforcement and less confusion. I am still so disturbed by how I was treated that we take all our fishing gear and lay it on the deck just so I will never have to deal with an FWC officer ever again. I was forced to take a course in which myself and another "participant" educated our "teacher" over the course of a day. He had no idea he even needed a Saltwater License to fish and that there were varying sized limits. We did not even educate him on Federal vs. State vs. Atlantic vs. Gulf vs. Closed / No Take Areas vs. Seasons vs. FNP vs. Biscayne Bay

Please help.

Thank you,

-

Joe Penza

I agree with the regulations allowing the cleaning and filleting of these fish if for no other reason than a sanitary one.



To whom it may concern,

The restriction to bring legally caught Dolphin and Wahoo back from the Bahamas as whole fish is very unrealistic for many Fishermen and Captains. Ice is hard to come by and expensive in the Bahamas and cooler space on a small or medium sport fishing boat crossing the gulfstream is limited. Keeping these fish whole makes it too cumbersome and costly for recreational fishermen. Please revise this rule to allow full body filets 2 filets = 1 fish. This will leave the captain the room needed to cross safely and keep the quality of the catch secure. In addition the rule for the definition of "stowed fishing gear" should be unrigged fishing gear. On many boats the safest place for this tackle is in a rod holder so it does not get beat up or damaged during the crossing.

Thank you for your consideration,

Glenn Wootton 1100 Sw 19 Ave Boca Raton FL 33486 I've been pushing for the SAFMC and FWC to do something about this for two years now, thank you for missing this summer.

It really just blows my mind how you all come up with these rules. Go to page 5 of the attached and tell me how in a 34 foot center console I am supposed to comply with the statement below without destroying my gear:

A rod and reel must be removed from the rod holder and stowed securely on or below deck. Sinkers must be disconnected from the down rigger and stowed separately

In the past I would have assumed that an officer would be wise enough and empowered enough to use their own judgement but thats what landed me in court, an officer afraid and/or unwilling to use their good judgement or just generally exercising poor judgement.

So my questions are this 1. Do you all actually put yourself in the shoes of the people engaged in the practices your are regulating to determine how to best word the rules? I'm assuming not one person who actively travels to the bahamas as a recreational fisherman had a hand in writing this. 2. Do I need to email the 100+/- people that are on my short list to get this removed, or will you spare us all the time and hate email and just remove

"A rod and reel must be removed from the rod holder and stowed securely on or below deck. Sinkers must be disconnected from the down rigger and stowed separately"

from the amendment. 3. Did you consult with Bahamas Department of Marine Resources? I did.

WHAT IS SO COMPLICATED ABOUT SAYING "IF YOU WERE IN THE BAHAMAS AND CAN PROVE IT YOU NEED TO BE IN COMPLIANCE WITH BAHAMIAN LAWS"

What arm of the government do I reach out to to find out how much tax payer \$\$ went into drafting a 13 page document over a two year period that would be more appropriately stated with 1 sentence? Remember, it isn't even your resource you are regulating.

Sincerely Sick and Tired,

Nikolaus Schroth

Mike,

On behalf of the over 1,300 members of the West Palm Beach Fishing Club (WPBFC), I would like to submit our comments regarding the transport of dolphin & wahoo legally caught in the Bahamas and transported into the US EEZ. This issue has generated a great deal of confusion and concern from our members the past two years. The WPBFC believes that current regulations requiring that these species remain intact (with head and tail on) while in transport is cumbersome and impractical. We believe the dolphin/wahoo regulations regarding transport should be consistent with the existing federal reef fish regulations, which allow for snapper/grouper filets to be legally transported from the Bahamas into the US EEZ. Many of our members frequent the Bahamas in relatively small outboard vessels with limited storage space. Asking anglers to keep the fish they intend to bring back home in a whole condition is simply not practical. Especially, when anglers are on trips lasting a week or more. We urge the SAFMC to modify the current regulations to allow for the legal transport of dolphin and wahoo filets (with two filets being equivalent to one fish). Furthermore, we do not believe "Stowed Fishing Gear" is the best wording when crafting the amendment to this regulation. There is a lot of room for interpretation and many small vessels simply don't have the ability to 'Stow' fishing gear in holds or compartments. In many cases the fishing gear remains in plain view in rocket launchers, gunnel-mount or in t-top rod holders. Wording such as "Unrigged Fishing Gear", which has been suggested by others, seems more reasonable.

The WPBFC sincerely hopes that the SAFMC can resolve this inconsistent and impractical regulation with just a few common sense modifications. Please don't ever hesitate to contact me if I can be of further assistance in anyway to the council. Thank you for your time and consideration.

Tom Twyford, President
West Palm Beach Fishing Club
201 Fifth Street
West Palm Beach, FL. 33401
(561) 832-6780
www.westpalmbeachfishingclub.org

Please make the logical change to the wahoo and dolphin regulations to allow fileted fish to be brought back into the country.

It would also be a good idea to allow unrigged rods to be considered stowed rods, since so many large boats now cross over from the Bahamas that are center consoles and don't have large cabins.

Charles T. Holt

616 Tara Farms Dr.

Middleburg, FL 32068

I ask the South Atlantic Fishery Management Council to modify current regulations to allow dolphin and wahoo that have been legally caught in the Bahamas to be transported from the Bahamas, and landed in the United States, filleted and with two (2) filets counted as one fish. Dolphin/wahoo regs should be uniform with grouper/snapper regs in this regard. I also ask the Council to define "stowed fishing gear" as "unrigged fishing gear."

Thanks for your service.

-JD Dickenson

I believe that the pelagic species landed legally in the Bahamian waters should be allowed to be filleted and transported back to the US. Thanks
Nick Perrone

I write to urge the council to pass the rule allowing Dolphin & Wahoo fillets to be returned from the Bahamas for fish legally caught in those waters. Many south Floridians make the trip to the Bahamas in their small boats and spend several days fishing in the islands. It makes no sense to allow Snapper & Grouper fillets to come home (as current regulations allow) but disallow Dolphin & Wahoo fillets to transit.

Finally, I should point out one problem I see in the rule as proposed. It appears to require that tackle be stowed below decks. This is impractical for many of the boats that make the trip as fishing rods are normally kept in the rod holders for transit due to the lack of space under deck for these (primarily center console style) small vessels. I suggest the rule be amended to require the tackle be "unrigged". We could define "unrigged" as "without hooks attached". Feel free to contact me with questions or comments.

James O. Williams, Jr.
Williams, Leininger & Cosby, P.A.
11300 U.S. Highway One
Suite 300
North Palm Beach, FL 33408
Telephone (561) 615-5666

Dear Mr. Collins:

As a sports angler who fishes in the Bahamas frequently, I wish to go on record in support of the position taken by the Coastal Conservation Association-Florida as follows:

CCA believes that the SAFMC should make the federal dolphin and wahoo regulations consistent with the existing federal reef fish regulations with regard to the possession, transportation and landing of Dolphin and Wahoo legally caught under Bahamian regulations and brought into the US EEZ. Under existing regulations, Snapper and Grouper are able to be brought back into the United States filleted, but Dolphin and Wahoo are required to be landed with the head and fins intact. CCA urges the South Atlantic Fishery Management Council to modify current regulations to allow dolphin and wahoo that have been legally caught in the Bahamas to be transported from and landed in the United States filleted and with two (2) filets being counted as one fish. CCA also urges the Council to define "stowed fishing gear" as "unrigged fishing gear," as this would be a common-sense solution for the numerous center consoles that transit back from the Bahamas. Signed Bill Sargent, Melbourne, Fl. 32901.

Please have our government act sensibly for a moment and allow the transportation of dolphin and wahoo filets across the EEZ just as snapper and grouper are transported.

The current regulations are simply ridiculous!

Kris Heiser 120 Elsa Rd Jupiter, FL 33477 Thank you for taking the time to read and consider my email. As a Palm Beach County resident and frequent visitor to the Bahamas, I am writing you out of deep concern for the laws you are considering. I realize that our proximity to a foreign country poses some complex enforcement issues for you but, I urge you to be very cautious in how you apply these laws and think about the law abiding users before you act. Most of the people who travel to the Bahamas to fish/dive on private boats are not going so they can kill unlimited fish and come back to the states and sell skinned/filleted/frozen fish to commercial buyers....... It is just NOT THE TRUTH. 99.9% of us just want a fun vacation where the fishing is better and rum flows freely. We bring our families and friends, we buy supplies, tackle, equipment, fuel, and food here in the states which, helps the local economy here. Then we go to mostly small out islands, not big international resorts, and we spend money and hire kids to wash the boat or guide us on the reef, we eat in the small family run restaurants and fill up with extremely over-priced fuel for the return. We bring juice and candy for the local children, and meat and supplies to repair the homes for the adults. We make friendships with them and help each other grow as communities. Many of us bring school supplies and books to donate for the new school year. We don't go to Atlantis as much as some think. Those places will survive with or without the small recreational fisherman. Place like Rosie's and Josey Wales on Grand Cay will not survive...... Bootle Bay in West End has already closed and numerous other family run, docks and hotels have folded when we stop visiting. While I realize that your charge is not to worry about the people of S FL or the well-being of family run businesses in the Bahamas but, you must accept that your actions will greatly impact both. The small boater doesn't have the ample or any freezer space to keep fish whole for a four or five day trip. Two fillets per fish, skin on would be fine if you are counting them at a fish house for commercial sale but, not on our 28' center console. We cut and bag our fish in single family servings(quart size ziplock freezer bags) and try to borrow freezer space from local to keep it fresh until we return. We try to preserve our catch so as not to kill fish wantonly. There is no way we can logically or technically comply and still go there to fish for more than one night. So, everyone loses..... We are not poachers or smugglers or criminals, just law-abiding tax payers getting the black eye for a few select problems. Now, the funny thing is that the limits in the USA are much more generous than the Bahamas for all the aforementioned species(except Wahoo depending on the number of people per vessel).

I have mentioned that most of us go over on small private fishing boats. We have limited space to store gear and tackle, ice and provisions, and the crew and their personal effects. So, chance are very good that there is no ability or location to store our rods and reels or separate the rigs enough to make you happy. Please forgive me for saying but, this is absolutely RIDICULOUS!!! If your method of enforcement is to ban us all from going to the Bahamas by making it so unreasonable to comply, then you are doing a bang-up job. All kidding aside, I don't believe this is your intent. Forgive my sarcastic approach but, I want you to understand how tough you are making it for good, law-abiding fisherman to chase our passion and help stimulate economies and not get in trouble. Worse than that, most of us are very serious conservationists and act on our own to protect the resource well beyond the scope of your laws. We were light years ahead of you on catch and release, stopping the sale of Atlantic billfish, raising minimum size and/or banning billfish kills at tourneys, etc, etc..... We are the people who donate our time, money, and energy to promoting reef building and protection, sea grass restoration, oyster bar and mangrove restoration, tagging and recovery research, youth education, etc....... The list goes on and on. I NEED you to understand how many people and programs this type of law will negatively affect. Sadly, I don't think any of the proposed changes will stop the people who are hell bent on poaching. There are the few scofflaws out there and they will always be there. In every region and every branch of law enforcement, there are those that break the law. No matter how many laws and rules you erect, someone is going to find a way over the hurdle. I wish it weren't so but, it is. I don't recommend no laws, I recommend that you make sure the laws you pass are not going to only

benefit one small group with a strong lobby while disenfranchising a larger, broader group of citizens. I can't put the rods anywhere but in the rod holders and I can't keep my fish whole and fresh until I return home, and I am not a criminal or a poacher. We want to go to the Bahamas and we want to abide by both laws. Please, please find another way for us to continue to do both. Thank you very much for your consideration. I truly appreciate it.

Sincerely,

Andy

Andrew J. Oremland CFP®
Financial Advisor
Associate Vice President - Investment Officer
Wells Fargo Advisors
515 N. Flagler Dr. Ste. 1200
West Palm Beach, FL 33401

Why are our regulations so difficult to abide by? A friend said the you now need to fish with an attorney. Please fix it. Pat

MICHAEL J. KENNEDY 902 Turner Quay Jupiter, FL 33458

Re: Dolphin Wahoo Amendment 7 and Snapper Grouper Amendment 33

Mr. Collins and Council Members:

I am writing to provide the Council with my comments regarding Dolphin Wahoo Amendment 7 and Snapper Grouper Amendment 33. Through public comment the Council has been made aware of inconsistencies in the regulations which apply to fish which have been legally caught in the Bahamas and brought back into the United states by way of boat through the EEZ. Under the present regulations, Demersals (Snapper/Grouper) that are legally caught in the Bahamas are exempt from the regulation that generally requires fish landed here to be landed with heads and fins intact. On the other hand Dolphin/Wahoo must be landed with heads and fins intact. This is a significant issue for many anglers in South Florida who travel to the Bahamas by boat during the summer season. Many of those anglers transit through the EEZ in vessels that are less than 35' in length and lack storage to transit a Wahoo or Dolphin with its head and find intact.

I urge the Council to make these rules consistent with one another. The framework of the Council's general scheme is acceptable, with a few minor adjustments. First, I agree with the proposal which would allow for those fish to be landed as fillets when the appropriate fishing permit, immigration papers, and cruising permit is in the possession of the vessel and the vessel directly transits from the Bahamas to the United States. I also agree that it is more efficient to count two fillets as one fish rather than attempting to weigh snapper grouper species while at sea.

However, I am concerned regarding the language that deals with the stowage of fishing gear. Many of the vessels which make the crossing to the Bahamas are center console type boats generally under 35 feet; these vessels lack sufficient secured storage for the number of rods that are often taken along on these trips, rod holders. There is rarely any under deck storage on these boats. Under the present proposal, rods could not be stowed in the rod holders during transit; this would virtually eliminate 90% of the rod storage capacity on most such boats.

I recommend the Council allow all rods and reels to be stowed as appropriate including in any rod holder or rocket launcher as long as they are not rigged and able to be deployed for fishing during any portion of the transit from the Bahamas the United States. I believe that the language requiring rods to be removed from rod holders during transit is onerous and unduly restricts center console boats from returning with such legally caught fish. I also know that in order to fish while enroute back to the United States, these vessels would have to slow to an idle speed or drift and that change in

motion and likely director would be readily detectible on radar. I also note that the only species that would have a more generous limit would be Wahoo as the dolphin and most bottom fish limits are more generous under US regulations, I would suggest that

the council require that all rods during the transit from United States to the United States be stowed with no terminal tackle in place.

Michael Kennedy

Dolphin Wahoo Amendment 8/Snapper Grouper Amendment 34/Golden Crab Amendment 9 Comments

Of course I agree. Shouldn't the CCA create an email to be sent to the appropriate authorities that ONLY requires member to enter their own personal information and hit send? Then all the salient facts and arguments will be there without a member forgetting any important point. As these emails flood in to whichever agency (NMFS, governors, congressmen, the president, etc.) they will see just how many of us disagree with the decisions they make for the few.

Zac Grossman







EAST COAST FISHERIES SECTION (ECFS)

August 18, 2014

Mr. Bob Mahood, Executive Director South Atlantic Fishery Management Council 4055 Faber Place Drive, Suite 201 North Charleston, SC 29405

Email comments to: Mike.Collins@safmc.net (Subject line: Accountability Measures and Dolphin Allocation comments)

Re: Snapper Grouper Amendment 34 and Dolphin Wahoo Amendment 8

Mr. Mahood,

The Southeastern Fisheries Association (SFA), East Coast Fisheries Section (ECFS) submits this written comment to the South Atlantic Fishery Management Council (SAFMC) about the proposed rules for Snapper Grouper (SG) Amendment 34 accountability measures and Dolphin Wahoo Amendment 8 in particular. SFA ECFS supports the Preferred Alternatives found in this Amendment.

The Council is considering the following actions in these Amendments:

• **ACTION 1:** Define the stock status criteria required for implementing accountability measures for snapper grouper species and golden crab

Alternative 2. If commercial landings as estimated by the Science and Research Director reach or are projected to reach the commercial ACL, the Regional Administrator shall publish a notice to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper, dolphin wahoo, or golden crab has been issued as appropriate, without regard to where such species were harvested, i.e., in state or Federal waters. Additionally,

Preferred Sub-alternative 2c. If the commercial ACL is exceeded, the Regional Administrator shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, <u>only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.</u>







EAST COAST FISHERIES SECTION (ECFS)

Alternative 3. If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings.

Preferred Sub-alternative 3c. If necessary, the Regional Administrator shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary.

Alternative 4. If recreational landings reach or are projected to reach the recreational annual catch limit, National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

Preferred Sub-alternative 4b. Regardless of stock status.

Table 1. Unassessed snapper grouper species addressed in this action.

Unassessed Snapper Grouper Species	Commercial ACL (lb ww)	Recreational ACL (lb ww)
Jacks	189,422	267,799
Almaco jack	147,322	155,195
Banded rudderfish	37,829	107,605
Lesser amberjack	4,270	5,000
Snappers	215,662	728,577
Gray snapper	192,830	602,213
Lane snapper	17,695	102,289
Cubera snapper	4,829	19,851
Dog snapper	273	3,012
Mahogany snapper	36	512
Grunts	218,539	588,113
White grunt	212,896	461,136
Sailors choice	0	22,674
Tomtate	0	80,056
Margate	5,643	24,246
Shallow Water Groupers	49,776	46,656
Red hind	18,303	6,564
Rock hind	23,115	14,838
Yellowmouth grouper	44	3,995
Yellowfin grouper	4,879	4,379
Coney	665	2,053
Graysby	2,771	14,827
Porgies	36,348	106,914
Jolthead porgy	1,571	36,315
Knobbed porgy	34,515	32,926
Saucereye porgy	0	3,606
Scup	0	9,306
Whitebone porgy	262	24,762
Wintedone porgy	202	21,702







EAST COAST FISHERIES SECTION (ECFS)

Unassessed Snapper Grouper		
Species	Commercial ACL (lb ww)	Recreational ACL (lb ww)
Individual Stocks		
Atlantic spadefish	35,108	154,352
Bar jack	5,265	19,515
Scamp	333,100	176,688
Hogfish	49,569	85,355
Gray triggerfish*	272,880	353,638
Species with total ACLs of		
Zero		
Nassau grouper	0	0
Warsaw grouper	0	0
Speckled hind	0	0
Goliath grouper	0	0

^{*} Gray triggerfish is scheduled to for a SEDAR stock assessment beginning August 2014.

Table 2. Species not included under Action 1 and reason they are not included in the action.

Species	Amendment
Vermilion snapper	Regulatory Amendment 14 to the Snapper Grouper FMP
Gray triggerfish	Amendment 29 to the Snapper Grouper FMP
Black sea bass	Regulatory Amendment 14 to the Snapper Grouper FMP
Blueline tilefish	Amendment 32 to the Snapper Grouper FMP
Deepwater Complex	Amendment 32 to the Snapper Grouper FMP
Cottonwick	Ecosystem component species
Longspine porgy	Ecosystem component species
Bank sea bass	Ecosystem component species
Rock sea bass	Ecosystem component species
Ocean triggerfish	Ecosystem component species
Schoolmaster	Ecosystem component species

• ACTION 2: Allocation of dolphin between recreational and commercial sectors

Preferred Alternative 4. Set the commercial allocation at the average of the percentages of the total catch over the past 5 years (2008-2012). The recreational sector allocation for dolphin is 90%, and commercial sector allocation is 10%.

Table 3. Sector ACLs that would result under each of the alternatives considered.

	Commercial Sector ACL	Recreational Sector ACL
Alternative	(lbs ww)	(lbs ww)
Alternative 1 (No Action)	1,157,001	14,187,845
Alternative 2	1,994,830	13,344,846
Alternative 3	2,148,278	13,196,567
Preferred Alternative 4	1,534,485	13,810,361
Sub-Alternative 5a	1,534,485	13,810,361
Sub-Alternative 5b	1,534,485	13,810,361
Sub-Alternative 5c.	1,381,036	13,963,809







EAST COAST FISHERIES SECTION (ECFS)

Table 4. Commercial and recreational sector landings of dolphin for 2008 through 2013.

Year	Commercial Landings (lbs ww)	Recreational Landings (lbs ww)
2008	780,818	7,833,547
2009	1,222,944	7,570,195
2010	706,281	6,243,399
2011	791,457	6,518,306
2012	687,140	6,097,292
2013	496,981	4,526,565

Note: Data from 2013 are preliminary.

Source: SEFSC Commercial and Recreational ACL Datasets (2014)

Jimmy Hull, Chairman

SFA ECFS