

**Summary of Scoping Comments Received during Site Visits on
Coastal Migratory Pelagic Amendment 19
Coastal Migratory Pelagic Amendment 20**

Smitty's Bait and Tackle – Galveston, TX

Mackerel 19

The manager is concerned that limiting the sale of Coastal Migratory Pelagics will further harm his business. In Texas they use Spanish mackerel for shark fishing and he has already downsized from a walk-in freezer to a chest cooler for bait because of the regulations.

Richard Diaz and Rubin Ravelo – Florida Keys Commercial Fishermen

Half of the fleet isn't fishing because it is not worth it to run 60 miles offshore to catch 1,250 lbs. of king mackerel. According to their calculations:

\$1,600 – Gross pay for 1250 lbs of kingfish.

-\$ 800 – Fuel

-\$ 100 – Spoons (bait)

- \$ 100 – Ice

\$600 – to divide among crew and captain and boat share for a 12-hour work day.

He would like the Council to eliminate the trip limit completely in the kingfish fishery. They would prefer that the trip limit not be reduced to 500 lbs. after 75% of the quota is caught. The Council should consider allowing a two-day trip limit for the hook and line fishermen. They would happily hail in and hail out to ensure their trips are tracked.

Amendment 19

Action 3 – They suggest Council get rid of latent permits in the gillnet fishery.

Action 5 – Make it harder to qualify for permits, not easier.

Amendment 20

Actions 4 and 5 – Requiring fishermen to identify which zones they want to fish in is a good idea. Fishermen in the Keys don't really leave the area to fish.

Gary Graves- Keys Fisheries –

Amendment 19

Action 2 – The recreational sale of fish should be limited. Currently, back door and non-reported sales are a rampant issue in the Keys. Maybe instead of stopping sale altogether, the Council could make the fishermen sell their fish to a fish house only.

Amendment 20

Actions 4 and 5 – It is traditional for fishermen to follow the fish. Some fishermen may want to protect their home stock, but the traveling fishermen should not be limited. Make the Annual Catch Limit and let the king fishermen harvest it as they please.

**Summary of Scoping Meetings for:
Dealer Permitting,
Coastal Migratory Pelagics 19, and
Coastal Migratory Pelagics 20**

**Galveston, Texas
March 19th, 2012**

Council/Staff:

Patrick Riley
Emily Muehlstein

No members of the public in attendance.

**Port Aransas, Texas
March 21th, 2012**

Council/Staff:

Doug Boyd
Emily Muehlstein

1 member of the public in attendance.

Michael Miglini – Port Aransas, TX, Commercial fishing boat and Out to Sea Adventures Charter Fishing Business

Dealer Reporting

Action 1 – He likes the idea of using a single permit. For a species like shark that currently requires a class, make it clear that those requirements must be fulfilled under the universal permit.

Action 2 – He believes that people need to report and not wait to the end of the year. He supports electronic log books with a phase-in of a few months. He wants to promote a system that is easier to work with, maybe one with reminders that sends an email to remind folks to respond. He wants to see more streamlined reporting for dealers and vessels in one place, and suggests that the system merges the state and federal system so they are reporting to one or the other.

Action 3 – He says penalties may not be appropriate, larger non-compliance may be because the system is wrong.

The meeting was adjourned at 7:00 pm.

Members of the public who did not speak:

Lance Robinson – Texas Parks and Wildlife
Terry N Cody – Texas Parks and Wildlife
Page Campbell – Texas Parks and Wildlife

Biloxi, Mississippi
March 20, 2012

Council/Staff:

Tom McIlwain
John Froeschke

No members of the public in attendance.

Mobile, Alabama
March 21, 2012

Council/Staff:

Bob Shipp
John Froeschke

No members of the public in attendance.

**Summary of Scoping Meeting
Mackerel Amendments 19 & 20
Destin, FL
March 22, 2012**

Council and Staff

Pamela Dana
John Froeschke

Public Attendance

Henry Hunt
Mike Eller
David Krebs
Donald Dineen
James Galloway
Ben Payton

Chatham Morgan
Gary Jarvis
Nicholas Patzig
Brian Kelley
James Galloway
Billy Joe Teems
Billy Teems
Audrey Hunt
Michelle Sempsrott
Curtis Gwin, Jr.

The meeting was convened at 6:00 p.m. and the opening statement was read, followed by a presentation. Sixteen members of the public were present, and 11 people gave testimony about actions being considered in Amendments 19 and 20 to the Coastal Migratory Pelagic Fishery Management Plan. Several stakeholders spoke in opposition to changes being considered for management of cobia; they felt management measures already in place were adequate. Several people also provided testimony about the potential changes in king mackerel management. While there was general agreement about problems (i.e., fishers coming from other regions, allowable harvest being caught prior to fishers having access to them in all regions of the Gulf, and the harvest being under allowable limits in some regions), no clear recommendation was put forth to address these issues. Some stakeholders preferred returning to an open access fishery and removing zones and sub-zones from the management plan. In contrast, another stakeholder suggested an ITQ program would better address fisherman and management objectives while protecting the stock. Zone declaration was also discussed as a measure to prevent fishers following mackerel throughout their range. However, several fishermen noted that mackerel are targeted out of small vessels and that fishers may still be able to fish multiple zones; albeit from different vessels. They suggested this may occur because fishermen target these species from small vessels that could be moved or maintained in different regions. Nobody offered specific comment about removal of changes in zones or sub-zones and they commented that allocation information would have to be discussed prior to a recommendation.

Meeting was adjourned at 8:30 p.m.

Key West, Florida
March 26th, 2012

Council/Staff:

Bob Gill
Emily Muehlstein

5 Members of the Public in Attendance

William Niles – King fishermen are running 70 miles for 1,250 lbs. and it's not worth it anymore. Many fish are caught when fishermen are checking lobster traps and just catching kings on the way home. Suggests a daily trip limit of at least 1,500 lbs. a day with a maximum of 3,000 lbs. in two days. The early closure of the gillnet fishery should be repaid. They worked with NOAA Fisheries to report every day and it punished them. They closed the fishery because no one was going to be tracking it over the weekend. It shut the season down prematurely, and it should have just been put on hold.

Every year there are 7 miles of mackerel off the shore of the keys and the fishermen here can't touch them. Once the fish migrate to Mexico they are all caught. What the quota is to day he has caught in one year. With the amount of fish that are out there, it's a shame that we don't raise the quota.

Amendment 19

Action 2 – Does not agree with the sale of recreational fish and its addition to the commercial quota. He has seen 100,000 pounds come in from recreational sales after the commercial quota is closed. It reflects poorly on the commercial fishermen, because they are not responsible for the overrun.

Action 3 – Fishermen should not have to buy two permits to renew one, and there should be no landings requirement to renew.

Rob Harris – FKCFCA Charter for Hire Captain – We need to move forward on considering a South Florida management plan. South Atlantic made no mention of this meeting although the amendments discuss some South Atlantic specific questions.

Amendment 19

Action 1 – There should be a permit for cobia just to help identify who is selling the fish and narrow it down using stamps or something similar.

Action 2 – Recreational fishermen should not be selling fish. Down here, charter-for-hire fishermen selling their catch should be given a control date to phase out sales so that they can adjust their business model. Maybe grandfather in current permits and then when they are transferred, the sale of recreationally caught fish will be eliminated. Limiting the sale only serves to increase the import of fish.

Action 4 – Why have both federal and state limits?

Action 5 – There must be some type of transit requirement.

Action 6 – There should be a Spanish mackerel endorsement just to identify who is in the fishery. Don't even consider the idea of requiring to permits for renewal of one.

Dealer Reporting

It should not be so difficult to count fish and report. Last year in the South Atlantic there was a potential overrun from the Grouper ACL and using a simple computer program could track that for you in real time.

Action 1 – If there was one blanket permit, what would stop someone from catching fish in one place and transiting it to another where he will get a better price? How will that affect the zones?

Action 2 – There is no reason that we shouldn't have all the reports tallied at one time.

Action 3 – There is no need for a phase in at all.

Daniel Padron – FKCF

Amendment 19

Action 1 – Cobia are not very important and are bycatch, if anything. Permits are not necessary because no one targets cobia.

Action 2 – recreational fish should not be sold at all.

Action 3 – Eliminate latent king gillnet permits. Leave king mackerel hook and line permits alone.

Action 6 – Spanish mackerel gillnet endorsement is not necessary because they can't catch the quota as it is, so it would only add more restriction and more paperwork.

Amendment 20

Action 1 – Move the zone east (Alternative 2) to limit the people who can jump around and sell fish whenever they feel like it.

Actions 4 and 5 – Zone declaration is unnecessary.

Dealer Reporting

The requirements should be more restrictive to avoid overruns.

Action 1 – He is against the idea of splitting one universal permit in the Gulf and one in the Atlantic. It would be an added cost to fishermen.

Action 2 – Use electronic reporting. Maybe with quotas require weekly reporting and as the quota is almost caught, then change reporting to daily until the quota is caught.

George Niles – As a member of the Gulf CMP Advisory Panel. He went to a meeting 3 years ago in NOLA and the advisory panel recommended that the quota increase to 13 million pounds. The science said it could increase to 17 million pounds. It is ridiculous that the quota has not increased, even using 5-year old science that showed the quota could increase. It's time to follow the science and give a raise in the quota. It is a healthy fishery, and he has been a participant in this fishery for a long time. It is ridiculous because he was promised in the early 80s bite the bullet now and when it gets better you'll get your fish back. He wants his fish back like he was promised.

If you want fishermen to continue to participate, then you have to give them a little bit. He wants it back and he has waited a long time.

As far as regional quotas – trip limits – he has a hook and line endorsement and then the trip limit decreased to 500 lbs. when we reached 75% of the quota. There are massive schools of kingfish 70 miles away (140 round trip) plus trolling round trip, upwards of 200 miles. 250 gallons at fuel at \$4.50/ gallon. Increase the daily trip limit and the change to 500 pounds is a joke. Increase reporting, don't decrease trip limits. Fishermen are catching 1,200 lbs. in 2 hours while they are checking their traps. Allow a 2-day bag limit of 3,000 lbs. Increase the trip limit somehow.

Amendment 19

Wonders why he can't transfer his hook and line kingfish permit to his larger boat that currently has his gillnet endorsement. It's not safe for him to take the small boat and he wants to solve this problem.

Action 1 – Don't create a commercial cobia permit.

Action 2 – He is against recreational sale of fish. Keep it simple for law enforcement and limit sale across the board.

Action 3 – The gillnet fishery has had 3 or 4 meetings asking to do away with the permits. He suggests the Council work with Bill Kelly to crunch the numbers regarding the landings etc. used to qualify. None has asked to get rid of any of the kingfish hook and line permits in the area. If the Council chooses to use a qualification, be very low in your landings requirements. Spanish mackerel are dying of old age. Please don't limit the number of fishermen in the Spanish mackerel fishery.

Action 4 – He is worried that, because the state has eliminated the use of nets, would he not be allowed to use nets in federal waters? Otherwise he is all for using the most restrictive of the regulations as long as he can still net fish.

Action 5 – He supports a more restrictive income requirement, if anything. Keep commercial fishermen fishing and do not eliminate the requirement.

Action 6 – He sees no reason to have an endorsement. Limiting the number of gillnetters is an attempt to increase the price of Spanish mackerel to make it more feasible economically to fish for them. There are way too many out there as is. Just more paperwork for nothing.

Amendment 20

Action 1 – Move the boundary more east (Alternative 2). Move away from the state line because people cross over and fish on whatever side is open.

Action 2 – Follow what the fishermen want in that area. Take into consideration when spawning occurs.

Action 3 – Council should establish a transit provision.

Actions 4 and 5 – King mackerel zone identification is fine. Traditionally, people have followed mackerel around but that was before there were separate zones. He thinks it is not fair for home zone fishermen. Each fisherman should only be allowed to fish in one zone.

Action 6 – Go ahead and separate it by state based on historical catch record in the South Atlantic.

Action 7 – Establish by historical catch is fine.

Dealer Reporting

Streamline the reporting as much as possible, but don't mess with the fishermen reporting requirements.

Action 2 – Reporting definitely needs to be quicker than a month. Maybe weekly in the gulf mackerel hand line.

Bill Kelly – President FKCF

Amendment 19

Action 2 – There should be no sale of recreationally caught fish. He has problems with how the Council is approaching this based on double counting. That does not justify the action that the Councils are trying to take. The reality is that for-hire fishermen have more in common with the commercial than they do with the private recreational because of their permit requirements, etc. There should be a better justification for limiting the sale of recreational fish beyond the double counting. He does not support the sale of private recreationally caught fish, but believes the for-hire industry should be allowed to sell their fish with appropriate licensing.

Action 3 – 23 gillnet endorsements currently exist. In 2010 they asked the Councils to eliminate latent permits. In the 2010 season the quota was overrun and they initiated an aggressive reporting program to avoid an overrun. The latent permits have the ability to trigger accountability measures and he asks that the Councils eliminate latent permits.

Hook and line fishery – These guys used to fish closer to shore, so the trip limits need to be increased over 1,250 lbs. a day because they have to travel 70 miles or so. Please consider raising it to 3,000 lbs. with no reduction when the quota is 75% filled.

Reporting requirements must be established on both sides of the coin because the fishery was closed early this year and 84,000 pounds were left in the quota after the season was closed. There can be problems on both sides, and asked if there is some way to address underages of quota.

The meeting was adjourned at 8:00pm

**Fort Myers, Florida
March 28th, 2012**

Council/Staff:

Bob Gill
Emily Muehlstein

20 members of the public in attendance:

Nicholas Hill – King Mackerel Commercial fishermen that travels through most of the zones in the Gulf and some of the South Atlantic.

These potential changes should not be considered until the stock assessment is completed because new information such as models that consider the interbreeding of stocks are not included in current populations estimates.

Amendment 19

He thinks there needs to be less kingfish permits because if you divide the Annual Catch Limit by the number of permits, that would allow for about 5,000 lbs. of kingfish per permit per year.

Action 1 – Do not create a cobia permit. There needs to be a better stock assessment before there are decisions made regarding cobia.

Action 2 – If you don't have a license you shouldn't be able to sell fish from a recreational bag limit.

Action 3 – Eliminate the entire gillnet sector. To eliminate some hook and line permits by requiring that 20,000 lbs. were caught in at least one of the last 3 years. He also supports requiring fishermen to have two kingfish permits for one at the time of transfer.

Action 4 – No action on federal regulatory compliance.

Action 6 – No action, do not create Spanish mackerel endorsements.

Amendment 20

He believes fishing from the east coast has happened since the 70's, and the same number has been doing it all along. The number of permits should be reduced, but where people fish shouldn't be limited.

Action 1 – Leave the boundaries alone; wait for the science.

Action 2 – Western zone opening is fine at July 1.

Actions 4 and 5 – No action – no zone identification is necessary because it's a pelagic fish. If there is a red tide or something that makes you not be able to fish your home waters, you need to be allowed to move.

Action 6 – Do not create more zones.

Dealer Reporting Amendment

Dealers should report online or by fax. When you get to 75% of the quota, reporting should occur daily.

James Turner – Commercial kingfish fishermen. He travels over to the Western Gulf. He would like almost everything to be left alone and kept the same on Amendments 19 and 20.

Amendment 20

Action 2 – He does not want the season to be shifted because fishermen in the west want to start the season later because they are shrimping at the current season date.

Actions 4 and 5 – He does not want zone identification to become necessary because it would limit him from fishing in different zones and that's how he makes a living.

Dealer Reporting Amendment

He believes reporting should be required daily after 75% of the quota is reached.

Timothy O'Malley – Born in Stock Island Key West and knows both sides of the ocean. His dad and grandfather fished; it's all he knows. Since the 60s he has chased king mackerel.

Amendment 20

Action 2 – The season needs to stay the same in the western Gulf because the fishermen over there are multi-species fishermen.

Actions 4 and 5 – He does not want to have to declare zones because he travels. There are only charter folks in Fort Walton where he lives now and that's why the quota isn't caught. The only king fishermen are the ones that travel. Leave the zones like they are, take away charter fishermen's ability to fish both charter and commercial. There are too many permits and some need to be eliminated. There are a ton of guys going out catching 400 lbs. a day just for beer money and it takes away his business.

Richard Sergent –

Agrees with the gentlemen above.

Dan Cane –

Fishing since 1983, wanted to king fish but there were none because of the drift net fishery. He has been chasing kingfish for 20 years.

Amendment 19

There are too many king fishermen and not enough quota. King mackerel should be commercial only, at least give them 55% of the quota to accommodate the giant fleet that has been created. The charter fishermen and part time fishermen should not be allowed dual permit.

Action 5 – 75% of your income should be required to be a commercial fishermen, the 10% income requirement is not fair because it allows sport fishermen to sell mackerel.

Amendment 20

Action 1 – When he got to the panhandle it was like winning the lottery there were no king fishermen and the Sept.-Nov. offshore winds push the fish in close. Now there is a new fleet of little boats fishing. Since the fleet has increased, the quota needs to increase.

Action 2 – If the western Gulf zone time changes, all the fish are going to flood the market at one time and the price of fish will be 40 cents.

Actions 4 and 5 – The only reason he is successful as a kingfisher is because he travels. The declaration of zones is a terrible idea. He should be free to fish wherever he wants and the Council should not limit him.

Don Lamb –

Amendment 19

Action 2 – The tournament fish are being put on the commercial quota and should instead be counted against the recreational quota because there are lots of big fish and weight put on the quota, also the fish are of poor quality.

Action 3 – Two-for-one permit transfer is a great idea and they hope it happens to reduce the number of fishermen.

Amendment 20

Actions 4 and 5 – Picking zones at the beginning of the season is a terrible idea and will put people out of business. If they could fish from home all year they would love that, but you can't make a limit that way.

Mason Bowen – Lives in Sebastian, Florida and has fished king mackerel since 1979.

Amendment 20

Zones and sectors don't work. If you close a sector where people are trying to make a living it will shift their effort. King Mackerel move with water temperature and food resource, but it's impossible to determine when that stock of fish is going to be in any place at any time.

Actions 4 and 5 – It's hard when Gulf fishermen think that they don't have the right to follow the fish into the Gulf because the Gulf and Atlantic Stock is split so that half the year the fish near his home are considered to be Gulf stock. He believes his Coastal Migratory Pelagic permit gives him the right to fish and the Gulf Council should not decide on any action that would prevent him from making a living by traveling with the migratory fish stock.

Gary Robinson –

Amendment 19

Action 3 – He wants the Council to get rid of latent permits and limit participation. He would like to see two-for-one transfer to occur for active king mackerel permits. He wants valid permits to have been fished in the last 3 years with a possible hardship clause.

Action 5 – Add an option requiring 75% earned income to renew. If you don't use your permit, lose your permit. No sale of recreational caught King mackerel across the board. The career king fishermen have to fish less because of all the part timers that catch kings to supplement their sport fishing.

Jack Robinson – He has been fishing for 20 years and 12 of those years have been in the Gulf. 100% of his earned income is from commercial fishing and mostly king mackerel.

Amendment 19

Since the recreational quota has not been filled in the Gulf, some of it should be given to the commercial fishermen in the panhandle.

Action 2 – The recreational sale of fish should be limited.

Action 3 – Get rid of gillnetters altogether. Requiring two-for-one for kingfish permits should happen at the time of transfer.

Amendment 20

Action 1 – Don't change the boundaries.

Action 2 – Don't change the season opening.

Action 3 – He supports the creation of a transit provision.

Barret Colby – King fishermen since the 80's. He does not want zone identification to be a requirement. The fishermen should be regulated less and the fish should be what are regulated. Latent permits need to be eliminated even before the two-for-one transfer happens. Before any drastic changes are made, there needs to be a full stock assessment. The biology has to be known before regulations are made on the fishermen. It is much better to catch fish hook and line than in the net fishery. He wants a 10-year buyback program where the fishermen in the net fishery don't fish them. Eliminate that system fairly by compensating the fishermen that are currently fishing. It's not an economically sound way to fish and would be better to catch them hook and line. There should be no recreational sale of fish. Dealer reporting should be done as fast as possible.

Neal Adams – Is a 5th generation commercial fishermen.

Amendment 19

Action 1 – There is no need for a cobia permit. If anything, link it with existing Spanish, king, or dolphin permits.

Action 2 – There should be no sale of recreationally caught fish. Tournament fish can be sold under their own ACL taken from the recreational allocation.

Action 4 – The Council should not require regulatory compliance.

Action 5 – Don't change the current income requirements.

Action 6 – The gillnet fishery has never caught the quota too quickly, so the issue should be taken off the table.

Amendment 20

Action 1 – The northeast Gulf zone quota should be raised to be the same as the quota in the Florida Keys. Boarder changes should be tabled because they are not necessary.

Action 2 – Opening date should not be changed.

Action 3 – Transit off Monroe County should be allowed

Actions 4 and 5 – Zone identification should not be required. A lot of the fishermen are migratory and fishermen should not be limited.

Action 6 – No state or regional quotas should be created.

Dealer Reporting

Action 2 – All reporting should be electronic and the fishermen should have an electronic reporting option as well so that they can fill out an electronic log books. That would make both ends of the reporting process easier.

Van Hubbard – He has been a commercial fisherman since 1970. He was run out of gillnet fishing and was very active in kingfish, but started a charter business in 1976. He can't depend on just his charter to make a living. In 1986 when kingfish were shutdown completely, he bought a 24" boat to kingfish in. He has been active in commercial fishing and does not want to travel. He only caught fish in 2010 and 2011 because the quota wasn't filled after the oil spill. We need a larger Annual Catch Limit. The fishermen in Naples and Fort Myers have not been able to fish when the fish are there.

Amendment 19

Action 3 – The gillnetters need to be retrained or eliminated because the fish are worth 3 times as much when caught hook and line. Have to protect the current and traditional fishermen.

Action 5 – There should be a landings requirement of at least 25% or could increase to 50%, a tax return should be required.

Mike McMantis – Agrees with what everyone says.

Ronnie Houck – Is a commercial fisherman and sits on the South Atlantic Council's Advisory Panel.

Amendment 19

Action 6 – He does not think there needs to be an endorsement on the Spanish mackerel gillnet.

Kenner, Louisiana
April 2nd, 2012

Council/Staff:

Harlon Pierce
Emily Muehlstein

No members of the public in attendance.

**Grand Isle, Louisiana
April 3, 2012**

Council/Staff:

Myron Fischer

Emily Muehlstein

17 members of the public in attendance

Scott Perrin -

Mackerel 19

Action 1 - Link a commercial cobia permit to a mackerel permit and increase the trip limit.

Action 5 - Make the income requirement 40% to eliminate part time fishermen in the mackerel fishery.

Mackerel 20

Action 1 – Move the east/west zone to the east. The king mackerel trip limit is fine at 2500- 3000 pounds.

Actions 4 and 5 – When you renew your license, declare what zone you want to fish in. Where you are going to fish can't be based on residence because it would be easy to get around; fishermen could use their wife's name and declare residence somewhere else.

Logan J Galliano – The main problem is that the entire quota is too small and finishes too early.

Mackerel 19

Action 5 – Make the income requirement 50%.

Mackerel 20

Actions 4 and 5 – He would like to see zone identification.

Mickey Readenour –

Mackerel 19

Action 1 – Create a cobia permit depending on how strong the population is, don't damage the stock but raise the ACL if you can.

Action 2 – Sale of fish should be for commercial fishermen.

Action 3 – Down in Florida there are so many folks with mackerel permits that are not even part timers, and he wouldn't mind it be taken from the low landings fishermen.

Action 4 – Federal regulatory requirements would harm the fishermen who rely on the king mackerel at the end of the season.

Action 5 – It's hard to make all your money commercial fishermen but he would like the bulk of his income to come from commercial fishing.

Mackerel 20

Action 1 – Leave the east/west boundary. The northern zone was not fair when it was created. Let the fishermen who fish there to decide what they want.

Action 2 – July 1st opening date was done when the quotas and zones were first created. In the first year there was only 480,000 lbs. of quota, and at the meeting they asked when to open the season. Trying to keep the shrimpers out of it, they asked for the season to be opened during prime shrimping time. Since then, a lot of permit holders have gone away and things have changed. The fishermen always move west to catch the fish in July, and by September the fish show up off Grand Isle and then the quota is filled. The opening date as it is has been a major disadvantage. He would rather the season open October 15.

Michael Troisi

Mackerel 19

Action 3 – Don't take away anyone's permit because there is already a moratorium to limit the number of fishermen.

Mackerel 20

Action 2 – Open the king season in September because the fish don't show up until then. They don't have eggs later in the season, so let them spawn another time by delaying the season opening.

Members of the public that attended but did not speak:

15 people in attendance were the staff from the Louisiana Wildlife and Fisheries Lab.