SUMMARY MINUTES
PUBLIC HEARING – KEY WEST, FL
COASTAL MIGRATORY PELAGICS FMP
AMENDMENTS 18 AND 20
JOINT AMENDMENT FOR THE GULF OF MEXICO, SOUTH ATLANTIC FISHERY MANAGEMENT, AND MID-ATLANTIC FISHERY MANAGEMENT COUNCILS

September 21, 2009

Attendance:
Bob Gill, Gulf Council
Dr. Gregg Waugh, SAFMC
Dr. Carrie Simmons, Gulf Council Staff
Phyllis Miranda, Gulf Council Staff

43 Members of the Public

The public hearing was convened by Chairman Bob Gill at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments.

Brice Barr, charter boat captain, Double Down Sportfishing – He stated that removing the sale of the recreational king mackerel by charter boats would hurt his business because the sale of the king mackerel contribute to approximately 15% of his total gross income. Further, he said if the fish cannot be sold they would just be discarded and a waste. He expressed frustration with the fishing laws changing so frequently because of release mortality, resulting in huge economic impacts. He suggested creating a charter boat quota or something similar and that it would be an acceptable solution.

Craig Jiovani, charter boat captain, Charter Boat Grand Slam – He felt that the major issue for charter boats is the sale of their recreational caught bag limit fish. He added that being able to sell those fish allows them to keep their prices lower because they are able to supplement their income.

Daniel Padron, commercial fisherman, Key West, FL. He stated that he would like to see an increase in the quota from 1,250 lbs. per day to 1,500 lbs. per day or more in the gillnet and handline industry. He added that, as costs rise, they cannot keep their businesses running if they cannot catch more fish. He stated that he would like to see the 500 lbs. limit when the quota starts getting low removed as it is not profitable for them to go out 40 miles or more to only be able to catch 500 lbs.

Richard Gomez, charter boat captain, Capt. Conch. He stated that he had been fishing for 30 years and that there are so many rules that he cannot keep up with them. Further, he has read scientific data that he did not understand, and that he had been speaking at meetings for many years. He felt that their opinions are dismissed when the rules are made. He reiterated that they need to be able to keep the fish that are caught so that they can sell them.

Bill Wickers, charter boat captain, member of Key West Charter Boat Assoc. He stated that there were two things left out of the scoping document. He referred to the provision that 2% of the TAC was transferred from recreational catch to commercial catch to cover the sales of the recreational caught fish sold by charter boats, and there should not be an issue with double counting. The second thing that he

mentioned was if you have a charter boat, you have trip tickets and mark off whether charter boat or commercial, enabling the number of fish to be tracked. He added that the state of Florida has consistently backed charter boat fishermen on the sale of the catch, which is important both to the history of the fishery and the sale of the catch.

George Niles, Florida Keys Commercial Fishermen's Association. He stated that he would like to see the quota for king mackerel amount increased to 13 million pounds and increasing the daily trip limit on the commercial hook and line fishermen from 1,250 to 1,500 lbs. per day to offset the cost of fuel. He agreed that the 500 pound limit should be removed because it is economically unfeasible. He felt that this should be done as quickly as possible. He added that the stock has rebounded and that it was time to give the fish back. He suggested that a 2 or 3 day bag limit be introduced for hook and line fishermen fishing far offshore, requirements for vessel monitoring systems make this possible.

Bobby Pillar, Summerland Key, FL. He stated that he supported the statements of George Niles and Daniel Padron, to increase the daily limit from 1,250 lbs. to 1,500 lbs. He felt that king mackerel that are sold by the for-hire sector should be counted against the recreational sector quota.

Peter Bacle, Stock Island Lobster. He agreed that the quota should be significantly increased. He noted that this year the net boats caught their quota in two days and last year they caught their quota in three days, which indicates the amount of the stock that is out there. He felt that the charter boats should be able to sell their recreational catch. He agreed with Mr. Gomez that their input is totally meaningless when the rules are being made.

Billy Wickers III, charter boat captain, Big Coppit Key, FL – He also agreed that they are not listened to when they give public testimony. He stated that expenses are high, prices increase every year, and he needs to be able to sell his recreational catch. He added that management continues to make rules and regulations with data to back it up.

Lee Starling, commercial diver and spear fisherman, Key West, FL. He stated that a simplified version of the regulations book that they can understand should be developed. He added that the fisherman need to be diversified just to be able to survive.

<u>Additional attendees who chose not to speak on Mackerel</u>:
Robert Nevius, charter boat captain
Mimi Stafford, Key West, FL
Rob Harris, Conchy Joe's Marine & Tackle
Steven Lamp, Dream Catcher Charters
Gennifer Lamp, Key West, FL
Ron Meyers, Little Torch Key, FL
David McKinney, Environmental Defense Fund
Michelle Owen, Environmental Defense Fund
Kari MacLauchlin, University of Florida
Marlin Scott, Keys Radio Group
Chuck Coleman, Key West, FL
Josh Nicklaus, Key West, FL
Juan Blanco, Key West, FL
John Coffin, Big Pine Key, FL
Jim Sharpe, Jr., Big Pine Key, FL

Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 of the CMP FMP
Grand Isle, LA
September 21, 2009

Council and Staff:

Myron Fischer
Rick Leard
Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Myron Fischer. There were 17 members of the public in attendance.

Dr. Leard gave his Powerpoint presentation and then the meeting was opened up for testimony.

For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

James Bruce from Cut-Off, LA read a prepared statement on behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance regarding the Generic ACL/AM Amendment (attached to this report).

Mr. Fischer began reminding the participants that boundaries, seasons, and trip limits were just some of the topics that were discussed in the PowerPoint presentation that they may wish to comment on during their testimony and that the Council was interested in hearing their viewpoints on these issues.

Richard McKnight was a recently relocated Grand Isle commercial fisherman. He did not support any boundary line changes for king mackerel. Regarding start dates, he felt that July and August fishing on the east coast was killing the price in both the Atlantic and the Western Zone. Historically the east coast would stop catching by Sept. 6th or so until about Thanksgiving when they start catching again. He thought Sept 15th or Oct 1st would be the best start dates for beginning fishing for the western zone rather than July 1st. The proposal to reduce trip limits 1,250 lbs. was not a good idea because it would take 3x the amount of fuel to catch the quota and that would hurt their businesses. He had mixed feelings about whether IFQs would be good for king mackerel. Mr. Fisher asked if raising the trip limit seemed like a good idea to him, to which he answered yes, he had no problem with raising the trip limit to 4 or 5,000 lbs. He used to fish on the east coast. He felt that a 1,250 lb. trip limit would ease some of the pressure from east coast fishers coming over but it would reduce the likelihood of local fishing also because the financial incentive would be too small. He would favor higher rather than lower trip limits.

James Bruce from Cut-Off, LA read a prepared statement on behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance regarding the scoping document for Amendments 18 & 20 (attached to this report).

Dean Blanchard stated that the king mackerel market was soft this year. Fishermen got very little for the catch ($.40 to $.50 per lb. underpaid). He felt they should wait till the fish quit on the east coast and fishing should not be open when they are bearing eggs. They would make a lot more money now. He felt

the Council should use common sense. There are plenty of red fish, red snapper and mackerel, contrary to what the scientists are saying; maybe even too many. Let them fish and provide food for people. He agreed with Mr. McKnight on the fishing dates. Regarding trip limits, he felt that the 3,000 lb. trip limit was appropriate. He did not support reducing the trip limit by making fishers go out for fish twice when they could have gotten them all in one trip.

Kelty Readenour, a long time mackerel fisherman wondered if it was true that there were two different mackerel stocks in the Gulf. **Dr. Leard** answered that in the early 80s, a guy named Gill Bane did some studies for LSU on a Mexican stock, but Mexico will not give us the data that we need. There were some tagging studies that indicated that stocks potentially migrate from the Yucatan to LA. Genetic tests were also done in Pensacola area. **Mr. Readenour** commented that he had filed a lawsuit years ago on grouper/mackerel based on tests done in Pensacola. When the management plan was first implemented, there was a fishermen's meeting where they voted on an opening date for mackerel. The opening date was left up to the fishers. Since the stock was so small in the western Gulf for mackerel and to keep shrimpers out, they decided to open in July. When the fish did show up on the Grand Isle, they could only fish for a few weeks before they were gone. He felt bad about how things went back then, but he felt things were done out of necessity, since they only get 31% of the quota. He felt there was a potentially large stock of fish in the western gulf and he wondered if they came to the mouth of the river to spawn. **Dr. Leard** responded that there was a theory that there was an over-wintering stock that did not migrate. **Mr. Readenour** did not support IFQs. Because they only get 31%, he wanted to find a practical way to protect the local fishery and fishermen from outsiders.

Steven Dunning, a retired seafood buyer from Jupiter, FL was mainly concerned with a steady supply. He reviewed the April-Sept east coast fishing practices and he spoke for east coast and west coast seasons. He felt that if everyone stopped fishing simultaneously in Sept., then the market will stop demanding king mackerel and they will go to some other fish like tilapia or pompano. Steady supply is the key. The fish are dying out in Sept. Fish houses want fish and they have to make an acceptable profit in order to stay afloat. Let the concern be not when the east coast opens, but rather when the fish actually show up. Year round fish for buyers would be ideal. Opening in Sept, there would be a better quality fish provided to the market year round.

Mr. Readenour asked what the ratios were for red snapper to which **Mr. Fischer** answered 51% commercial and 49% recreational based on historical catch.

Terry Pizani supported an opening of Sept. 15th and would like to see that done.

Closing statement was read and the meeting adjourned at 7:30 p.m.

ACL/AM

Gulf of Mexico Reef Fish
Shareholders' Alliance

Stewardship Through Leadership

#1

111 Gentian Road, St. Augustine, FL 32086
Phone: 904-669-8894 Website: www.shareholdersalliance.org

Statement of the Gulf of Mexico Reef Fish Shareholders' Alliance on:

Scoping Document for a Generic ACL/AM Amendment for the Gulf of Mexico Fishery Management Council's Reef Fish Fishery Management Plan (and other plans)

September 2009

The Gulf Council is working to bring its fishery management plans into compliance with the Magnuson-Stevens Act requirements to establish Annual Catch Limits (ACLs) and Accountability Measures (AMs). Setting safe catch limits and ensuring excellent accountability are critical for the success of managing all fisheries. The Gulf of Mexico Reef Fish Shareholders' Alliance provides the following comments and recommendations.

1. Establish safe Annual Catch Limits.
Many Gulf fisheries have scientific data to establish ACLs (many have been operating with Total Allowable Catches (TACs)). In cases where catch limits have not been set, the best science should be used. If the science is inadequate, ACLs should be based on recent landings, and data systems should be designed to gather needed information.

2. Establish and allocate distinct reef fish sector Annual Catch Limits to the commercial, for-hire, and private angler sectors.
For management to work, each sector must have a designated allocation to help it design specific management plans that meet its goals, and establish the monitoring, data collection and enforcement systems that work best and are most cost effective.

The method used to set allocations between sectors should be fair and consistent. When allocations are already established, they should be maintained. When they are not, we recommend they be based on the average catches for a 10-year time period, like from 1997-2007. In the future, if multiple sectors operate with transferable catch shares and high accountability, we support limited transferability between sectors.

3. Accountability Measures should hold each sector responsible for its performance, and they should be equally rigorous for each sector.
Each sector should benefit if it complies with ACLs and other conservation measures, and should bear the consequences if it does not. When scientific analyses determine that catch can be increased, or must be decreased, NMFS and the Council should provide clear documentation explaining how much of the change can be attributed to each sector, and sector ACLs should be adjusted according to each sector's performance.

AMs must be rigorous for each sector, and ACLs adjusted when they are not. The red snapper fishery is an example. IFQs are working well as an AM in the commercial fishery, including compliance with catch limits and reducing bycatch. But the recreational AMs of closures, bag

limits, and size limits are not working and the catch limit is usually exceeded and bycatch is high, so the ACL should have a buffer to stop overages.

4. Consider IFQs and catch shares as the preferred Accountability Measures, not closures. NMFS' guidance on AMs steers councils towards closures and short seasons to prevent exceeding catch limits. These are demonstrated to fail in the Gulf reef fishery because they case derbies in commercial and recreational fisheries that waste more fish than they save. They also reduce economic viability and put lives and property at-risk. The red snapper model has already demonstrated that IFQs are the best AM for Gulf reef fisheries.

Talking Points:

- The Council should set separate ACLs and AMs for each reef fish sector, commercial, for-hire, and private angler.

- When there are already allocations between commercial and for-hire, the Council should use those. When there are no allocations established between the sectors, they should be set based on an average of 10 years. Some people say this locks in allocations forever, but that's not true. We want to consider controlled trading between sectors after each sector operates with transferable catch shares and good accountability. Fishermen themselves can do the best job of allocating fish by trading between themselves.

- When a sector is exceeding its ACL most of the time, the Council should make sure there is a buffer to stop the sector from overfishing. Management of the red snapper recreational sector causes overages that hurt the commercial sector's chances of getting a higher ACL.

- When the stock assessment or some other science determines we can raise, or have to lower, the ACL, the analyses should clearly document each sector's contribution to the conservation success or to the problem. Then, each sector's ACL be adjusted according to its specific performance. This should start happening now when the red snapper stock assessment if finished and we hope the ACL can be raised.

- The Council should not use closures as an AM in the reef fish fishery. We know they don't work. They nearly wiped out the commercial fishery, and they aren't working in the recreational fishery. Why not stick with IFQs and other catch shares that we know work better?

James Bruce
P.O. Box 970
Cut Off LA.

Mackerel

2

Gulf of Mexico Reef Fish
Shareholders' Alliance

Stewardship Through Leadership

111 Gentian Road, St. Augustine, FL 32086
Phone: 904-669-8894 Website: www.shareholdersalliance.org

Statement of the Gulf of Mexico Reef Fish Shareholders' Alliance on:

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

September 2009

The Gulf and South Atlantic Councils are revising their management plans for coastal migratory pelagic fisheries to comply with new Annual Catch Limit and Accountability Measure requirements. In doing this, the Councils have an important opportunity to improve management of these valuable fisheries. We support this effort because catch limits and excellent accountability are essential for sustaining all fish stocks and the fishing industry.

Today, the king mackerel fishery is facing serious problems, and it provides a good example why better management is needed. The current economic downturn in the U.S. is drying up construction and other jobs and pressing people into fishing, especially to fisheries like king mackerel that remain under limited open access management. Fishermen and regulators should recognize the emerging signs of derby fishing from their history with red snapper. The high volume of king mackerel landed early this year drove down dockside prices and caused an unexpectedly early season closure. From experience, we know that adjustments to seasons, trip limits and other controls will only intensify derby conditions and overfishing. Derby management is not an acceptable AM.

The Gulf of Mexico Reef Fish Shareholders' Alliance recommends that the Councils use good science to set the ACLs, and use IFQs as the AMs. The Gulf Council should work with the other councils that manage coastal migratory pelagics to begin planning to incorporate commercial king mackerel and other species into the existing reef fish IFQ management framework. IFQs for red snapper have already been documented as an excellent AM by keeping catches under the catch limit and reducing bycatch discards. It has also improved dockside prices and reduced risks to lives and property. These are the conservation and economic benefits we want to see in the coastal migratory pelagic fisheries.

We also recommend that the Council explore IFQs as the AMs for the for-hire sector. IFQs have not yet been tested in the for-hire industry, but they can be expected to be an excellent AM to replace management using bag and size limits, and seasons closures,

which is failing in other Gulf fisheries. We also recommend that the Councils explore a system of harvest tags as a new AM for the private recreational sector.

Talking Points:

- This amendment is happening just in time because king mackerel is in trouble. Since the jobs on land are drying up in this bad economy, people are jumping into fishing, especially where it is easiest to enter.

- This year, king mackerel was landed too fast, the price fell way down and the season shut earlier than anyone expected. We've seen these signs before in the red snapper derby, we don't want them repeated.

- The Council should use IFQs for the Accountability Measures for king mackerel and other coastal pelagics. The current IFQ system can be expanded to include additional fish.

- Since coastal pelagics are managed by the Gulf and South Atlantic councils, the Alliance can work with fishermen here and on the east coast to help design a good plan.

- The Council should also consider IFQs for the for-hire fishery. The seasons, bag limits and size limits are making it very hard to run their businesses, and they are not acceptable as AMs. We think they should also explore how harvest tags could help the private angler sector.

James Bruce
P.O. Box 970
Cut Off LA.

SUMMARY MINUTES
PUBLIC HEARING – MARATHON, FL
COASTAL MIGRATORY PELAGICS FMP
AMENDMENTS 18 AND 20
JOINT AMENDMENT FOR THE GULF OF MEXICO,
SOUTH ATLANTIC FISHERY MANAGEMENT, AND
MID-ATLANTIC FISHERY MANAGEMENT COUNCILS

September 22, 2009

Attendance:
Bob Gill, Gulf Council
Dr. Gregg Waugh, SAFMC
Dr. Carrie Simmons, Gulf Council Staff
Phyllis Miranda, Gulf Council Staff

36 Members of the Public

The public hearing was convened by Chairman Bob Gill at 6:00 p.m. Dr. Carrie Simmons reviewed the PowerPoint presentation with the public. The public was then invited to provide their comments. Although there were many members of the public present, only three chose to spoke on Mackerel.

Hal Osburn, Florida Keys Commercial Fishermen's Association. He commented that the fishery has recovered and the benefits should be given back to the fishermen. He stated that the best available science recommends an increase in the quota. He added that the fishermen are asking for a modest increase of 30-40% in their quota. He noted that the overall king mackerel quota will be raised only 3-4%, but could sustain an increase of 47%. He felt that raising the trip limit by 250 pounds, from 1,250 lbs. to 1,500 lbs. would make each trip economically efficient. He stated that the drop in the trip limit to 500 pounds when quota is reached is too little to justify a trip and that it should be eliminated. He added that the Mackerel Advisory Panel has voted in favor of both of these changes.

Richard Stiglitz, commercial fisherman, Monroe County, FL. He stated that he would like to do away with all the latent permits. He added that there are only 15 boats left fishing in the fishery and that they catch their limit in 2½ or 3 days. He felt that in order to put an ITQ together, the latent permits need to be eliminated as well as gillnet endorsements on kingfish permits. He added that the stocks have rebounded and that, since the recreational sector is not catching their quota, the numbers should be raised.

Tim Daniels, Marathon, FL. He stated that there is a severe reduction in the amount of boats catching kingfish. He added that the fishermen were promised that when the stock rebounded they would get their quota raised, and so far it has not been. He felt that if the recreational sector is not using their allocation it should be given to the commercial fishermen. He was of the opinion that charter boats should be able to sell their kingfish and that they should be given a portion of the recreational quota instead of part of the commercial quota. He felt that it is not economically feasible to switch from the trap fishery to a gillnet to catch a quota of fish. He recommended removing the permits that have not had landings for a certain period of time, such as 5 years. His was concerned that people who do not fish will suddenly start fishing again if the mackerel quota is raised. He believed that that portion of the quota should be given to those fishermen who have been fishing mackerel all along. He felt that the

limit should be increased from 1,200 to 1,500 lbs., and that the 500 lbs. limit should be removed from the end of the season. He also favored a multiple day trip limit for those fishing far offshore.

Additional attendees who chose not to speak on Mackerel:
Karl Lessard, Florida Keys Commercial Fishermen's Association
Gary Nichols, Nichols Seafood, Islamorada, FL and Organized Fishermen of Florida
Jeff Cramer, Organized Fishermen of Florida
Chris Johnson, charter boat captain, Marathon, FL
Christy Johnson, Seasquared Charters
John Bartus, Marathon Chamber of Commerce
Rick Turner, charter boat captain, Marathon, FL
Don Moll, charter boat captain
Michelle Owen, Environmental Defense Fund
David McKinney, Environmental Defense Fund
Elizabeth Prieto, Marathon, FL
Edwin Prieto, Marathon, FL
Barbara Maddox, Captain Pip's Marina & Hideaway, Marathon, FL
Leda Dunmire, Pew Environmental Group
Dawn Ward, University of Florida, Gainesville, FL
Toby Kight, Marathon, FL
John Harrison, Marathon, FL
Gigi Harrison, Marathon, FL
Donald Beechum, Marathon, FL
Paul Lebo, Marathon, FL
Gene Trag, Marathon, FL
Capt. Don Muller
Richard Turner, Marathon, FL

Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 to the CMP FMP
Biloxi, MS
September 22, 2009

Council and Staff:

Tom McIlwain
Rick Leard
Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Tom McIlwain. There were 2 members of the public in attendance.

Dr. Leard gave his Powerpoint presentation and then the meeting was opened up for testimony.

For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

Tom Becker of the Mississippi Charterboat Captain's Association spoke about catchability noting that the question always remained the same: How can the Council assign a specified catch level if the data are flawed. Regarding fishery catch data, he noted that when a fishery gets closed down, all data collection ceases. He supported implementation of electronic logbooks for the for-hire sector in order to provide more timely data collection. He also expressed concern about how long it currently takes for data to be compiled for fishery managers' use. He felt that asking for one red drum in federal waters was a reasonable request but that no data on that species would be available for a long time. He commented that the fishermen and the communities they operated out of were important, particularly in this steep economic downturn. Currently, he noted that in his area, king mackerel abundance was up while Spanish mackerel was down. Regarding ACLs and AMs, he could not support implementing accountability measures for a fishery with flawed data collection processes. The ACL/AM Amendment emphasized the need for better data collection. There was no logbook data for headboats, so he supposed that they would get more fish. He wondered why it was that everyone was seeing many more red snapper on the water, but the stock assessments kept indicating that the stocks abundance and catch limits were decreasing. He commented on some changes in fishing trends that he had seen recently. For example, there were fewer boats on the water, but the ones out there carried more people. He also noted that where there used to be many on the water during weekday trips, now fishing mostly occurred on weekends. He felt a primary concern of the Council should be to protect the people in the local communities and jobs.

Bill Blome with Ocean Conservancy stated that his organization would be providing their official comment in writing during the public hearing in Maderia Beach, FL.

The closing statement was read and the meeting adjourned at 6:55 p.m.

Scoping Meeting Summary
Generic ACL/AM Amendment
and
Amendments 18 and 20 to the CMP FMP

Corpus Christi, Texas
September 22, 2009

Attendees:

Council

Robin Riechers – Council Representative
Assane Diagne - Council Staff
Charlotte Schiaffo – Council Staff

Others

Pam Arrendo (Sea Academy)
David Bijnoch (Charterboat)
Page Campbell (TPWD)
Terry Cody (Charterboat)
Michael Miglini (Port Aransas Boatmen)
Ryan Ono (EDF)
Brandon Shuler (Outdoors Magazine)
Jim Smarr (RFA)
Matt Zuniga (Recreational)
1 member of public (did not sign in)

The meeting was called to order at 6 p.m. by Chair Robin Riechers, who read the chair statement.

Assane Diagne gave a PowerPoint presentation on the Generic Annual Catch Limit (ACL)/Accountability Measures (AM) Amendment and Amendments 18 and 20 to the Coastal Migratory Pelagics Fishery Management Plan (CMP FMP). He noted that ACLs and AMs were required for most federally managed stocks and explained the timelines for meeting those requirements: 2010 for overfished stocks and stocks subject to overfishing, 2011 for all other stocks; adding that annual stocks not subject to overfishing were exempt (e.g., most shrimp stocks). He also defined and reviewed the various acronyms and terms used in the amendments, and explained the relationship and relative magnitude of the overfishing limit (OFL), annual biological catch (ABC), annual catch limit (ACL), and annual catch target (ACT). He added that the difference between OFL and ABC accounted for scientific uncertainty, and that annual catch targets (ACTs) were recommended, emphasizing that they were optional and should account for management uncertainty.

Mr. Miglini expressed concern about the quality of the data used, stating that the best available data was not always really the best. He suggested having more outreach with the for-hire industry, possibly separating the sector from the recreational side. He proposed that this separation might be accomplished by using a database that included state registered guides, Texas license holders, and federal permit holders. He emphasized that people needed more notice for public hearings. He stated that a graph be created for presentations that showed the effect of greater funding for law enforcement on illegal fishing. He felt that a substantial benefit to the fishery would be shown if illegal fishing were curtailed, and that it would also alleviate the strain on stakeholders.

Mr. Smarr read a statement from the Texas Recreational Fishing Alliance (RFA, attached). He emphasized that the amendment should be slowed down and reworked, since it did not appear to be designed for accurate modeling.

Mr. Ono submitted a written statement (attached) on behalf of the Environmental Defense Fund.

Mr. Riechers asked if there were questions on any other matters.

Mr. Smarr requested that the Council conduct a longline (LL) study inside the 50 fathom curve, stating that complete models could not be created from information only gotten form dockside surveys. He suggested that a LL study be done with an observer each year, and that such data would make models more accurate and stop more restrictive fishery plans from being enacted. He also advocated the Council loosening restrictions on artificial reefs and working with states on an expedited schedule on this issue. He indicated that this request had been made to the Council before, yet the Council had not cooperated. He explained that it was vital for other states to build artificial habitats because it would take pressure off the red snapper fishery in federal waters by bringing snapper closer to shore.

There being no further business the meeting was adjourned at 6:30 p.m.

Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 of the CMP FMP
Orange Beach, AL
September 23, 2009

Council and Staff:

Bob Shipp
Rick Leard
Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Bob Shipp. There were 11 members of the public in attendance.

Dr. Leard gave his Powerpoint presentation and then the meeting was opened up for testimony.

For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

Allen Kruse, owner of 2 charterboats and 24 years of experience emphasized the need for better data collection. He supported sector separation of the for-hire sector from truly recreational fishers. He also requested separate ACLs/AMs for each reef fish stock. He did not feel that closures in the recreational sector provided accountability. In the commercial fishery, derby style fishing almost wiped out the fishery and it will not work for the recreational businessmen either. He supported an IFQ program for the for-hire sector so that they can more efficiently manage their businesses. He supported the use VMS and electronic logbooks to get accurate data in a timely fashion. He wanted fishermen to work together with the NMFS. Regarding ecosystem management approaches, he expressed concerns about land-based pollutants such as by-products from water treatment plants being passed through to the environment and encouraged environmental groups to get involved in studying those types of problems with the environment.

Tracy Redding, owner of AAA Charters (charter booking service) understood that regarding ACLs and AMs, the time had come for accountability in the recreational sector and they were looking to be in a better position to be more responsible. She understood that recreational anglers consistently overshot their quota. They know who the for-hire fishers are and she felt that if they were treated as a separate sector with their own ACLs, they would be better able to account for what they land. She supported the use electronic logbooks. This way, they can compile real-time data on all species where there is very little data being collected currently; the possibilities of these new tools will be crucial in helping them set accurate limits on species. She also supported exploring the use of tags for the private recreational sector. With tag use, there may be more accuracy in accounting for catch and discards. Regarding mackerel, she hoped that they would consider catch limits or limited entry programs so that they could manage some other way than open/closed seasons. She thought IFQs might be worthwhile in this regard.

Ben Fairey, a charterboat owner in Orange Beach had been fishing professionally for 37 years, full-time charter for 22. He is the president of the Orange Beach Fishing Association. He expressed concern about

how to maintain a sustainable fishery in the GOM. His association wanted to be part of the solution by coming up with common sense plans that protect the fisheries and the fishermen as well. In these dire economic times, they need to do everything they can to extend fishing seasons. He supported IFQs and sector separation in the recreational fishery. Charterboats were already handled differently from truly recreational fishers. ACLs and AMS were truly needed. The recreational sector goes over quota every year and since their community is so dependent on the red snapper fishery, a closed snapper season would be devastating to their community. He wanted to prevent a repeat of the red snapper overfishing scenario with the king mackerel fishery. He supported ACLs and AMs in order to prevent an overfished situation. Since many have lost jobs recently and king mackerel permits are still obtainable, many have turned to fishing as a way to earn an income. They need to be proactive so that they don't end up like red snappers, for cobia and wahoo also. He spoke against recreationally fish being sold. He supported IFQs for coastal pelagic fisheries. It made good sense for both the stocks and the fishermen. Regarding the concept of tags, he felt that the recreational sector needed some type of accountability because right now, the fishery is open-ended and when ACLs and AMs come into being, their industry will be in trouble.

Bryan Watts, a charterboat operator, full-time for 14 years was totally against the long closed seasons. Even with the short season, the recreational fishery was overshooting its targets. He stated that recreational anglers either did not know or did not care about limits. He felt it was unfair to put for-hire folks in the same boat as recreational anglers since purely recreational fishers would not be financially hurt by shortened seasons or bag limits. Also, recreational fishers did not typically participate in the process of figuring out how to fix the problem so he supported sector separation. He wondered where the current charterboat data came from and he believed that electronic logbooks would work best. He stated that he would be willing to carry an observer maybe up to 10 times per year if that would help with data compilation. He thought other professionals would be willing to do the same. He thought that if observers personally witnessed the tremendous number of red snapper out there, that information would benefit data collection efforts. Charterboats help species abundance because they create artificial reefs. Fishermen have commented that they have seen larger fish in deeper water on natural bottom where they have rarely been seen in the past. He actually felt that some areas were overpopulated (ie. 200 ft.+). When they try to catch other species such as beeliners or groupers, which they have to 9 months out of the year because of the snapper closed season, the number of snappers out there makes it virtually impossible. Of course, they kill snappers unnecessarily because of this also. He stated that because of the long closed season, especially during the tourist season, other species are hit harder which will ultimately lead to a reduction in the numbers of those fish. He thought spreading out the fishing seasons so that fishing for all species was open for 6 months or more, he felt that would help spread out and level the catch across all the stocks. Regarding king mackerel, he understood that AL was the only state that allowed gillnet fishing. He noticed that he might catch Spanish or king mackerel at the limit for a week or so until the season opens for the net boats, then the stocks were wiped out in a couple of days. He wondered how charterboats could be hurting the mackerel stocks when all the charterboats combined could not catch as many mackerel all season as net fishers do in just a few days.

The closing statement was made and the meeting was adjourned at 7:00 p.m.

Scoping Meeting Summary
Generic ACL/AM Amendment
and
Amendments 18 and 20 to the CMP FMP

Houston, Texas
September 23, 2009

Attendees
Council

Assane Diagne – Council Staff
Joseph Hendrix – Council Representative
Charlotte Schiaffo – Council Staff

Others

Brian Bremser (Recreational)
Kenneth Doxey (Charterboat)
Jesse Glover (Recreational)
Keith Guindon (Seafood Processor)
Tom Hilton (Recreational)
John Huddleston (Recreational)
Ryan Ono (EDF)
Bob Palmer (Charterboat)
Ellis Pickett (GRN)
Rory Starling (Recreational)
Monty Weeks (RSAP)
John Williams (Charterboat)

The meeting was called to order at 6 p.m. by Chair Robin Riechers, who read the chair statement.

Assane Diagne gave a PowerPoint presentation on the Generic Annual Catch Limit (ACL)/Accountability Measures (AM) Amendment and Amendments 18 and 20 to the Coastal Migratory Pelagics Fishery Management Plan (CMPFMP).

Mr. Weeks read a statement (attached) expressing his concern that there was not enough data to implement ACLs and AMs.

Mr. Hilton read a statement (attached) voicing reservations about enacting ACLs and AMs for the recreational sector.

Mr. Hendrix assured the attendees that the Council was taking their concerns seriously and would take them into consideration when considering ACLs and AMs.

Mr. Guindon read a statement (attached) urging the Council to act quickly to get better data, since shorter fishing seasons and current management decisions were destroying the recreational fishery. He advocated separating the recreational sector since for-hire vessels and private boaters have very different needs. He stated that the Council should not use closures in the amendment and proposed that recreational fishers have electronic logbooks.

Mr. Williams stated that he understood that the Council's hands were tied on some matters and suggested that the sectors try to work with the Council's restrictions. He agreed that the for-hire sector needed to be separated from the private recreational fishery. He expressed consternation over captain and crew limits and requirements for permits that were enforced on for-hire vessels and not on others in the fishery. He advocated implementing individual fishing quotas (IFQs) in the for-hire industry, stating they would allow the industry to better regulate itself, like it had for the commercial sector.

Mr. Ono read a statement (attached) urging the Council to set appropriate ACLs and account for overall fishing mortality. He stated that discard and bycatch numbers were obscured in the scoping document, and that the council should expand its views of AMs. He suggested implementing IFQ programs with data monitoring and noted potential benefits of separating the recreational sectors.

Mr. Doxey voiced his opposition to IFQs. He stated he might support ACLs and AMs at a later date, however much more information was needed before any current implementation.

Mr. Pickett commented that more fish were being caught then could reproduce. He disagreed with assertions that more fish were being caught because there were now more fish. He noted that technology had outpaced the ability of fish to rebound, and that the Magnuson Stevens Act (MSA) required that hard choices be made. He pointed out that steps had to be taken to ensure a resilient fishery, and that tough measures now would ensure fish for all later.

Mr. Palmer read a statement (attached) and questioned how total allowable catch (TAC) numbers were decided upon. He added that in the last season there were only 72 days of fishing (10 weekends), which did not allow for as much TAC as had been stated, since most people were working and could not fish at the times fish were supposedly being caught. He questioned the accuracy of how the numbers were extrapolated, adding that there just were not that many people fishing to justify the numbers presented. He stated that shrimp boat bycatch was another issue that needed to be addressed.

Mr. Starling read a statement (attached) and voiced concerns on data collection methods. He noted that fishing was a way of life for thousands of people and had a major economic impact on the Gulf Coast. He stated that bad weather days were not taken into account in figuring data, and that the average fisher went out 6-8 times per year which would give much lower numbers than those shown in the charts. He emphasized his 30 year of fishing experience and noted that he had seen the fishery recover with many more fish than in previous years. He commented that the two fish limit had not created more fish, and that a usable biomass of fish was needed. He urged that better data be used or else more fish would be taken away from the fishery. He pointed out that hurricanes had knocked out much of the fishing season in the previous year. He also voiced

his support for aquaculture and added that other factors needed to be taken into account in determining TAC, such as how many fish were eaten by other fish and not caught by anglers. He noted that he had driven over 2 1/2 hours to attend the meeting.

Mr. Hendrix explained where information could be found on how data was obtained, referring people to the Gulf Council website.

Mr. Huddleston agreed with most of the statements made. He noted that the fishery in Texas was different from the Florida fishery and that the eastern and western Gulf had different levels of snapper, so different regulations were needed for each area. He stated that longliners were responsible for much of the snapper bycatch, and that he had serious issues with the Council limiting catch for the recreational sector because of longliners decimating the fishery. He added that many snapper did not survive when released and that this added to the mortality rate. He asked how many biologists actually fished, because their data was incorrect, adding that if they were out on the water more often they would see the increase in fish and come up with correct data. He noted that more sampling was needed from Texas waters and that he was constantly catching large fish in those waters.

Mr. Bremser suggested calling and asking him about the numbers of fish he had seen. He volunteered to host observers, and agreed that the Texas and Florida fisheries were different and needed different regulations. He explained that snapper in Texas were usually more than 40 miles offshore, while Florida snapper were commonly right off shore.

Mr. Wilson stated that the Council was not abiding by section 109-479 of the MSA which required it to have data collection procedures in place.

Mr. Hendrix interjected that the restructuring process of the Magnuson Stevens reauthorization Act (MSRA) would take two years and that Congress demanded implementation of ACLs and AMs by 2011, so the Council had no choice in the matter. He added that most recent amendments had already implemented ACLs and AMs. He noted that the National Oceanographic and Atmospheric Administration (NOAA) had their own sampling program from which data was extrapolated.

Mr. Starling expressed concern that numbers were extrapolated from certain areas to the entire Gulf, stating that there were too many variables to make such a system accurate, and that if only limited areas were sampled the results would be skewed.

Mr. Hendrix reminded the audience that they were not there to discuss sampling methods, suggesting that any such comments be directed to the Council by email or letter before the next Council meeting.

There being no further business the meeting was adjourned at 7 p.m.

Scoping Meeting Summary
for
Generic ACL/AM Amendment
Coastal Migratory Pelagics Amendment 18/20
Madeira Beach, Florida
September 23, 2009

In attendance:	Julie Morris	Steve Bortone
	Steven Atran	Charlene Ponce
	Phyllis Miranda	16 members of the public

Steven Atran gave a PowerPoint presentation summarizing the Generic ACL/AM Amendment and Coastal Migratory Pelagics Amendment 18/20. Spiny Lobster Amendment 10 was not reviewed, but attendees were informed that the amendment was on the CDs on the handout table or could be downloaded from the Council website.

Dennis O'Hern, Executive Director, Fishing Rights Alliance (will also submit written comments) – noted that we are still two years away from having a universal angler registration which will allow a statistically representative sampling of fishermen, and expressed concern that ACLs will have to be based on uncertain MRFSS data. He felt that NMFS was shutting down the fisheries and that it was damaging to the economy and heritage of Florida's fishing and to the quality of life. He suggested taking a look at how FWC successfully manages fisheries.

Joe Murphy, Florida Program Director, Gulf Restoration Network (will also submit written comments – GRN supports a successful implementation of the Magnuson-Stevens Act and feels that the Council is moving in the right direction. He stated that healthy sustainable fisheries are important to Florida's economy, but the goal should be not just a healthy fisheries but a healthy Gulf of Mexico.

Frank Jackalone, Senior Regional Representative, Sierra Club – agreed that it's important to protect the Gulf of Mexico and its fisheries. The Sierra Club is also interested in protecting biodiversity, including mammals and sea turtles. In 2005, the Sierra Club established the Gulf of Mexico Sustainable Fisheries Campaign to end overfishing including bycatch, educate the public, and work in cooperation with other organizations to protect the resource. Siera Club's position is that:

- ACLs should be based on best available scientific information
- AMs should stop overfishing or take overages out of next year's catch
- Unintended catch and mortality should be reduced

On a personal note, Mr. Jackalone felt that shifting control of management by removing a stock from a Council FMP would politicize the process.

T.J. Marshall, Gulf of Mexico Outreach Director , Ocean Conservancy (will also submit written comments) – Ocean Conservancy's position consists of nine points:

1. ABCs should be based on scientific uncertainty, status of the stock, and a measure of vulnerability such as PSA.
2. ACLs should include both landings and discards.
3. Include the use of ACTs that account for management uncertainty.
4. Include management uncertainty in the control rules.

5. If sector ACLs are used, they should be used for all stocks. This will promote good stewardship by rewarding sectors that stay within limits and only applying AMs only to the sector that exceeds limits.
6. In-season AMs should be used wherever possible.
7. When in-season AMs are not possible or are ineffective, use management buffers to account for uncertainty.
8. Take care to assure that stock complexes are grouped appropriately.
9. The use of indicator species is discouraged, but where used, they should be the most vulnerable stocks in the complexes.

Rusty Hudson, Directed Sustainable Fisheries – On issues pertaining to the Mackerel scoping document, rolling over of unused catch to the next year would be useful. Mr. Hudson felt that poor estimates of private recreational landings would hurt the commercial fishermen if there is no overfishing when setting ACT.

Summary of the Public Hearing for the Generic ACL/AM Amendment and the Scoping Document for Amendments 18 and 20 of the CMP FMP
Panama City, FL
September 24, 2009

Council and Staff:

Bob Shipp
Rick Leard
Karen Hoak

The meeting convened at 6:10 p.m. and the opening statement was read by Chairman Bob Shipp. There were 21 members of the public in attendance.

Dr. Leard gave his Powerpoint presentation and then the meeting was opened up for testimony.

For the administrative record, the participants were asked to comment on the scoping documents separately beginning with the Generic ACL/AM Amendment.

Mr. Zales asked a question about the table on a slide in the presentation. The table indicated that the mackerel stock would go downhill and he wondered why they came up with that projection when mackerel has only been going up for the last 20 years. **Dr. Leard** answered that when they did the stock assessment, they primarily relied on fishery independent data. That data showed a very strong recruitment the year before the model runs and that strong recruitment was entering the fishery in the 2007-2009 time period. Since the recruitment level was higher than what is considered a long term average, the assumption was that it would eventually contract down to the average, so that would cause the drop shown. He noted that the current TAC was not being caught, thus recruitment in the future could stay high or even increase. He recommended not putting a lot of weight on information beyond 2011 or so.

Bart Niquet, a commercial and recreational fisherman stated that the snapper program was working very well and he hoped the same for grouper. Although there were not many gag grouper offshore, he felt there were plenty of 16" to 18" gag in the bay. He did not want recreational for-hire fishermen to be put out of business.

Jerry Anderson, a partyboat operator requested that they divide the recreational catch level by sector, private and for-hire. He supported electronic logbooks for real time data. For smaller operators, there could be some other method for reporting. He suggested using state law enforcement agencies for ground-truthing and he also suggested using catch shares for both groups.

Matt Andrews, a commercial king fisher for 25 years commented that king mackerel was one of the few open access managed fisheries left. He felt it was clear that the commercial fishery was becoming a derby-style fishery as other IFQs went into effect, which would cause this phenomenon in king mackerel to get worse. He figured once IFQ shareholders fished out their allocation, they would turn to the open fisheries for additional work. In 2009, his personal income had been reduced by 50% due to increased participation and next year looked even worse. Trip limits and quotas that cause fishermen to race each other for fish was completely unsound management. These caused increased fuel consumption, decreased profits for catch by causing too much production in too short a period of time, which increases effort to catch more fish so that they can just stay in

business. He hoped that for the industry to become environmentally and economically sound that all the fisheries went to IFQs.

David Krebs, a Gulf and east coast fishhouse operator spoke about how Ariel Seafood has accounted for about 40% of the annual king mackerel landings since 1992. He recalled the state of the fishery in 1995 and compared that world to what was happening today with red snapper. He stated that people that used to work in the construction industry have turned to fishing to earn a living and that was killing the existing fleet. He agreed with Mr. Andrews citing that last year the king mackerel season in the western Gulf did not close until February of this year. In the last 10 years, he had not frozen a single pound of king mackerel. This year, he froze 150,000 lbs. because the market could not handle the supply and the boats would not stop fishing because they knew that when the quota was closed, the fishery was closed. He felt that Mr. Andrews was a victim of circumstances. Catch shares is the only management scheme that will control effort. Give historical fishermen their just dues and let them catch fish when the market conditions are favorable. Glutting the market and selling king mackerel for $1.30 is ridiculous. Regarding boundaries, he felt that the boundary split should be done at the Keys. He did not support the mixing zone blending. The fact that the mackerel management has increased the stock is encouraging. He ended by stating that he supported the Shareholder's Alliance position on mackerel issues and submitted their official written statement for the record.

Mike Dates, a Destin charterboat captain expressed the need for the collection of better data to improve management of the for-hire sector. This will have to happen fast if they are to comply with ACLs and AMs. He stated that ACLs and AMs should be set for each reef fish sector. Seasonal closures did not work well and he supported the idea of IFQs, VMS, and electronic logbooks, even for smaller boats. He was thankful for the opportunity to participate in the creation of laws that would impact all their businesses in the future.

Bob Robinette, charter operator read a prepared statement from Pam Anderson of the Panama City Boatman's Association and owner of Anderson Marina (attached, item #1).

Bob Zales, II, president of Panama City Boatman's Association read their statement into the record on the Generic ACL/AM Amendment (attached, item #2). He commented that the NMFS constantly states that they are mandated to implement these measures by 2010/2011 but somehow, the implementation of a new data system by January 2009 just vanished. Congress understood that they need data first, then ACLs and AMs. The NMFS has it backwards in his opinion. He then read the statement on the scoping document on Amendments 18 and 20 of the CMP FMP (attached, item #3). As a personal comment on his own behalf only, he read a portion from an article by Holly Binns from the Pew Environmental group where she spoke positively about how fishery managers' past science-based decisions had reversed overfishing of a depleted stock. He suggested that the king mackerel management model be an example for all finfish management.

Chris Niquet, a member of the Gulf Reef Fish Alliance and red snapper IFQ shareholder thanked Dr. Shipp for the study he did on artificial reefs and the decline of the shrimping industry. He felt, like many, that there were plenty of red snapper and stated that there needed to be a program for the for-hire sector and the recreational sector that leads to more accountability. Better data leads to better management. He gave an example of where the data that managers' were using was incorrect. In south FL, they say the red snapper is still overfished versus the western Gulf where they say that overfishing is not occurring. He said they are basing their findings on a commercial logbook that states that in X days you can catch X pounds of red snapper. So they go to south FL and go grouper fishing where they can have 6,000 lbs. They will throw red snapper back until the last 2 or 3 days

because there are so many of them, they know they can get their fill of red snapper at will. The economics dictate that grouper is more valuable than red snapper so red snapper gets treated as bycatch.

Gary Jarvis, charterboat owner/operator and dual permit holder stated that the current system needed to be changed to a new management regime for the total reef fish complex for the GOM because of the new MSA mandates. In order to accomplish this, he recommended separate ACLs and AMs for each sector and he advocated separating the recreational sector into 2 user groups, for-hire and private recreational. Each of the 3 sectors needed to be managed according to their unique composition in order to prevent overfishing. He supported the use of electronic logbooks in the charter for-hire industry and the commercial fishery to reduce uncertainty rather than bag limits and closed seasons. Regarding pelagic fish discussions, he did not condone comparing management of pelagic species with management of reef fish species. Speaking on HMS species, he noted that pelagic management issues were first focused on, the mass fishing technology being used, where 100,000 lbs. per set was common was a major part of the problem, particularly when the fish came into the shallows. They also come and go (HMS). One day they are here, the next day they are gone. There is very little mortality associated with bycatch. Nowadays, king mackerel is no longer the prized fish that it once was. Reef fish are now considered the new prized fish and now that fishery is diminishing due to the increased pressure on them. So consequently, the harvest level on king mackerel is changing again. Since king mackerel is the only thing they are allowed to catch, pressure is once again increasing on them and amberjack. He believed that the harvest level has increased about 50% on king mackerel for both sectors. As a dual permit holder, he supported option 2, section 3.1.7 which calls for a joint LAPP management program for the commercial and charter for-hire sectors. LAPPs are proven to improve accountability to manage and rebuild stocks. He did not feel trip limits were effective.

Chad Hanson speaking on behalf of the Pew Environment Group, the conservation arm of Pew Charitable Trust commented that their mission was to apply rigorous analytical approaches to improving public policy, informing the public, and stimulating civic life. Ending overfishing means working with the NMFS and the Councils to set science based limits that end and prevent overfishing. He thanked the Council participants for making public comment access as easy as possible. He stated that overall, they were pleased with the approach that the Council was taking with the new MSA and National Standard guideline 1 requirements. These efforts will provide long-term benefit. They will submit detailed suggestions and comments prior to the closing date for comments, but in general they believe that the ACL amendment should broadly define the intent of an ACL system and detail the procedures for setting ACL. It should also address topics like control rules on setting ABCs, ACLs and ACTs. AMs should address chronic overages. It should also explain the process of how ACLs will be updated from stock assessments. Science-based catch limits that account for scientific and management uncertainty is critical to sustaining fish populations. Well designed systems and control rules will ensure regulatory compliance. He recommended managing to an ACT, leaving a margin of error. Timely and comprehensive data will provide adequate information for setting the ACT. If the rolling 3 year average is exceeded, he felt that a suite of predetermined AMs should be set for each fishery. The new mandates should be seen as an opportunity to steer our fisheries towards long term sustainability, providing food, jobs, and recreational opportunities for generations to come.

The closing statement was made and the meeting adjourned at 7:25 p.m.

Pam Anderson

Item #1

Annual catch limits and accountability measures will make it easier for fishery managers to impose early closures on a fishery if the Total allowable catch for a species is reached earlier than estimated.

In order to work properly, the actual harvest of a species would have to be known in a near real-time scenario. With our current data collection system in place, it is next to impossible for fishery managers to get that information within months of a season closure.

Currently there is a new data collection process being developed which will hopefully provide managers with the info they need to implement the annual catch limits and the accountability measures. Until that time, what the managers will be doing is guessing at the amount of TAC that has been harvested at any time during a season.

It is not fair to impose increased regulations on an already overburdened fishing industry in case the fishery MIGHT be going over the TAC.

I submit to you that the reasonable management process is to not put these additional measures in place until the new data collection program has been implemented and proven to give more accurate information.

The new data collection program was required by Congress to be in place by January, 2009. Since the fishery managers have not accomplished that task yet, it would not be appropriate to implement the ACLs and AMs at this point in time.

Let's find out what the real harvests are before we add any more regulations to an over-regulated industry. We need to keep the jobs and businesses that are hanging on by a thread from going under.

Bob Zales

Item #2

PANAMA CITY BOATMEN ASSOCIATION

P.O. Box 4151
Panama City, Florida 32401

September 23, 2009

Gulf of Mexico Fishery Management Council
2203 N. Lois Avenue, Suite 1100
Tampa, FL 33607

Re: Comments for scoping meetings on ACLs/AMs and Coastal Migratory Pelagics Joint Amendments 18/20

Dear Council Members:

On behalf of the members of the PCBA I respectfully provide the following comments on the above.

Generic Amendment ACLs/AMs

The reauthorization of the Magnuson Stevens Fishery Conservation and Management Act in January 2007 required, among other things, that under 109-479 (D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009. The National Marine Fisheries Service failed to do this as required by Congress and there will not be an improved MRFSS within the near future. The NMFS historically selects which mandates to comply with and implement contrary to the will of Congress.

Congress also required the adoption of more restrictive management which resulted in the use by the NMFS of ACLs and AMs as levels of acceptable harvest to prevent overfishing and stocks becoming overfished. The requirement is to implement these ACLs and AMs by 2010 for fisheries undergoing overfishing and by 2011 for all other federally managed fisheries. It was clearly the intent of Congress to have an improved recreational data program in place and utilized a minimum of 1 year prior to implementation of ACLs and AMs. As stated above, the NMFS failed to implement an improved recreational data program which would provide the ability to properly apply ACLs and AMs to the recreational fishery.

Due to the fact that the NMFS knowingly selected to not comply with the congressional mandate to implement an improved recreational data program by January 2009 but using their historical cafeteria style of management and selectively choosing which action to implement or not, we respectfully recommend that until the NMFS has fully implemented a new and improved recreational data system that ACLs and AMs not be used to restrict recreational fisheries. Congress knew that the current recreational data system was not able to provide the data necessary to use ACLs and AMs which is why they required a new data system one year prior to implementation of ACLs and AMs. The use of estimates, and statistical extrapolations and a data system designed to track trends in recreational fisheries is known by congress and others to not be reliable in managing by ACLs and AMs.

In addition to our concerns, we stress that the use of estimates for determining recreational discards, B2 fish in the current data system, is certainly unreliable and provides an irresponsible set of data in attempting to determine discard mortality. Further complicating the data is the use of correction factors based on surveys where phone numbers are not identified, vessels enter and depart the selection frame, and the unknowns of state licensed vessels fishing on federally managed species. Our view is it is impossible to properly manage the recreational fishery by ACLs and AMs under the current recreational data system and any attempt to do so will only serve to further restrict recreational fisheries causing continued social and economic harm to anglers and the communities where they live and fish.

Item #3

Coastal Migratory Pelagics Joint Amendments 18/20

The Gulf King Mackerel Fishery and the history and style of its management is a true success story. We recommend all Gulf fin fish fisheries be managed in a similar manner. Our recommendations for proposed joint amendments 18/20 are as follows.

3.0 part 3.1, 3.1.1 and 3.1.2, appendix A should be considered separate as there are many issues that need options within appendix A and it is too complicated to be simply accepted or not.
3.1.3, we recommend option 5, status quo. The current requirements have served to sufficiently provide for good management of the sale of coastal migratory pelagics. As long as the fishermen are properly licensed, fishing according to requirements, proper record keeping exists, and all requirements for the commercial sale are complied with, we see no reason to alter the current requirements.
3.1.4, bycatch issues, we recommend a new alternative that utilizes the current commercial logbook requirements for reporting discards and the use of observers to provide data on the disposition of discards. We recommend a similar reporting requirement for the recreational fishery. We highly recommend that due to the status of the gulf king mackerel fishery and the recommended ABC by the SSC that the minimum size be eliminated and the harvest be constrained by the commercial quota and recreational bag limit. This elimination of the minimum size should then reduce the discard mortality to almost zero thus reducing the need for discard mortality estimates.
Part 3.1.4.2, we recommend option 2, no action.
Part 3.1.5, risk levels, option references attachment 4. We could find no attachment 4 in the online document so cannot speak to it. We recommend option 5, no action.
Part 3.1.6, we recommend no action, option 1.
Part 3.1.7, LAPP, we recommend that if the council and NMFS is to insist on a LAPP program that the next council LAPP program for all fin fish commercial fisheries be designed for all commercial fin fish fisheries at one time rather than the single species style management that the council has historically taken.
3.2 part 3.2.1, set ofl, etc, we recommend more detail to be considered with more discussion and rationale to be considered as there is not enough information presented to make a reasonable decision at this time.
Part 3.2.2, modifications to current commercial fishing zones, we recommend status quo at this time. The historical commercial fishery in the northern subzone (panhandle of FL) is prosecuted during the fall of the year (sept thru nov) and the western zone has historically taken their quota by sept. We need to further discuss these options prior to making any possible recommendation for change.
Part 3.2.3, change the opening date of the commercial fishery, we recommend option 4 to require a declaration of which zone you wish to fish prior to the opening day and be restricted to the zone declared.
Part 3.2.4, adding species to the cmp management unit, we recommend adding wahoo to the cmp as has been recommended by the mackerel advisory panel for many years. We also recommend adding blackfin tuna to the cmp management unit for the same purpose as wahoo.
3.3, parts 3.3.1 thru 3.3.9, South Atlantic management issues, we have no recommendations for the South Atlantic fisheries as they need to manage their own.

We wish to thank the council for the opportunity to comment on these issues and will provide future comments as the issues progress.

Thank you,

Capt. Bob Zales, II
President

Cc:file