Mackerel Amendment 18/20
Summary of Written Public Comment

In addition to the comments provided during the scoping meetings, the following written comments were submitted to the Council regarding the Mackerel Amendment 18/20 (ACL/AM Amendment):

Four letters were received, one of which recommends that the Council jointly manage the kin mackerel fishery under a Limited Access Privilege Program in both the commercial and for-hire sectors.

A second letter proposes the Council consider adding a management option that any quota underages are carried over the to following season – 100%, and that the TAC between the commercial and recreational sectors be reset to 50%/50% until the Marine Recreational Information Program (MRIP) can provide data on the actual sector percentages. The letter writer also expressed concern by stakeholders from the South Atlantic about using a LAPP to manage this fishery.

The third letter questioned how the Council could move forward with this amendment before the MRIP is implemented. The final letter suggested a review of the catch history of permit holders in the king mackerel fishery and the elimination of latent permits.

Copies of the letters are attached.

Environmental Defense Fund

Comments on Scoping Document for Amendments 18 and 20 to the Coastal Migratory Pelagics Fishery Management Plan

Thank you for providing an opportunity to comment on the Scoping Document for Amendments 18 and 20. We, at Environmental Defense Fund, believe that protecting the commercial and recreational value and viability of Coastal Migratory Pelagics is of paramount importance. We encourage the Gulf, South Atlantic, and Mid-Atlantic Councils to act in unison, as appropriate, and without delay, to ensure the long-term rebuilding and conservation of these stocks throughout their migratory range.

King Mackerel :
We believe the best approach for the Councils is to jointly manage the king mackerel fishery under a Limited Access Privilege Program (LAPP) in both the commercial and for-hire sectors. Therefore, we fully support Option 2. , Section 3.1.7.

Rationale:
Virtually all other management options being considered are traditional management input controls such as: seasons, area closures, bag/size limits, and trip limits. Many of these have collateral and unintended consequences which could actually do more harm to the fishery and the corresponding commercial and recreational fishing industries.

Recreational Input Controls:
On the recreational side, bag/size limits can lead to "legitimate" overharvesting and regulatory mandated bycatch/discard mortality. With that knowledge, these controls cannot be seriously viewed as an adequate accountability measure (AM) under NS-1.

Commercial Input Controls:
On the commercial side, trip limits, too, are not without their challenges. Anecdotal information gathered from industry shows that currently an effort-shift is underway in the king mackerel fishery in the Gulf (and likely elsewhere). This is self-evident by the drop in the ex-vessel price to .75 per pound, and confirmed by the early closure of the king mackerel fishery, in the western Gulf of Mexico. While some in the industry were predicting an early closure in October , all were surprised by the NOAA announcement the fishery was closing on September 12, 2009 and remaining closed until June 20, 2010. This is now a 9 month closure. It will be difficult to for the commercial sector to compete with falling prices, and sustain their market-share, with these closures; especially when competing with fisheries imports which are available all-year round.

The history of trip limits in the Gulf of Mexico is bleak. Trip limits in the red snapper fishery and the grouper fishery were simply a temporary bridging mechanism to move from bad to worse results. History has shown that trip limits applied to reduce effort and extend the season simply didn't work: in fact, just the opposite. Trip limits fueled the race for the fish, drove down market prices or worse, encouraged illegal fishing activity which

served to circumvent record keeping and reporting requirements making fisheries management that much more difficult. Ultimately, this practice corrupted the very biological data needed to effectively manage the fishery into the future.

Both Recreational and Commercial Input Controls:
Seasons/area closures can be effective provided all fishing is terminated. Otherwise, bycatch may become such an issue that seasonal closures remain in effect throughout the year simply to account for the bycatch/discard mortality under the definition of annual catch limits (ACLs). That type of draconian closure will surely impact commercial and recreational fishing businesses and the coastal fishing communities those industries support.

LAPPs as the Only Logical Option:
Fortunately, there is another way to actually solve the problem instead of postponing it: choosing to go forward with a Limited Access Privilege Program (LAPP).

LAPPs have a solid record of rebuilding fisheries throughout the world. LAPPs consist of stringent accountability measures both at-sea and dockside which have proven to foster regulatory obedience and high levels of voluntary compliance. These are exactly the types of AMs needed to allow all sectors to continue fishing while the stocks rebuild. A LAPP will facilitate the Councils efforts to manage this coastal migratory species to ensure ACLs are not exceeded. Furthermore, with a LAPP, commercial and for-hire fishers could buy, sell, and trade their annual allocation between sectors to ensure higher profits and lower levels of regulatory intervention. Proof of success in a LAPP is the Gulf of Mexico red snapper (Individual Fishing Quota) IFQ program. Barely two years into the new IFQ paradigm and the ex-vessel price is $4.50 per pound, two dollars per pound more than when the IFQ went into effect in 2007.

In light of today's new requirements for better AMs leading to firm ACLs, the Councils should move forward and implement a Vessel Monitoring System (VMS) as soon as possible. VMS is a critical component of any LAPP. As a multi-function tool however, VMS can address a variety of complex regulatory issues and provide temporal and spatial management solutions. More importantly, it is the only communication system currently used throughout the world which will support electronic logbooks, capture observer data, and is capable of delivering real-time, transparent, scientific data at a low cost.

Accommodating the Shark Drift Net Fishery:
Under a LAPP, the bycatch allowance for the Shark Drift Net Fishery, such as discussed in 3.3.4, is not only possible, it is practical solution. A variety of plausible LAPP configurations exist to address the situation.

CMP -LAPP is the Future:
We do not have enough information to comment further on Amendment 18 and 20 except to say that we encourage the Councils to begin exploring the opportunities for better management practices using a LAPP for the entire Coastal Migratory Pelagic fishery including modifying the framework to include Dolphin and Wahoo within the paradigm.

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October 11, 2009

Subject: Generic ACL/AM Amendment Scoping Comment and King Mackerel Issues

To the GMFMC,

Thank you for the opportunity for Directed Sustainable Fisheries, Inc. (DSF, Inc.) to comment about the Generic Annual Catch Limit (ACL) and the associated King Mackerel ACL Issues.

DSF, Inc., proposes that the GMFMC choose to consider adding the management option that any Quota Underage are 100% carried over to the following season.

Further, DSF, Inc., would like to see that the re-distribution of the total allowable catch (TAC) between the commercial and recreational sectors should be reset at 50% / 50% each until the Marine Recreational Information Program (MRIP) is able to discern the real recreational sector percentages, in unison with the commercial landings.

As to Catch Sector proposals, the South Atlantic Fishery Management Council (SAFMC) Region stakeholders do not currently trust the NMFS idea of limited access. This seems to be in conflict with the choices of the fishermen from the GMFMC region, but the SAFMC will have to work this issue out across time. Will this circumstance affect the mixing zone debate North of the Monroe County / Dade County line sooner or later?

Dr. Roy Crabtree stated that he wanted to see a king mackerel update within two to three years. of the final report for SEDAR 16 published during late 2008. The Independent Reviewers from the SEDAR 16 Review Workshop stated the same choice.

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Shark Specialist, Directed Shark Fisheries, Inc. President
Deep-Sea Fisherman and Shrimp Boat Captain
Recreational, For-Hire & Commercial Fishing Life Experience, 1959-2009
Retired 100-ton United States Coast Guard (USCG) Licensed Sea Captain
Seafood Coalition (SFC) member
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Advisory Panel (AP) commercial member
Atlantic States Marine Fisheries Commission (ASMFC) Coastal Shark (CS) AP Florida (FL) commercial & for-hire recreational member
South Atlantic Fishery Management Council (SAFMC) Marine Protected Area (MPA) AP FL commercial member
Former NMFS Atlantic Large Whale Take Reduction Team FL member (ALWTRT)
Former NMFS Bottlenose Dolphin Take Reduction Team FL member (BDTRT)
American Elasmobranch Society (AES) FL member

Subject: Ammd. 18 & 20
Date: Saturday, September 26, 2009 9:49 AM
From: Capt4fish@aol.com
To: <ACLscoping@gulfcouncil.org>

Ladies/Gentlemen,

The NMFS is REQUIRED by the Magnuson Stevenson Reauthorization Act to implement Section 109-479 of the act by January 2009. The NMFS has failed miserably, and intentionally to make any effort for the successful implementation of section 109-479.

With the failure of the NMFS to perform duties set out in the act, (Sec. 109-479) how can the NMFS and the Gulf Council now implement amendments 18 & 20? These amendments are dependent upon the information provided by Section 109-479 had it been properly implemented as required by the law.

The population of gulf and Atlantic fishermen and NMFS scientists KNOW that the current data used to determine TAC is severely FLAWED at best. All fisherman believe it is intentionally manipulated to show grossly lower numbers of fish biomass.

I am at the marinas and docks 5-7 days a week during the season. In 20 years I have not once been contacted in any form as to what I have caught. Further I have never, ever seen any representative of the NMFS or NOAA or the Gulf Council on docks or the cleaning tables doing a creel count. How can this be? How can you determine what is actually caught without at least a reasonable

sample? The answer is: YOU CANNOT determine catch totals without a realistic sampling approach.

Credibility with the recreational fisherman is crucial to performing the correct management action with regards to all managed fisheries. The NMFS MUST follow ALL laws as set out in the Magnuson Stevenson Reauthorization Act. You can only achieve acceptance and support from the Recreational community when you implement the law in a FAIR and unbiased way. This law should be based on sound science. Your job would be successful and fruitful by just doing the right thing.

Capt. Kenneth Doxey
713-301-4545

Subject: Lobster and King Mackerel
Date: Tuesday, September 22, 2009 8:16 AM
From: Doug Gregory <Gregory-Doug@monroecounty-fl.gov>
To: <ACLScoping@gulfcouncil.org>
Cc: MCCF/FKCFA <fkcfa1@hotmail.com>, Tim Daniels <bdan1@bellsouth.net>, Bruce Irwin <mccfbruce@bellsouth.net>, George Niles <Niles98@att.net>, Jason Yarbrough <stonecrab2165@hotmail.com>, Jeff Cramer <street124@aol.com>, Josh Nicklaus <NicklausD@bellsouth.net>, Karl Lessard <mystic1fish@aol.com>, Simon Stafford <simi01@bellsouth.net>, Mitch & Vicki Gale <vickigale@bellsouth.net>, Pete Worhington <peteworthington@msn.com>, Butch Hewlett <bnbfishing@bellsouth.net>

Dear Gulf Council:

Spiny Lobster Scoping:

In consideration of removing federal management of the spiny lobster fishery, please consider that without federal oversight it may be possible for the Florida Keys lobster fishery to be prosecuted by vessels operating out of ports in other SE US states. This procedure was common in the US based Bahamas fishery prior to 1976. It may even be possible for Florida based vessels to offload onto non-Florida based vessels for transport to another state all in federal waters outside the jurisdiction of the state of Florida.

Coastal Migratory Pelagics Scoping:

A review of the catch history of permit holders in the king mackerel fishery is warranted along with consideration of eliminating permits with no or minimal landings over the past five years. The concern about latent fishing effort is most prevalent in the gillnet fishery. Currently the fishery is healthy and a quota increase has been requested by the AP and endorsed by the SSC and with a quota increase latent fishing effort is likely to become active. Not only would elimination of latent permits be precautionary in limiting the consequent potential fishing mortality increase that would come with an increase in the quota it also would reward those fishermen who remained active in the fishery and thus obviously have a financial dependency on this fishery.

Doug Gregory
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