

MPA Public Comments Summary June 2012

The period to submit comments on the Council's possible consideration of Marine Protected Areas (MPAs) to protect speckled hind and warsaw grouper began on April 16 and concluded on May 21. During that time, 18 written comments were received. Below is a bulleted list summarizing those comments:

- One commenter submitted a paper on a scientific study conducted to evaluate MPAs in Florida for spotted seatrout, black drum, red drum, and common snook. The study reiterated the benefits of MPAs for recreational fishing and their usefulness for reef fish species with high site fidelity.
- The American Sportfishing Association maintained that the use of MPAs should be considered only after conventional resource management measures have failed. They also stated that a GIS tool, such as the Council is using, can assist in assessing the reduction of habitat impacts as part of the management strategy and asked that the Council look at the data from a habitat perspective as well.
- Five individuals supported the use of MPAs only if: (1) they are limited to small key areas, (2) are marked with data collection towers, and (3) are offset with equal areas of artificial reefs.
- One commenter was in support of whatever actions the Council deemed necessary to best manage the resource.
- Two comments by the East Coast Fisheries Section of the Southeastern Fisheries Association stated their lack of support for MPAs because: (1) there is no critical review of evidence that justifies new or expanded MPAs in the South Atlantic region, (2) there is not sufficient evidence that overfishing of speckled hind and warsaw grouper is still occurring and this should be properly assessed before the creation of new MPAs or expansion of existing ones, and (3) recent amendments to the Snapper Grouper FMP have decreased bycatch pressure on the rarer members of the snapper grouper complex, such as speckled hind and warsaw grouper. In addition, the ECFS stated their support of the SSC in that moving forward with the creation of new and/or expansion of present MPAs without new stock assessments for these two species would be a management decision without scientific merit and would not be justified with the current supporting scientific information-base. The ECFS also supported the findings by the NMFS that there is no scientific merit to support the classification of either speckled hind or warsaw grouper as either Threatened or Endangered Species.
- The Florida Keys Commercial Fishermen's Association opposes the establishment of any new deepwater MPAs for the sole purpose of protecting

speckled hind and warsaw grouper and recommends instead that the National Marine Fisheries Service conduct a full-scale evaluation of those already in place to determine if additional protections are necessary.

- An individual (Snapper Grouper AP member) provided the following recommendations to the Council: encourage education on practices which will decrease catch discard mortality, design MPAs that protect both the shelf's edge and specific spawning areas for all grouper and snapper species and share enforcement and monitoring of these areas between NOAA, science and recreational/commercial user groups.
- One individual stated that the Council should start showing positive results from prior laws they have put in place and conduct more pro-active research. The individual questioned the need to establish additional MPAs when no one knows whether the existing ones are working.
- One comment stated that speckled hind and warsaw grouper have never been abundant in the region and are likely not overfished. According to the commenter speckled hind are only found in 48 to 54 fathoms or past the "break" and warsaws are found in 500-600 feet on deepwater wrecks. The commenter did not support use of MPAs to protect these two species.
- The Natural Resources Defense Council pointed out shortcomings and biases in the analyses conducted by the Southeast Regional Office. They cautioned against relying on these data to determine the precise occurrences of speckled hind and warsaw grouper in the region without first incorporating the complete spatial scope of each data source. The NRDC also provided various recommendations.
- The Pew Environment Group provided recommendations on scientific and socio-economic considerations for designating MPAs for speckled hind and warsaw grouper. In addition, they point out that properly designed place-based protections can have benefits for a wide range of species and habitats in addition to warsaw grouper and speckled hind.
- One individual offered his knowledge on how and where to find speckled hind and warsaw grouper off Florida. He maintains that warsaws can be avoided and no one is targeting them. The individual suggested that the Charleston Bump and the Marathon Hump be designated as MPAs.
- A letter from a Gulf fisherman addressed to Dr. Chris Koenig was submitted in support of MPAs. The individual maintains that MPAs are one of the best management tools for reef fishes and fishermen should be involved in their design and establishment. He favors area closures over seasonal closures.

From: [ken haddad](#)
To: [mpaworkshop comment](#)
Cc: [Michael Leonard](#)
Subject: ASA MPAWORKSHOP Comments
Date: Wednesday, May 09, 2012 1:17:24 PM

Dear Executive Director Mahood,

The American Sportfishing Association is pleased to provide comments on MPA use for species restrictions. Because MPAs are the most restrictive tools limiting angler access, ASA believes the use of MPAs should be considered only after conventional resource management measures have failed. We can accept the targeted use of fishing area closures if the scientific data are adequate to support a closure and the economic impacts are well documented and minimized to the greatest extent possible. We do support fish habitat protection and encourage that this be part of the protective strategies being considered.

As with any good fishery management decision, discussions about measures that restrict sportsmen's access to public resources must involve an open public process, a solid scientific basis, and specific guidelines on implementation and follow-up. The establishment of any protected area, regardless of its level of restrictions, should:

1. Be based on the best scientific information available;
2. 2. Include criteria to assess the conservation benefits of the closed area;
3. 3. Establish a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and
4. 4. Be based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combinations with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation.

The creation of MPAs to address the overfished/overfishing status of speckled hind and warsaw grouper should meet these scientific and economic impact tests. At the most recent Council meeting a presentation by SAFMC staff described a technique using GIS analyses that we believe should be a primary tool for evaluating and developing targeted closures that would maximize protection of these two species while also maximizing the ability to fish for other species. This would be an innovative and potentially rewarding approach. However, based on experience, there is a hesitation by traditional fishery scientists to accept this tool that can use seemingly disparate and inconsistent data sources to reveal geographic associations that could lead to better fisheries management. We would ask that the Council shepherd the use of this tool through the scientific and management committees addressing the MPA development.

The scoping workshops currently being held may collect "anecdotal" information that can be turned into geographic data for GIS analysis and should not be put in the traditional "side bar" category. In addition, there are numerous data sources available (such as trawl records, independent research data, catch records, and multitudes of federally sponsored data collection information) to be used in the GIS analyses. SAFMC has funded consolidation of much of this information into GIS format and it should be used to help maximize species protection while minimizing impacts to recreational fishing. We also believe that this tool can help to determine important habitat of these two species and assist in assessing the reduction of habitat impacts as part of the management strategy and ask that the Council look at the data from a habitat perspective as well.

Thank you for allowing the American Sport Fishing Association to comment on the scoping phase of the use of MPA for species restrictions.

Ken Haddad

American Sport Fishing Association

PO Box 35 Lloyd Fl. 32337

From: pro@starhillgolf.com
To: [mpaworkshop comment](#)
Subject: Bottom Area Closures
Date: Saturday, May 19, 2012 5:33:46 PM

Whatever you folks think is best to protect the resource is good by me. Most commercial fishermen want no regulation whatsoever. As they deplete a stock, price per pound goes up. They know it so they'll take the last fish if they can. Thank you for what you do, especially for taking all the flak. B. Michael Brown, CDR, USN(ret)

From: [Steve Gronka](#)
To: [mpaworkshop comment](#)
Subject: Comments about MPAs
Date: Sunday, May 20, 2012 3:18:37 PM

Hello MPA workshop staff,

I have been working with Chris McCaffity on a number of issues for over a year. As the President of Sea Quest Kids and Advance America Foundation I have had much interaction with commercial and recreational fishermen. I have been involved in the marine industry at the corporate level since 1976. Chris McCaffity has the most common sense and scientifically reasonable solutions to fisheries issues that I have ever seen! I fully concur with everything that you see below.

My name is Chris McCaffity. I am a commercial fisherman who has been offering common sense solutions that would mitigate many of the severe negative impacts of rushed regulations that are based on "fatally flawed" data. I feel as if my solutions are being dismissed and ignored by the South Atlantic Fishery Management Council (SAFMC) leadership. Please take a few minutes to read why I have ZERO confidence in the council's ability to properly manage anything including Marine Protected Areas (MPAs).

The gross mismanagement of unnecessarily low quotas that are based on "fatally flawed" data played a key role in the death of a fisherman. The mismanagement has caused hundreds of tons of perfectly edible fish to be discarded to slowly die and go to waste. The worst part about this is that the council leadership appears to be maliciously mismanaging our fisheries in an attempt to advance other agendas like catch shares and area closures. The solution is very simple yet the leadership refuses to enact it. Quotas should be MANAGED with split seasons and Trip Poundage Limits (TPLs). The TPLs should be adjusted after approximately 75% of a seasonal quota has been caught to a level that fills the quota without a long closure. We could target fish with high TPLs while still keeping the ones we accidentally catch with lower TPLs. This would follow the Magnuson-Stevens Act (MSA) mandates to limit waste, make efficient use of our resources, and promote fishermen's safety at sea. Roy Crabtree told me that the council did not have to follow those mandates. I asked how we were supposed to safely survive the rebuilding process if they would not even consider our safety at sea. Crabtree told me that was not the council's concern! Alan Nelson lost his life trying to support his 19 month old baby shortly after the council decided that derby fisheries were the best way to "manage" the reduced quotas at the December 2009 SAFMC meeting.

For these reasons and many more, I have ZERO confidence in the SAFMC. The multiple layers of federal fishery bureaucracy should be investigated by Congress and any regulations that do not follow all MSA mandates or NEPA requirements should be abolished immediately. The SAFMC should not be allowed to pass any more laws until they properly manage the quotas and do credible stock assessments. Permit holders should have final approval of any management measures with a 2/3 majority vote.

This is the only way I would support Marine Protected Areas.

1. MPAs should be limited to small key areas.
2. MPAs should be marked with data collection towers.
3. MPAs should be offset with equal areas of Artificial Reefs.

The negative impacts of MPAs on recreational and commercial fishermen as well as seafood consumers could be mitigated by creating equal areas of new habitat as are closed with MPAs. Some areas with sandy barren bottom could be transformed into Artificial Reefs that would produce more seafood for fishermen and consumers. Artificial Reefs are the perfect union of aquaculture and commercially or recreationally harvested wild fish. We could show other nations how they can produce more revenue and feed more people while protecting their resources. We need to look at ways to enhance our resources rather than just restricting our access to them. The data collection towers could be powered with solar panels, windmills, and tidal energy. Underwater cameras could provide constant footage of the reef. Video cameras on the platforms could be used to keep fishermen out of the MPAs rather than forcing us to buy expensive and intrusive Vessel Monitoring Systems.

The SAFMC has squandered a great chance to fix the problems they created with decades of mismanagement. The council's gross incompetence is rewarded with more money and power. Our obedience is punished with new laws that force us to waste our resources and compromise our safety. We are treated like the most hated number in the council's management equations. The fish and fishermen they manage seem to be looked at as pawns in the game they are playing with our lives as they test their scientific theories. We are not numbers, variables, or Guinea Pigs! We are American citizens. We are human beings that deserve to be treated like the bureaucrats that rule us would like to be treated if the roles were reversed. The council's actions have created tons of Regulatory Discards, financially ruined families, destroyed businesses, denied consumers seafood, and even contributed to the death of at least one of their fellow Americans. We can avoid most of these negative impacts by simply using the slightest bit of common sense along with sound science and remember the Golden Rule.

Based on the ongoing corruption, incompetence, and abuse of power by the SAFMC leadership, I respectfully ask everyone reading this to OPPOSE MPAs until our quotas are properly managed and credible stock assessments are done. I also ask everyone to SUPPORT the three MPA stipulations that would mitigate most of their negative impacts. Thank you. freefish7@hotmail.com

Steve Gronka

Fearless Leader - Advance America Foundation; Sea Quest Kids; Kids Boating Network KBN Sea Action News

President - Alternative Eco Energy, LLC

stevegronka@me.com

Phone: 404-434-0660

From: [Kim Iverson](#)
To: [Ben Hartig \(mackattackben@att.net\)](#); [Benjamin Currin \(maccurrin@gmail.com\)](#); [Charlie Phillips \(ga_capt@yahoo.com\)](#); [Deirdre Warner-Kramer \(Warner-KramerDM@state.gov\)](#); [Doug Haymans](#); [Duane Harris](#); [jessica.mccawley@myfwc.com](#); [John Jolley](#); [Lt. Rob Foos \(robert.w.foos@uscg.mil\)](#); [Michelle Duval \(michelle.duval@ncdenr.gov\)](#); [palmettobooks@bellsouth.net](#); [Robert Boyles](#); [roy.crabtree@noaa.gov](#); [Tom Burgess](#); [Tom Swatzel \(tom@swatzel.com\)](#); [Vince OShea](#); [Wilson Laney@fws.gov](#)
Cc: [Tech Staff Group](#); [Mike Collins](#); [mpaworkshop comment](#); [Bohnsack, Jim](#)
Subject: FW: MPA publication
Date: Friday, April 20, 2012 1:50:39 PM
Attachments: [2011 Florida MPAs Bohnsack BMS.pdf](#)
[2006 BMS5346 Ault etal Building.pdf](#)
[2006 FKNMS fish monitoring thru 2002.pdf](#)

Please see the email below and attachments from Dr. Jim Bohnsack regarding the use of MPAs for species protection.

The Council is accepting public comment on this issue until May 21, 2012 as noted in the recent news release. The release includes updated overviews of the upcoming meeting of the MPA Expert Workgroup and MPA Public Workshop, scheduled for May 16-17, 2012 in Pooler, GA.
<http://www.safmc.net/News/NewsReleases/NRApril52012/tabid/729/Default.aspx>

The MPA Public Workshop held earlier this week in conjunction with the Snapper Grouper Advisory Panel meeting in N. Charleston was relatively well attended. Information received from the public workshops and the written public comments will be compiled for the Council's review during the June meeting in Orlando.

Thank you,
Kim

Kim Iverson
Public Information Officer
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843/571-4366 or Toll Free 866/SAFMC-10
www.safmc.net

From: Jim Bohnsack [mailto:jim.bohnsack@noaa.gov]
Sent: Friday, April 20, 2012 11:56 AM
To: Kim Iverson
Subject: MPA publication

Kim I saw the SAFMC request on MPA use for species protection. Attached is a recent study I conducted to evaluate MPAs in Florida for spotted seatrout, black drum, red drum, and common snook. Two data sets (MRFSS and IGFA world records) show the best places for recreational fishing in Florida are near the most restrictive MPAs, despite the potential for large scale mobility by these species. Total number of IGFA world records, total catch, and catch per unit effort were higher near MPAs. MPAs should be most effective for species

with high site fidelity like reef fish.

The other documents show benefits to reef fish.

I hope this is helpful. Let me know if you have any questions.

Work Hard, Play Hard, Live Well!

James A. Bohnsack, Ph.D.
SEFSC, NOAA Fisheries Service
75 Virginia Beach Dr.
Miami, FL 33149

305-361-4252 office
305-898-1077 cell

“All ethics so far evolved rest on a single premise: that the individual is a member of a community of interdependent parts.”

Aldo Leopold.

From: [Chris McCaffity](#)
To: [mpaworkshop](#) comment; [Kim Iverson](#); [roy.crabtree@noaa.gov](#); [palmettobooks@bellsouth.net](#); [bhartig@bellsouth.net](#); [boylesr@dnr.sc.gov](#); [tburgess@embarqmail.com](#); [maccurrin@gmail.com](#); [michelle.duval@ncdenr.gov](#); [robert.w.foos@uscg.mil](#); [seageorg@bellsouth.net](#); [doug.haymans@dnr.state.ga.us](#); [jolleyjw@yahoo.com](#); [warner-kramerdm@state.gov](#); [wilson.laney@fws.gov](#); [jessica.mccawley@myfwc.com](#); [voshea@asmfc.org](#); [ga_capt@yahoo.com](#); [tom@swatzel.com](#); [Bob Mahood](#); [Gregg Waugh](#); [Andrea Grabman](#); [roger.puliese@safmc.net](#); [Myra Brouwer](#); [Anna Martin](#); [Mike Errigo](#); [Kari Maclauchlin](#); [Brian Chevront](#); [John Carmichael](#); [Julie Neer](#); [Kari Fenske](#); [Mike Collins](#); [Deb Buscher](#); [Cindy Chaya](#); [julie.o"dell@safmc.net](#); [racheal.silvas@safmc.net](#); [carolyn_belcher@dnr.state.ga.us](#); [luiz.barbieri@fwc.state.fl.us](#); [jim.berkson@noaa.gov](#); [john.boreman@ncsu.edu](#); [jeffery_buckel@ncsu.edu](#); [scadrin@umassd.edu](#); [chip.collier@ncdenr.gov](#); [andrew_cooper@sfu.ca](#); [scott.crosson@noaa.gov](#); [churchhill.grimes@noaa.gov](#); [yjiao@vt.edu](#); [eric.johnson@unf.edu](#); [amlange@aol.com](#); [slarkin@ufl.edu](#); [reichertm@dnr.sc.gov](#); [george.sedberry@noaa.gov](#); [whiteheadjc@appstate.edu](#); [tyandle@emory.edu](#); [dumasc@uncw.edu](#); [jhmurray@moore.sc.edu](#); [kschnier@gsu.edu](#); [blairs@miamidade.gov](#); [gilliam@nova.edu](#); [clark.alexander@skio.usg.edu](#); [kbanks@broward.org](#); [sandra.brooke@marineconservation.org](#); [street124@aol.com](#); [hunter@terranova.net](#); [ferry.roland@epa.gov](#); [jocelyn.karasia@noaa.gov](#); [greg.mcfall@noaa.gov](#); [sealife@bellsouth.net](#); [kimberly.puglise@noaa.gov](#); [jreed12@hboi.fau.edu](#); [ross@uncw.edu](#); [kate.semon@myfwc.com](#); [mstiles@oceana.org](#); [vandolahr@dnr.sc.gov](#); [dondemaria@aol.com](#); [fishzack@comcast.net](#); [steveamicks@aol.com](#); [jim.atack@adm.com](#); [finchaser357@aol.com](#); [willardcole@me.com](#); [bcd@dmrslaw.com](#); [kensurfflex@gmail.com](#); [lgould@ec.rr.com](#); [rw.harris@msn.com](#); [jlfishing@bellsouth.net](#); [abundantseafood@gmail.com](#); [rodney@coastalanglermagazine.com](#); [ladycrys@aol.com](#); [capt.thompson@gmail.com](#); [gmartin@edf.org](#); [mwestmeyer@scaquarium.org](#); [louis.daniel@ncdenr.gov](#); [joshua.bowlen@mail.house.gov](#); [aaron_suntag@hagan.senate.gov](#); [matthew_dockham@burr.senate.gov](#); [pat.mcelraft@ncleg.net](#); [jean.preston@ncleg.net](#); [thom.tillis@ncleg.net](#); [phil.berger@ncleg.net](#); [norman_sanderson@ncleg.net](#); [governor_office@nc.gov](#); [admin@fryingpantower.com](#); [albatrossfleet@earthlink.net](#); [andy.strelcheck@noaa.gov](#); [aaron.sankin@huffingtonpost.com](#); [americasnewsroom@foxnews.com](#); [asktheleader@mail.house.gov](#); [bkloftes@live.com](#); [brothschild@umassd.edu](#); [bsmith@politico.com](#); [carl@elec-tra-mate.com](#); [cyndi_brown@freedomenc.com](#); [cathyharvey65@yahoo.com](#); [calabashfishingfleet@hotmail.com](#); [captbrant@oifc.com](#); [captlobster@yahoo.com](#); [cjsports151@gmail.com](#); [dave.whaley@mail.house.gov](#); [dsf2009@aol.com](#); [daleperk@aol.com](#); [efetherston@oceanconservancy.org](#); [editor@charlestonmercury.com](#); [fishmongeroki@gmail.com](#); [fisherman"s.catch@yahoo.com](#); [fishermenofamerica@cfafish.org](#); [greenfluke@optonline.net](#); [invites.undersecretary@noaa.gov](#); [jimdrfa@aol.com](#); [judyjordan16@msn.com](#); [john.stossel@foxnews.com](#); [jeff@compassnews360.com](#); [kmathis3@ec.rr.com](#); [lockwood@thenewstimes.com](#); [lmoty@co.shasta.ca.us](#); [ncwuinfo@yahoo.com](#); [naturalresources@mail.house.gov](#); [rgaines@gloucestertimes.com](#); [sunrise@coastalnet.com](#); [slshcrkwtrwks@aol.com](#); [sussexcountyangel@live.com](#); [surfcitycrab@gmail.com](#); [sburrows@carolinajournal.com](#); [underseas6@yahoo.com](#)
Subject: Marine Protected Area Public Comments
Date: Saturday, May 12, 2012 11:21:35 AM

Marine Protected Area Public Comments

My name is Chris McCaffity. I am a commercial fisherman who has been offering common sense solutions that would mitigate many of the severe negative impacts of rushed regulations that are based on "fatally flawed" data. I feel as if my solutions are being dismissed and ignored by the South Atlantic Fishery Management Council (SAFMC) leadership. Please take a few minutes to read why I have ZERO confidence in the council's ability to properly manage anything including Marine Protected Areas (MPAs).

The gross mismanagement of unnecessarily low quotas that are based on "fatally flawed" data played a key role in the death of a fisherman. The mismanagement has caused hundreds of tons of perfectly edible fish to be discarded to slowly die and go to waste. The worst part about this is that the council leadership appears to be maliciously mismanaging our fisheries in an attempt to advance other agendas like catch shares and area closures. The solution is very simple yet the leadership refuses to enact it. Quotas should be MANAGED with split seasons and Trip Poundage Limits (TPLs). The TPLs should be adjusted

after approximately 75% of a seasonal quota has been caught to a level that fills the quota without a long closure. We could target fish with high TPLs while still keeping the ones we accidentally catch with lower TPLs. This would follow the Magnuson-Stevens Act (MSA) mandates to limit waste, make efficient use of our resources, and promote fishermen's safety at sea. Roy Crabtree told me that the council did not have to follow those mandates. I asked how we were supposed to safely survive the rebuilding process if they would not even consider our safety at sea. Crabtree told me that was not the council's concern! Alan Nelson lost his life trying to support his 19 month old baby shortly after the council decided that derby fisheries were the best way to "manage" the reduced quotas at the December 2009 SAFMC meeting.

For these reasons and many more, I have ZERO confidence in the SAFMC. The multiple layers of federal fishery bureaucracy should be investigated by Congress and any regulations that do not follow all MSA mandates or NEPA requirements should be abolished immediately. The SAFMC should not be allowed to pass any more laws until they properly manage the quotas and do credible stock assessments. Permit holders should have final approval of any management measures with a 2/3 majority vote.

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The negative impacts of MPAs on recreational and commercial fishermen as well as seafood consumers could be mitigated by creating equal areas of new habitat as are closed with MPAs. Some areas with sandy barren bottom could be transformed into Artificial Reefs that would produce more seafood for fishermen and consumers. Artificial Reefs are the perfect union of aquaculture and commercially or recreationally harvested wild fish. We could show other nations how they can produce more revenue and feed more people while protecting their resources. We need to look at ways to enhance our resources rather than just restricting our access to them. The data collection towers could be powered with solar panels, windmills, and tidal energy. Underwater cameras could provide constant footage of the reef. Video cameras on the platforms could be used to keep fishermen out of the MPAs rather than forcing us to buy expensive and intrusive Vessel Monitoring Systems.

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of mismanagement. The council's gross incompetence is rewarded with more money and power. Our obedience is punished with new laws that force us to waste our resources and compromise our safety. We are treated like the most hated number in the council's management equations. The fish and fishermen they manage seem to be looked at as pawns in the game they are playing with our lives as they test their scientific theories. We are not numbers, variables, or Guinea Pigs! We are American citizens. We are human beings that deserve to be treated like the bureaucrats that rule us would like to be treated if the roles were reversed. The council's actions have created tons of Regulatory Discards, financially ruined families, destroyed businesses, denied consumers seafood, and even contributed to the death of at least one of their fellow Americans. We can avoid most of these negative impacts by simply using the slightest bit of common sense along with sound science and remember the Golden Rule.

Based on the ongoing corruption, incompetence, and abuse of power by the SAFMC leadership, I respectfully ask everyone reading this to OPPOSE MPAs until our quotas are properly managed and credible stock assessments are done. I also ask everyone to SUPPORT the three MPA stipulations that would mitigate most of their negative impacts. Thank you. freefish7@hotmail.com

From: [Donna Bleiler](#)
To: [mpaworkshop comment](#)
Subject: Marine Protected Area Public Comments
Date: Saturday, May 19, 2012 5:24:24 PM

Marine Protected Area Public Comments

My friend, Chris McCaffity, is a commercial fisherman who has been offering common sense solutions that would mitigate many of the severe negative impacts of rushed regulations that are based on "fatally flawed" data.

I am encouraging you to consider his solutions. It appears that the South Atlantic Fishery Management Council (SAFMC) leadership is ignoring all suggestions for a resolution. Please take a few minutes to read why we have ZERO confidence in the council's ability to properly manage anything including Marine Protected Areas (MPAs).

The gross mismanagement of unnecessarily low quotas that are based on "fatally flawed" data played a key role in the death of a fisherman. The mismanagement has caused hundreds of tons of perfectly edible fish to be discarded to slowly die and go to waste. The worst part about this is that the council leadership appears to be maliciously mismanaging our fisheries in an attempt to advance other agendas like catch shares and area closures. The solution is very simple yet the leadership refuses to enact it. Quotas should be MANAGED with split seasons and Trip Poundage Limits (TPLs). The TPLs should be adjusted after approximately 75% of a seasonal quota has been caught to a level that fills the quota without a long closure. We could target fish with high TPLs while still keeping the ones we accidentally catch with lower TPLs. This would follow the Magnuson-Stevens Act (MSA) mandates to limit waste, make efficient use of our resources, and promote fishermen's safety at sea. Roy Crabtree told me that the council did not have to follow those mandates. I asked how we were supposed to safely survive the rebuilding process if they would not even consider our safety at sea. Crabtree told me that was not the council's concern! Alan Nelson lost his life trying to support his 19 month old baby shortly after the council decided that derby fisheries were the best way to "manage" the reduced quotas at the December 2009 SAFMC meeting.

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Thank you

Donna Bleiler

From: RamonalMSW@aol.com
To: [mpaworkshop comment](#)
Subject: Marine Protected Areas (MPAs)
Date: Saturday, May 19, 2012 1:50:54 PM

I support the comments of Chris McCaffity below:

My name is Chris McCaffity. I am a commercial fisherman who has been offering common sense solutions that would mitigate many of the severe negative impacts of rushed regulations that are based on "fatally flawed" data. I feel as if my solutions are being dismissed and ignored by the South Atlantic Fishery Management Council (SAFMC) leadership. Please take a few minutes to read why I have ZERO confidence in the council's ability to properly manage anything including Marine Protected Areas (MPAs).

The gross mismanagement of unnecessarily low quotas that are based on "fatally flawed" data played a key role in the death of a fisherman. The mismanagement has caused hundreds of tons of perfectly edible fish to be discarded to slowly die and go to waste. The worst part about this is that the council leadership appears to be maliciously mismanaging our fisheries in an attempt to advance other agendas like catch shares and area closures. The solution is very simple yet the leadership refuses to enact it. Quotas should be MANAGED with split seasons and Trip Poundage Limits (TPLs). The TPLs should be adjusted after approximately 75% of a seasonal quota has been caught to a level that fills the quota without a long closure. We could target fish with high TPLs while still keeping the ones we accidentally catch with lower TPLs. This would follow the Magnuson-Stevens Act (MSA) mandates to limit waste, make efficient use of our resources, and promote fishermen's safety at sea. Roy Crabtree told me that the council did not have to follow those mandates. I asked how we were supposed to safely survive the rebuilding process if they would not even consider our safety at sea. Crabtree told me that was not the council's concern! Alan Nelson lost his life trying to support his 19 month old baby shortly after the council decided that derby fisheries were the best way to "manage" the reduced quotas at the December 2009 SAFMC meeting.

For these reasons and many more, I have ZERO confidence in the SAFMC. The multiple layers of federal fishery bureaucracy should be investigated by Congress and any regulations that do not follow all MSA mandates or NEPA requirements should be abolished immediately. The SAFMC should not be allowed to pass any more laws until they properly manage the quotas and do credible stock assessments. Permit holders should have final approval of any management measures with a 2/3 majority vote.

This is the only way I would support Marine Protected Areas.

1. MPAs should be limited to small key areas.
2. MPAs should be marked with data collection towers.
3. MPAs should be offset with equal areas of Artificial Reefs.

The negative impacts of MPAs on recreational and commercial fishermen as well as seafood consumers could be mitigated by creating equal areas of new habitat as are closed with MPAs. Some areas with sandy barren bottom could be transformed into Artificial Reefs that would produce more seafood for fishermen and consumers. Artificial Reefs are the perfect union of aquaculture and commercially or recreationally harvested wild fish. We could show other nations how they can produce more revenue and feed more people while protecting their resources. We need to look at ways to enhance our resources rather than just restricting our access to them. The data collection towers could be powered with solar panels, windmills, and tidal energy. Underwater cameras could provide constant footage of the reef. Video cameras on the platforms could be used to keep fishermen out of the MPAs rather than forcing us to buy expensive and intrusive Vessel Monitoring Systems.

The SAFMC has squandered a great chance to fix the problems they created with decades of mismanagement. The council's gross incompetence is rewarded with more money and power. Our obedience is punished with new laws that force us to waste our resources and compromise our safety.

We are treated like the most hated number in the council's management equations. The fish and fishermen they manage seem to be looked at as pawns in the game they are playing with our lives as they test their scientific theories. We are not numbers, variables, or Guinea Pigs! We are American citizens. We are human beings that deserve to be treated like the bureaucrats that rule us would like to be treated if the roles were reversed. The council's actions have created tons of Regulatory Discards, financially ruined families, destroyed businesses, denied consumers seafood, and even contributed to the death of at least one of their fellow Americans. We can avoid most of these negative impacts by simply using the slightest bit of common sense along with sound science and remember the Golden Rule.

Based on the ongoing corruption, incompetence, and abuse of power by the SAFMC leadership, I respectfully ask everyone reading this to OPPOSE MPAs until our quotas are properly managed and credible stock assessments are done. I also ask everyone to SUPPORT the three MPA stipulations that would mitigate most of their negative impacts. Thank you. freefish7@hotmail.com
<http://www.freefish7.com/natural-art.html>

Thank you,

Ramona

"The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government - lest it come to dominate our lives and interests." (Patrick Henry)

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

SFA ECFS MPA Issue Items

Monday May 21, 2012

With respect to developing Snapper Grouper (SG) fishery management plans (FMPs) to support new and expanded marine protected areas (MPAs) in the South Atlantic Fishery Management Council (SAFMC) region because of Speckled Hind (SH) & Warsaw Grouper (WG), we encourage the Council to consider the following issues of concern:

1. The SAFMC has presented no critical review of evidence to justify new and expanded MPA's in the South Atlantic Council region.

Preceding the MPA "expert panel" meeting on May 16-17, 2012 in Pooler, Georgia the "Trojan-horse" justification for new and expanded MPAs in the South Atlantic Council regions, designation of either SH or WG as threatened or endangered by the federal government under the Endangered Species Act (ESA), was not supported by recent National Marine Fisheries Service (NMFS) reviews.¹ A substantial portion of the scientific literature (11 of 34 documents) supporting the current case for new and expanded MPAs for SH & WG was presented electronically AFTER the Council's "MPA expert panel meeting." Some of the documents were submitted by invited MPA experts, while of another 7 documents requested by the SFA ECFS, 3 papers were still not available as of today, and 4 were electronically available since the meeting ended. One of the research reference articles discussed in plenary on the final day, Harter et al. (2009)², was only made available to the panel after the MPA expert panel meeting. Harter et al. (2009) presented poorly-controlled experimental evidence on the efficacy of the *Oculina* habit area of particular concern (OHAPC) in supporting higher density of groupers inside the OHAPC versus unprotected (open hook and line fishing access) areas. Specifically, aggregate grouper density was only significantly higher in one of the five OHPAC habitat-types versus those in "open area" control sites. In this one significant main effect for habitat/ grouper density, higher aggregate grouper abundance (i.e. density, groupers / hectare) may have resulted from habitat "density-dependency" issues, where percent cover of "rocky outcrop" habitat was significantly higher in the open area, which may result in a dispersed stock (i.e. lower grouper density), rather than a main effect of "fishing-removal" between the areas. Alternatively, there is more compelling evidence that smaller "spawning aggregation" reserves, such as Riley's Hump, may protect and increase density of gravid aggregating females (see Burton et al. 2005)³ and consequently, may increase recruitment potential in downstream reef tracts. In summary, the

¹ Federal Register 2012 May 01 Speckled Hind ESA Finding

Federal Register 2010 September 28 Warsaw Grouper ESA Finding

² Harter S.L., Ribera M.M., Shepard A.N., and J.K. Reed J.K. 2009. Assessment of fish populations on *Oculina* Bank, a deep-sea coral marine protected area off eastern Florida.

³ Burton M.L., Brennan K.J., Munoz R.C., and R.O. Parker. 2005. Preliminary evidence of increased spawning aggregations of mutton snapper, *Lutjanus analis* at Riley's Hump two years after establishment of the Tortugas South Ecological Reserve. Fish. Bull. 103: 404-410

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

SAFMC should produce a thorough review of the evidence on the efficacy of the current MPAs to provide justification of new and expanded larger MPAs versus the potential advantage of smaller “spawning aggregation” reserves. We believe the SAFMC’s MPA policy should be based upon a rigorous review of “the best scientific information available.”

2. Weak SH and WG stock / population assessments in the South Atlantic region do not justify new and expanded MPAs. There is not sufficient evidence that "overfishing" of SH & WG is still occurring and this should necessitate proper assessment before creation of new or expanded MPAs.

The historical assessments of the South Atlantic Council regional stocks of SH & WG by Huntsman et al. (e.g., 1976, 1992, 1994)⁴, Grimes et al. (1982)⁵, and Rudershausen et al. (2008)⁶ are wrought with spatial bias making them unacceptable for characterizing stock status of these species in the South Atlantic Council's management region. For example, in Rudershausen et al. (2008), SH sample collection was restricted to the Onslow Bay, North Carolina region. The data series from a preliminary stock assessment of SH by Huntsman et al (1992), was constructed with data collected largely from SC & NC headboats and commercial landings that represent a predominately inshore and female SH sub-population. This analysis cannot, alone, represent the SAFMC SH population sufficiently. Clearly, the Council’s Scientific and Statistical Committee (SSC), in their April 2012 meeting, had reservations on supporting the “overfishing” status for SH & WG based upon these and other analyses that lack the resolution of a SouthEast Data, Assessment and Review (SEDAR) stock assessment. We believe that development of FMPs (e.g. MPAs), based on the current stock status of SH & WG, are premature and without adequate scientific merit until a full benchmark stock assessment is completed on these species.

⁴ Huntsman G.R., 1976. Offshore Headboat Fishing in North and South Carolina.

Huntsman G.R., Potts J.C., Mays R., Dixon R.L., Willis P.W., Burton M., and B. W. Harvey. 1992. A stock assessment of the Snapper-Grouper Complex in the U.S. South Atlantic based on fish caught in 1990. Report submitted to SAFMC.

Huntsman G. R., Potts J.C., and R. W. Mays, 1994. A preliminary assessment of the populations of seven species of grouper (Serranidae, Epinephelinae) in the western Atlantic Ocean from Cape Hatteras, North Carolina to the Dry Tortugas, Florida. Published on pages 193-213 in Proceedings of the 43rd Gulf and Caribbean Fisheries Association Annual Meeting

⁵ Grimes C.B., Manooch C.S., and G.R. Huntsman. 1982. Reef and Rock Outcropping Fishes of the Outer Continental Shelf of North Carolina and South Carolina, and ecological notes on the Red Porgy and Vermilion Snapper.

⁶ Rudershausen P.J., Williams E.H., Buckel J.A., Potts J.C., and C. S. Manooch III. 2008. Comparison of Reef Fish Catch per Unit Effort and Total Mortality between the 1970's and 2005-2006 in Onslow Bay, North Carolina.

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

3. The recent Amendments to the SG FMP have decreased bycatch pressure on the rarer members of the SG complex, such as SH and WG

The SG FMP has decreased the landings and trips for Snowy Grouper since institution of the rebuilding plan in 2008, thereby reducing the potential for bycatch mortality of SH & WG. Despite commercial and recreational closures of SH & WG directed harvest, many have contended that incidental bycatch of these species, as the result of open SG fisheries, will continue to result in decline of SH & WG. For example; Snowy Grouper, the annual quota of 344,508 pounds gutted weight was reduced effective January 01, 2006 to 151,000 pounds gutted weight and lowered by steps over the three years to 84,000 pounds gutted weight effective January 01, 2008. Prior to the rebuilding plan, commercial landings of snowy grouper averaged almost 173,000 pounds gutted weight from 2004-2007, with the step-wise reduced quota. Since the 84,000 pound quota was implemented in 2008, and that quota has not been harvested annually to date and landings for 2008 - 2011 have averaged just under 53,000 pounds gutted weight per year. The current annual harvest rate is nearly a 85% reduction from the pre-rebuilding plan quota. The quota has not been met because there is a 100-pound trip limit regulation associated with the current 82,900 pound quota and it is not economically feasible for commercial vessels, in most of the South Atlantic Council region, to target snowy grouper at the 100-pound per trip level. The 85% decrease in directed Snowy Grouper annual landings is a function of reduced trips and landings resulting from directed harvest of the deep-water SG FMP complex including the SG Amendment 17B effective January 31, 2011 that established a no take of SH & WG for both the commercial and recreational sectors, which clearly must translate to significantly decreased bycatch of both SH & WG. In addition, the January 2010 closure of the Red Snapper harvest in the SAFMC area has drastically reduced the number of recreational and commercial trips and hooks in the water, thereby representing a significant mitigation of SH & WG potential bycatch. Clearly, resolution of the decrease in SH & WG bycatch resulting from the Snowy Grouper rebuilding plan, and these other SG FMP amendments, must be considered in a thorough stock assessment for SH & WG.

Jimmy Hull, Chairman SFA ECFS
JGH/pjb/rhh

Florida Keys Commercial Fishermen's Association

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May 20, 2011

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

Re: MPA Use for Species Protection

Dear Mr. Mahood,

The concept of developing MPA's for the purpose of species protection has been around for a long time and, as you know, the South Atlantic Council took major steps in that direction with the development of SAFMC Amendment 14 to the snapper/grouper fishery starting back in the year 2000. Although it took 10 years and considerable stakeholder involvement, we ultimately developed 8 deepwater marine protected areas in the Southeastern United States for the sole purpose of species protection with full passage of the amendment on February 12, 2009.

Reviewing Amendment 14, I found a total of 172 references to speckled hind and 107 references to Warsaw grouper in the document in which both are included as targeted species for protection by the creation of these deepwater marine protected areas. Therefore, I'm obviously perplexed as to why we need to develop additional MPA's for the sole purpose of protecting these two species of fish. Are we now going to do the same for snowy grouper, blueline tilefish and all of the other species listed in Amendment 14?

Before we initiate more closed areas, it should be incumbent on fisheries managers to examine and evaluate those that already exist. To the best of my knowledge none of these deepwater MPA's has been revisited for comprehensive assessments and evaluation. And since Amendment 14 only went into effect in 2009, it seems we have hardly even given these sites a chance to work.

Only a few weeks ago, the federal government refused to list speckled hind as 'threatened' much less 'endangered' under the Endangered Species Act and as of this date I am not aware of any stock assessments on either speckled hind or Warsaw grouper that would provide information justifying the establishment of additional closed areas to protect them.

We oppose the establishment of any new deepwater MPA's for the sole purpose of protecting speckled hind and Warsaw grouper and recommend instead the National Marine Fisheries Service conduct a full-scale evaluation of those already in place to determine if additional protections are necessary.

Sincerely,

Bill Kelly

Capt. Bill Kelly
Executive Director

Office Physical Address: 6363 Overseas Highway, Suite #4, Marathon, FL

From: Kathy Mathis [<mailto:kmathis3@ec.rr.com>]
Sent: Tuesday, May 22, 2012 12:55 PM
To: 'mpaworkshopcomment@safmc.net'
Subject: MPA's

Marine Protected Area Public Comments:

Due to sickness in the family...I am missing the deadline by one day...but do wish our comments to be considered.

Capt. Gilbert Mathis, my husband, from Morehead City, NC has been in the snapper/grouper fishery for over 30 years.

He is very knowledgeable, good and honest man; who maintains a wealth of information on the different species, the depths they are found in and the baits they will and will not bite varying from area to area.

His opinions and those of other seasoned fishermen should always be considered at the best data you could possibly obtain.

We would like to "comment" that the speckled hind and the warsaw grouper are not overfished (just as the black sea bass is not...nor the pinkies...or anything else).

Lots of variables depict whether fish are found in particular areas or not; not to be concluded that everything is overfished.

The 240 Closure is not needed...nor are any MPA's.

The warsaw and the speckled hind have never been in abundance in our area.

Which is most likely due to the bait that they like to eat is not prevalent in our area.

Capt. Gilbert says "speckled hind are only found in 48 – 54 fathoms or past the "break";

And the warsaws are found in 500' – 600' on deepwater wrecks."

"The 240 Closure is certainly not needed...Nor are any MPA's."

It is all a waste of time and money and it will definitely have further negative economic impacts on ALL fishermen, and every tax payer as well!

Kathy and Capt. Gilbert Mathis
Commercial Fishery Advocates
F/V Atlantic Runner
5120 Midyette Avenue
Morehead City, NC 28557
252.726.7485 <>



Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
Tel: (212) 727-2700
Fax: (212) 727-1773

Via Email

March 26, 2012

Dr. Carolyn Belcher, Chair
Scientific and Statistical Committee
South Atlantic Fishery Management Council
One Conservation Way, Suite 300
Brunswick, GA 31520
carolyn_belcher@dnr.state.ga.us

Re: Protections for Speckled Hind and Warsaw Grouper

Dear Dr. Belcher and Members of the SAFMC Scientific and Statistical Committee,

We respectfully provide the following recommendations regarding the establishment of new marine protected areas (MPAs) and habitat areas of particular concern (HAPCs) for speckled hind and warsaw grouper. As we have made clear in our recent comments on Regulatory Amendment 11 (RA 11), the Council and NMFS are legally obligated to prevent overfishing. Both have acknowledged that area closures are necessary for speckled hind and warsaw grouper because a prohibition on landings alone “...*would not be sufficient* to end overfishing of speckled hind and warsaw grouper due to discard mortality...”¹ The adoption of permanent MPAs could provide important protections for these two vulnerable and depleted species, while also providing corollary protections for other species and habitats.

The SSC plays an essential and statutorily-defined role in recommending acceptable biological catch (ABC) levels that prevent overfishing. The Council is not permitted to set annual catch limits (ACLs) above the SSC’s recommended ABCs. In this case, the SSC recommended zero directed catch for speckled hind and warsaw grouper by setting the ABC at zero landings, but understood that more action was required to reduce discard mortality in order to end overfishing. The deepwater closure was adopted precisely for this purpose and any complementary or alternative area closures must do the same.² Accordingly, it is incumbent upon the SSC to ensure that area closures and other

¹ AMENDMENT 17B FINAL RULE, 75 Fed. Reg. 82280, 82291 (emphasis added).

² Regulatory Amendment 11, if approved by NMFS, would remove the deepwater closure established in late 2010 under Amendment 17B, and would do so before an adequate alternative set of protected areas can be established. Regardless of the outcome, it is imperative that measures to end overfishing are implemented and maintained.

protections intended to prevent overfishing are adequate and based on the best available scientific information.

Approaches for Developing Potential Permanent Area Closures

We support the establishment of permanent area closures that prohibit all fishing, not just bottom fishing, due to concerns about enforcement of a closure affecting only certain gear types and fishing activities in a single area. All available scientific data and analysis germane to speckled hind and warsaw grouper should be reviewed by scientists and stakeholders before proposed area closures are mapped. This information should include the scientific literature (please see the bibliography of sources provided by the Pew Environment Group), fishery independent survey data, side-scan and multi-beam habitat maps and bathymetric data, depth-related and spatially-resolved catch data, and other relevant information (*e.g.*, photographs, research dives data, and the testimony of experienced and knowledgeable fishermen and tech divers).

We specifically caution that the SERO Catch Analysis and the data on which it relies are of limited usefulness in delineating new protected areas.³ The most important qualification for using the data is that it only represents the occurrences of speckled hind and warsaw grouper within a small band of the ocean where depth-related data were gathered. Thus, it cannot be used to represent the entire range in which these species occur or naturally inhabit. As succinctly explained by Dr. James Cowan and Dr. Joseph Powers, professors at Louisiana State University's Department of Oceanography and Coastal Science who conducted an independent review of the SERO Catch Analysis: "you can't find fish where you haven't looked."⁴

Only three out of the ten data sources used in the SERO Catch Analysis contain depth information – the Commercial Logbook and Discard Logbook Programs, the Reef Fish Observer Program (RFOP), and the Marine Resources Monitoring Assessment and Prediction (MARMAP) Program – and all "were heavily biased towards fishing inshore of 240 ft depth."⁵ Only two of the data sources are fishery independent – MARMAP and RFOP – the latter of which is a voluntary program that, in and of itself, "suffers from spatial and sampling biases."⁶ As stated in the SERO Catch Analysis, both of these programs have "potentially biased results because they had limited sampling beyond 240 feet."

The vast majority of depth data used in the SERO analysis are from 2005 onward. Only MARMAP contains any data on speckled hind and warsaw grouper depth of capture that are older than 2005, yet MARMAP data comprise less than 3% of all the depth-related data used in the analysis.⁷ This is a serious limitation of the analysis given that most of the large, mature fish

³ NOAA Fisheries Service, SOUTHEAST REGIONAL OFFICE, REGULATORY AMENDMENT 11: WARSAW GROUPE AND SPECKLED HIND CATCHES IN THE U.S. SOUTH ATLANTIC, SERO-LAPP-2011-06 (June 1, 2011, *revised* Aug. 23, 2011).

⁴ James Cowan *et al.*, LSU Department of Oceanography and Coastal Sciences, Review of "*Regulatory Amendment 11: Warsaw Grouper and Speckled Hind Catches in the U.S. South Atlantic*," SERO-LAPP-2011-06, (Jan. 19, 2011)

⁵ *SERO Catch Analysis*, at 8.

⁶ *Id.*, at 2.

⁷ See *SERO Catch Analysis*, at 9 (MARMAP, N=25,346/Total N from all depth sources = 905,478).

that otherwise may have been detected in these data sources were mostly fished out by 2005 or well before, and a much larger sample size would be needed to detect them now.

Greater than 90% of all commercial logbook reported landings were inshore of 240 feet, while more than 95% of the RFOP, discard logbooks, and MARMAP data points were from inshore of 240 feet.⁸ Less than 5% (1,267 records) of all the MARMAP data come from waters deeper than 240 feet. Since MARMAP is the only data source with depth-specific records before 2005, that means less than 0.14% of all data points with depth information used in the analysis (1,267 out of 905,478) comes from waters deeper than 240 feet anytime before 2005. Out of 905,478 catch records with depth-related information in the consulted data-sources, less than 603 involved speckled hind and less than 64 involved warsaw grouper, or 0.067% and 0.007%, respectively (see Table 1). These sample sizes are not statistically significant to draw conclusions about the depth distribution of these species.

Number and Percentage of Depth-Related Records Used in the SERO Catch Analysis

Data Source	Warsaw Grouper		Speckled Hind		Total Number
	Number	Percent	Number	Percent	
Logbooks	42	0.005%	255	0.02%	861,833
RFOP	13	0.07%	318	1.73%	18,299
MARMAP	9	0.03%	30	0.11%	25,346
Totals	64	0.007%	603	0.067%	905,478

The SERO Catch Analysis acknowledges these shortcomings, explaining that it was based on a “small number of warsaw grouper and speckled hind records,” and “when data were available there was limited information on the catch location.”⁹ As a result, the report found that “all conclusions that might be drawn about the distribution of the stock from post-1994 data suffer from biases.”¹⁰ When controlling for such biases using analytic tools that test statistical significance, the report concluded “the odds of encountering speckled hind and warsaw grouper are *higher* outside of 240 ft.”¹¹ The report’s author explained this further in a presentation to the Snapper-Grouper Committee of the Council in June 2011. Here are some excerpts from his testimony:

“The highest odds of encounters for these species are in waters greater than 240 feet, although the data sources, in terms of absolute numbers, are much more inside of 240.”¹²

“We did some Chi-square tests and fisher-exact tests by data source and were able to statistically demonstrate that the distributions of speckled hind and

⁸ SERO Catch Analysis, Figure 3.

⁹ SERO Catch Analysis, at 16.

¹⁰ *Id.*, at 16.

¹¹ *Id.*, at 8 (emphasis added).

¹² Nick Farmer, NMFS SERO, SAFMC Snapper-Grouper Committee Minutes, at 42 (June 2011).

warsaw grouper were significantly deeper than would be expected if they occurred kind of uniformly with the sampling program that captured them.”¹³

“Just to really drive home the point that these data sets really don’t do a good job sampling outside of 240 feet, you can see...that for the most part almost all of the sampling is inshore of 240,...so this was quite a challenge analytically, but the warsaw grouper and speckled hind did occur deeper than would be expected by this sampling regime....The analysis is confounded by the fact that the sampling is biased.”¹⁴

All of these caveats and limitations must be taken into account when using the data from the SERO Catch Analysis. In particular, we caution against relying on these data to determine the precise occurrences of speckled hind and warsaw grouper in the region without first incorporating the complete spatial scope of each data source in which occurrences were found. The data only depict where the fish occurred within the range of the area surveyed; they are not demonstrative of the occurrences of these species throughout their entire range (unless their entire ranges were actually surveyed, which was not the case here). The resulting information should then be mapped with known habitat/bottom types and bathymetric depth contours and combined with life history characteristics from the peer-reviewed scientific literature to determine speckled hind and warsaw grouper habitat areas and likely occurrence zones throughout the shelf edge and deeper.

Guidance on What Percentage of Habitat is Appropriate to be Closed

We recommend the SAFMC follow the expert advice of independent scientists with experience designing and monitoring the effects of area closures on similar species in similar ecosystems. We note that Dr. Christopher Koenig, in his letter to the SAFMC dated January 31, 2012 and drawing off his experience with the Madison Swanson Reserve in the Gulf of Mexico, recommends closing about 50% of the shelf edge with significant amounts of high relief habitat suitable to speckled hind and warsaw grouper. Koenig prescribes MPAs that should be at least 100 square miles each to account for the short-range movements along the shelf edge. It is also essential that a robust monitoring system be established to assess the efficacy of the closure over time and to begin gathering important data required for updating the stock status of speckled hind and warsaw grouper.

The Process for Developing Protected Areas

We agree with the proposal to involve the SSC, AP, and the public to develop alternative sites, but feel the process must also include an expert working group of scientists (biologists, geologists, and geographers), fishers, divers, environmentalists, and representatives from the SSC, AP, SEFSC, and Council. This working group should be directed by the SSC and Snapper-Grouper AP to develop criteria for the closures and, based upon those criteria and the data and

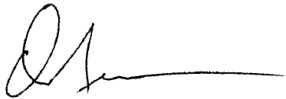
¹³ *Id.*, at 39.

¹⁴ Nick Farmer, NMFS SERO, *SAFMC Snapper-Grouper Committee Minutes*, at 39 (June 2011).

information provided to the working group by NMFS and the Council, delineate proposed closure alternatives on a map. NMFS and the Council should organize the expert working group and, if feasible, arrange for an independent facilitator to lead the meeting. NMFS would then take the working group's recommendations and plot proposed closures on a map and begin to analyze the conservation and economic impacts of the proposed alternatives in the form of an environmental impact statement (EIS).

We appreciate the opportunity to participate in this important process and hope you find our recommendations constructive.

Very Truly Yours,



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**SOUTH ATLANTIC FISH
CONSERVATION CAMPAIGN**
www.PewEnvironment.org/SouthAtlanticFish

March 28, 2012

Dr. Carolyn Belcher, Chair
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South Atlantic Fishery Management Council
One Conservation Way, Suite 300
Brunswick, GA 31520
carolyn_belcher@dnr.state.ga.us

RE: Warsaw grouper and speckled hind protections

Dear Dr. Belcher and members of the Scientific and Statistical Committee,

I am writing to provide comments to the Scientific and Statistical Committee (SSC) regarding its deliberations on Warsaw grouper and speckled hind protections, and the advice that the SSC will give to the Council after its April meeting. We would like to offer suggestions as to what types of advice the Council will need in order to end overfishing of Warsaw grouper and speckled hind and restore these populations to healthy vibrant levels.

Background

In December 2009, the South Atlantic Fishery Management Council (Council) approved Amendment 17B to the snapper grouper fishery management plan (FMP). Amendment 17B was one of two Amendments through which the Council complied with the 2010 deadline to implement ACLs to end overfishing for species undergoing overfishing. The nine species addressed in Amendment 17B included Warsaw grouper and speckled hind. Recognizing that speckled hind and Warsaw grouper are extremely vulnerable to overfishing, the Council and NMFS determined that a prohibition on landings would not, by itself, prevent overfishing because of the mortality that would still result from discards. To reduce the level of discard mortality to acceptable levels and end overfishing, Amendment 17B and its implementing regulations prohibited fishing for co-occurring species in depths greater than 240 feet.

Soon after this measure was implemented, however, the Council began developing Regulatory Amendment 11 to modify those deepwater protections for Warsaw grouper and speckled hind. The Council's decisions regarding this Amendment were largely based upon an analysis done at the National Marine Fisheries Service Southeast Regional office (SERO). However, due to a freeze on travel for federal employees last spring, SERO staff were not able to attend the April 2011 SSC meeting to answer

questions from SSC members regarding assumptions, data inputs and limitations or other potential issues. We are concerned that this circumstance limited the SSC's ability to provide rigorous input to the Council and as a result, they may have subsequently drawn some conclusions with incomplete information. For example, during presentations at scoping meetings, Warsaw grouper and speckled hind have been characterized as occurring less often in deep water without discussing the biases of the available data.

Ultimately, the Council voted to recommend the deepwater closure be removed in its entirety and a final decision has yet to be made by the Secretary of Commerce. As the Council discussed the removal of the deepwater closure they also discussed the need for some protections to replace the deepwater closure in order to end overfishing of Warsaw grouper and speckled hind and replenish these populations. Some fishermen, including snapper grouper advisory panel chairman Don Demaria, have long suggested spawning area closures to protect long-lived, deep-water and probably aggregating species like Warsaw grouper and speckled hind. This group of fishermen has worked with their colleagues around the region to collect information on the known spawning locations of these fish and would like to work with scientists to find the right areas to protect.

The Council has an Amendment for these protections, the Comprehensive Ecosystem-Based Amendment 3 (CEBA3). CEBA3 has gone through public scoping and barring major complications, should be finalized by December of 2012. In 2005 the Council implemented "deepwater MPAs" through snapper grouper amendment 14 to protect spawning areas for rare and deep-living snappers and groupers but the end result of that Amendment were closed areas that protected very little hardbottom habitat. In order to achieve real results for Warsaw grouper and speckled hind, the Council will need advice from the SSC.

Advice for the Council

The Council has asked for the input of its SSC as it develops protections for Warsaw grouper and speckled hind. After the SSC provides this advice, the Council will also seek the input of the snapper grouper advisory panel, and the advice of an expert working group composed of scientists and fishermen with particular expertise on this issue.

Any place-based protections for these species should have a reasonable chance of ending overfishing and rebuilding the populations. The following questions are the type that we think that the Council, along with the various working groups will need your advice on in order to proceed:

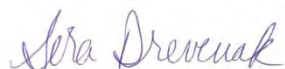
1. Are place-based protections (e.g. seasonal, rotating or year-round closed areas) a reasonable way to protect Warsaw grouper and speckled hind?
2. What criteria (or combination of criteria) should be used to choose locations for these protections?
 - a. Hardbottom?

- b. Depth?
 - c. Rugosity?
 - d. Currents?
 - e. Species interactions from fishery dependent data?
 - f. Species interactions from fishery independent data?
 - g. Places with little fishing activity?
3. What characteristics, or combination of characteristics, are more likely to make protections most effective?
- a. Depth profile?
 - b. Hardbottom percentage?
 - c. Minimum Size (e.g. 100 square miles¹)?
 - d. Past or present usage of the site by target species?
 - e. Total percentage of habitat protected?
 - f. Seasonal areas, rotating or year-round areas?
4. How should the Council evaluate the goals of protected areas?
- a. 1% of habitat protected = 1% SPR increase?²
 - b. MSY proxy – 30% static SPR³
 - i. OY proxy – 45% static SPR⁴
 - c. F(overfishing) = f>30% of static SPR⁵
 - d. “Current” Overfishing Evaluation to meet SFA Definition (30% SSBR) –
 - i. Speckled Hind – overfished with static SPR of 8 – 13%
 - ii. Warsaw Grouper – overfished with static SPR of 6 – 14%⁶
 - e. ORCS methods?
 - f. Other?

While this is not an exhaustive list of the scientific and socio-economic considerations for fishery management decisions, we hope that answers to these questions from the SSC will enable the Council to design and implement effective protections for rare and imperiled snapper grouper species. Properly designed place-based protections can have benefits for a wide range of species and habitats in addition to Warsaw grouper and speckled hind.

We are committed to seeing the best scientific and expert information inform this process and we thank the SSC in advance for a robust discussion at your April 2012 meeting, and for offering guidance on the best ways to restore sustainable fisheries in the region.

Sincerely



¹ As suggested by Dr. Chris Koenig in his January 24th comment letter to the Council

² As suggested by Council staff during March, 2012 meeting

³ Snapper Grouper Amendment 11

⁴ Ibid.

⁵ Ibid.

⁶ Ibid

Sera Drevenak
Senior Science & Policy Analyst
South Atlantic & US Caribbean Fish Conservation Campaigns
Pew Environment Group

cc: John Carmichael, Gregg Waugh, Bob Mahood, Don Demaria, Chris Koenig

ATTACHMENT

Warsaw Grouper and Speckled Hind Biology Excepts from Literature

1. Speckled Hind and Warsaw Grouper Are Subject to Overfishing, Highly Depleted, and Vulnerable to Overexploitation



Speckled hind (*Epinephelus drummondhayi*) and warsaw grouper (*E. nigritus*) are grouper species that inhabit reefs and hard bottom habitats on the continental shelf break and deepwater of the Western Atlantic. Speckled hind are found from North Carolina to the Florida Keys and also in the Northern and Eastern Gulf of Mexico and Bermuda. Warsaw grouper are more widely distributed, from Massachusetts to the Gulf of Mexico, Cuba, Trinidad and down the coast of South America.¹

Both speckled hind and warsaw grouper display life history characteristics that make them highly vulnerable to overexploitation, such as longevity, slow growth and late maturation. In addition, both species are “protogynous hermaphrodites,” that is they begin life as females and only change into males as mature, large fish. Both species also aggregate in large numbers to spawn, making them highly susceptible to overfishing.²

In the U.S., speckled hind and warsaw grouper populations have been officially designated as undergoing overfishing.³ Although their overfished status is listed as unknown due to the lack of recent stock assessments, there is strong evidence for significant population declines in U.S. waters. NMFS listed speckled hind and warsaw grouper as “Species of Concern” in 2004.⁴ Both

¹ Phillip C. Heemstra and John E. Randall, *FAO Species Catalogue, Groupers of the World (Family Serranidae, Subfamily Epinephelinae), An Annotated and Illustrated Catalogue of the Grouper, Rockcod, Hind, Coral Grouper and Lyretail Species Known to Date*, FAO FISHERIES SYNOPSIS, No. 125, Vol. 16. (1993) (attached as Exhibit A).

² Heemstra and Randall, *supra* Note 1.

³ NOAA FISHERIES, *Status of U.S. Fisheries, Third Quarter, 2011*, available at

<http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>, accessed Jan. 11, 2011.

⁴ 69 Fed. Reg. 19975, 19977 (April 15, 2004); NMFS, SPECIES OF CONCERN: WARSAW GROUPE FACTSHEET, available at

http://www.nmfs.noaa.gov/pr/pdfs/species/warsawgrouper_detailed.pdf, accessed Jan. 5, 2011 (attached as

Exhibit B); NMFS, SPECIES OF CONCERN: SPECKLED HIND FACTSHEET, available at

http://www.nmfs.noaa.gov/pr/pdfs/species/speckledhind_detailed.pdf, accessed Jan. 5, 2011 (attached as Exhibit

C).

species have also been classified as “critically endangered” by the International Union for the Conservation of Nature,⁵ and “endangered” by the American Fisheries Society.⁶

As can be seen in Charts 1 and 2 below, landings for both species declined sharply in the South Atlantic in the late 1980s, without regulations in place or declines in fishing effort. Fishery-independent evidence of decline is presented by Ziskin *et al.* (2011), discussed below, and Rudershausen *et al.* (2008). The latter, a fishery-independent study focused on Onslow Bay, North Carolina, found that speckled hind and warsaw grouper were among the apex predators caught at that site in the 1970s, but not in 2005-2006.⁷

Although populations of the two species outside of the U.S. are known to exist or have existed historically, there is sparse information from these locations to induce population trends. The U.N. Food and Agriculture Organization reports catches only in the West Central Atlantic, indicating that speckled hind and warsaw grouper either are not common outside the U.S. or have been seriously depleted.⁸ This makes the status of these species in the U.S. of paramount importance for their survival in the wild.

Speckled Hind

Speckled hind occur in depths of 80 to 1,300 feet, but adults are most commonly found between 200 and 400 feet.⁹ Juveniles occur in shallower waters. Speckled hind migrate to deeper water as they grow and mature.¹⁰ They are solitary except during spawning, when adults migrate from the mid-continental shelf to spawning aggregations in deepwater locations. Spawning occurs from July to September.¹¹ A study in the Southern Gulf of Mexico found that 87% of speckled hind captures at depths greater than 300 feet occurred during the spawning season (June–October). The same study also reported that reproductively active females, males, and transitional males were caught at depths greater than 400 feet.¹² They reach maximum ages of at least 35 years in the South Atlantic region, and females mature at about

⁵ IUCN, RED LIST OF THREATENED SPECIES: HYPORTHODUS NIGRITUS, Version 2011.2, available at <http://www.iucnredlist.org/apps/redlist/details/7860/0>, accessed Jan. 5, 2012 (Attached as Exhibit D); IUCN, RED LIST OF THREATENED SPECIES: EPINEPHELUS DRUMMONDHAYI, Version 2011.2, available at <http://www.iucnredlist.org/apps/redlist/details/7854/0>, accessed Jan. 5, 2012 (Attached as Exhibit E).

⁶ See SPECIES OF CONCERN FACTSHEETS, *supra* Note 4; AMERICAN FISHERIES SOCIETY, AFS POLICY STATEMENT #31C: LONG-LIVED REEF FISHES: THE GROUPER-SNAPPER COMPLEX, available at http://www.fisheries.org/afs/docs/policy_31cf.pdf, accessed Jan. 5, 2012 (Attached as Exhibit F).

⁷ Paul J. Rudershausen *et al.*, *Comparison of Reef Fish Catch Per Unit Effort and Total Mortality Between the 1970s and 2005-2006 in Onslow Bay, North Carolina*, 137 TRANS. AM. FISH SOC. 1389-1405 (2008) (Attached as Exhibit G).

⁸ Ng Wai Chuen & Gene R. Huntsman, HYPORTHODUS NIGRITUS, *in* IUCN, *supra* Note 5; Ng Wai Chuen & Gene R. Huntsman, EPINEPHELUS DRUMMONDHAYI, *in* IUCN, *supra* Note 5.

⁹ Gabriel L. Ziskin *et al.*, *Indications of Continued Overexploitation of Speckled Hind Along the Atlantic Coast of the Southeastern United States*, 140 TRANS. AM. FISH SOC. 384-398 (2011) (Attached as Exhibit H).

¹⁰ Thierry Brulé *et al.*, *Evidence for Protogynous Hermaphroditism in the Serranid Fish Epinephelus drummondhayi (Perciformes: serranidae) From the Campeche Bank in the Southern Gulf of Mexico*, 66 BULL. MAR. SCI. 513-521 (2000) (Attached as Exhibit I); Ziskin, *supra* Note 9.

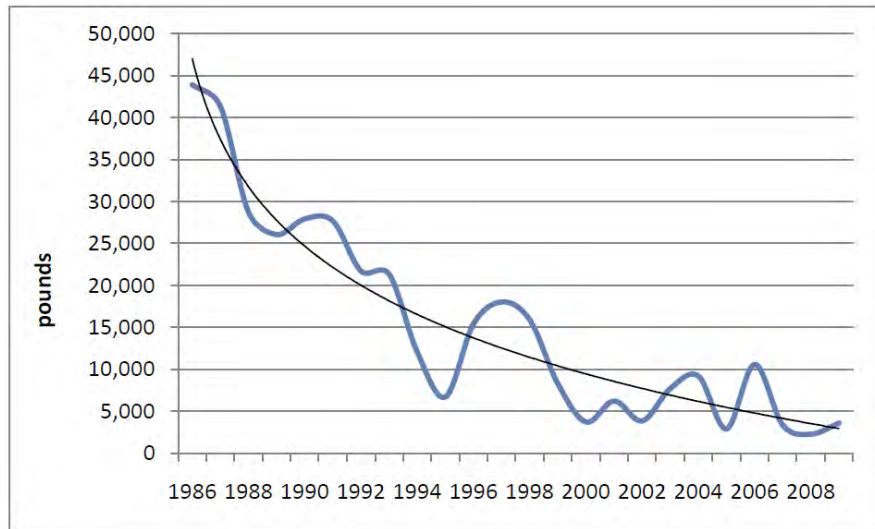
¹¹ Ziskin, *supra* Note 9; Heemstra and Randall, *supra* Note 1.

¹² Brulé, *supra* Note 10.

6.6 years of age and 21 inches in length.¹³ Females transition to male at about 6.9 years of age and 25 inches in length.¹⁴ Adults can grow to be 43 inches in length and weigh 66 pounds.¹⁵

Although no recent stock assessment has been performed for speckled hind, there are many signs of a fishery in severe trouble. A 1999 study estimated that the total population biomass of speckled hind in 1990 was 5% of that in 1973 and that the population of reproductive speckled hind had decreased by 98% over the same period.¹⁶ Amendment 17B to the South Atlantic Snapper-Grouper Fishery Management Plan recounts evidence of severe population decline from the most recent stock assessments (which estimated static spawning potential ratio, SPR, based on virtual population analysis),¹⁷ stating “SPR values were 25%, 12%, 8%, and 5% for 1988, 1990, 1996, and 1999 fishing years, respectively.”¹⁸

Chart 1: Speckled Hind Landings 1986-2009 (with Logarithmic Trendline)¹⁹



¹³ Ziskin, *supra* Note 9.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Gene R. Huntsman *et al.*, *Groupers (Serranidae, Epinephelinae): Endangered Apex Predators of Reef Communities*, 23 AM. FISH. SOC. SYMP. 217-231 (1999) (Attached as Exhibit J).

¹⁷ Jennifer Potts and Ken Brennan, NMFS, TRENDS IN CATCH DATA AND ESTIMATED STATIC SPR VALUES FOR FIFTEEN SPECIES OF REEF FISH LANDED ALONG THE SOUTHEASTERN UNITED STATES, Report to the South Atlantic Fishery Management Council (2001) (Attached as Exhibit K).

¹⁸ SAFMC, AMENDMENT 17B TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION WITH ENVIRONMENTAL ASSESSMENT, INITIAL REGULATORY FLEXIBILITY ACT ANALYSIS, REGULATORY IMPACT REVIEW, AND SOCIAL IMPACT ASSESSMENT/FISHERY IMPACT STATEMENT (AMENDMENT 17B) (Mar. 2010).

¹⁹ NMFS, SEFSC, ACL Datasets (Commercial: Oct. 2010; Recreational: Mar. 2011). Data are aggregated across all sectors and data sources. Restricted to SAFMC jurisdiction only (MRFSS landings for SAFMC do NOT include Monroe County landings; Headboat landings for Atlantic-based headboats do include Monroe County; Commercial landings from proofed ALS data, assigned by fisher-reported 'Catch Area'). All landings presented in pounds whole weight.

Ziskin *et al.* compared speckled hind population characteristics from two different periods, 1979-1981 and 2004-2007, based on fishery-dependent and fishery-independent data, and concluded the South Atlantic population “continue[d] to be overexploited” and was “still in decline.”²⁰ For example, the mean age of sampled fish had declined between the two periods. Fish up to 35 years of age were detected in the early period, whereas no fish older than 10 years were found in the later period, indicating that the older, larger individuals had been removed by fishing. The average size of speckled hind also declined significantly between the two periods. Furthermore, 73% of the specimens sampled between 2004 and 2007 were immature females, and none of the females caught were in spawning condition. The authors of this study expressed alarm at the absence of spawning females in their 2004-2007 sampling period and concluded “exploitation of the speckled hind population may have caused spawning events to become diminutive and rare.” Lastly, even though regulations limited catch in 1993 to one speckled hind per vessel per day, the fishing mortality rate had actually increased in 2004–2007 relative to 1979–1981.

Warsaw Grouper

The warsaw grouper is one of the largest of the groupers, capable of growing up to seven feet and weighing 450 pounds. It is a solitary, deepwater grouper, inhabiting hard-bottom habitats in depths of 228 to 660 feet. Juveniles are occasionally found on jetties and shallow-water reefs.²¹ Warsaw grouper are long-lived (up to 41 years), slow-growing, and do not reach sexual maturity until nine years of age.²² As with speckled hind, no recent stock assessment for warsaw grouper exists. The most recent assessment estimated static spawning potential ratios (via catch curve analysis) to be 0.2% and 6% for the fishing years 1988 and 1990, respectively.²³ A 70% decline in weight of landings was noted from 1988 to 1990, and the mean weight of warsaw grouper landed over that period was less than that of a sexually mature warsaw grouper.²⁴ There is a concern that fishing mortality has remained high for this species due to barotraumas-induced deaths resulting from bycatch in other fisheries.²⁵

²⁰ Ziskin, *supra* Note 9.

²¹ Heemstra and Randall, *supra* Note 1.

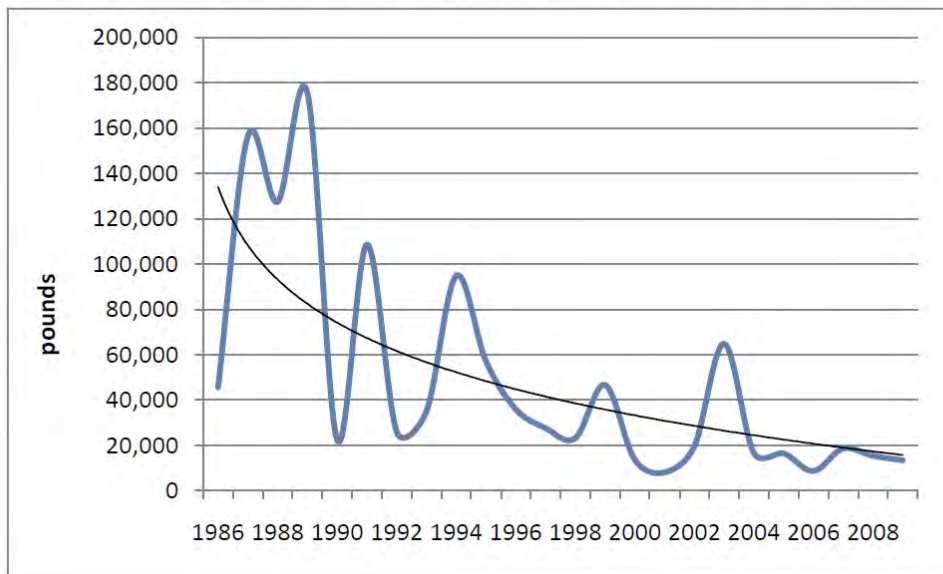
²² Charles S. Manooch, III and Diane L. Mason, *Age and Growth of the Warsaw Grouper and Black Grouper From the Southeast Region of the United States*, 9(2) NORTHEAST GULF SCIENCE 65-75 (1987) (Attached as Exhibit L).

²³ SPECIES OF CONCERN FACTSHEET, *supra* Note 4.

²⁴ *Id.*

²⁵ *Id.*

Chart 2: Warsaw Grouper Landings 1986-2009 (with Logarithmic Trendline)²⁶



SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

SFA-ECFS Policy paper: Establishment of Marine Protected Areas (MPAs) to protect the Speckled Hind and Warsaw Grouper

Monday May 21, 2012

The Southeastern Fisheries Association (SFA), East Coast Fisheries Section (ECFS) is interested in having the “best available science” drive and support policy for fisheries and ecosystem management by the South Atlantic Fishery Management Council (SAFMC). To that end, we support the findings of the Council’s Scientific and Statistical Committee (SSC) as detailed in the minutes from their April 3, 2012 meeting. The conclusions of the SSC with respect to the SAFMC’s option considerations (CE-BA 3) for the creation of new and/or expansion of present MPAs to protect Speckled Hind (SH) and Warsaw Grouper (WG) are as follows:

- 1). It is possible that SH and WG are not undergoing overfishing anymore as a result of:
1) SAFMC and the National Marine Fisheries Service (NMFS) Southeast Regional Office (SERO) regulations of associated species [the Snapper - Grouper complex], and 2) analyses from NMFS Southeast Fisheries Science Center (SEFSC).
- 2). The SAFMC SSC cannot determine: 1) what benefits an additional closure will provide SH and WG stocks, 2) amount of area closure is necessary to reduce bycatch mortality, or 3) if additional closed areas are even necessary.
- 3). Additional monitoring and data needs to be collected in order to be able to conduct a stock assessment of these species [SH and WG].

We also support the findings by the NMFS, as reported in the Federal Register (FR) on May 1, 2012, that there is no scientific merit to support the classification of either SH or WG (FR September 28, 2010) as either Threatened or Endangered Species. With recognition by the NMFS-SERO that classification of these species as undergoing “overfishing,” may no longer be held, we caution the Council that moving forward with CE-BA 3 options for MPAs would be done without scientific merit and scientific justification.

We agree with the Council’s SSC that moving forward with action on CE-BA 3 (i.e. creation of new and/or expansion of present MPAs), without new stock assessments for SH and WG would be a management decision without scientific merit and would not be justified with the current supporting scientific information-base.

Jimmy Hull, Chairman SFA ECFS
JGH/pjb/rhh

From: Rodney Smith [<mailto:irlcoast@gmail.com>]
Sent: Wed 5/16/2012 6:44 PM
To: Myra Brouwer
Subject: Myra/ Rodney comments

Suggestions for better protecting speckled hind and warsaw grouper:

Encourage education on practices which will decrease catch discard mortality. This can be accomplished by utilizing recreational fishing clubs /organizations and NGOs.

The council needs to design MPAs that protect both the shelf's edge and specific spawning areas for all grouper and snapper species.

Enforcement and monitoring of these areas could be share between NOAA, science and recreational /commercial user groups.

Rodney Smith, Snapper Grouper AP

April 13, 2012

Dr. Chris Koenig, Ph.D
Reef Fish Ecology Group
Florida State University Coastal and Marine Laboratory
3618 Coastal Highway 98
St. Teresa Beach, FL 32358

Dr. Chris Koenig

I opposed the Madison Swanson when it was first closed. However, I am now one of the strongest supporters of the Madison Swanson marine reserve. I get a chance to tag fish inside the reserve with Dr. Koenig and it is like going back in time. It is a natural breeding ground for all reef fish. If the area is chosen right, it could be one of the most beneficial managements of reef fishing. Fisherman need to be involved in choosing this area to make sure that there is still enough outside grounds for them to make a living. Hopefully one day the present council will recognize the fishery can be sustained and increased by using these management areas in lieu of cutting seasons to where fisherman cannot make a living due to flawed science.

In my 37 years of fishing, the red snapper fishery right now is the best I have seen or even imagined. If you need to talk to me personally, please contact me at 850-227-6529.

Sincerely,

Captain Danny Tankersley

Lady J 11 Charters

Port St. Joe, FLorida

From: [Dianne Poston](#)
To: [mpaworkshop comment](#)
Subject: MPA's for Warsaw and Speckled Hind
Date: Wednesday, April 18, 2012 10:57:22 AM

First of all I am a 70 year old sport fisherman and former scuba diver. I have been fishing the ocean for 50+ years. During all these years I have become very proficient at deep water fishing and I can assure you that Warsaw grouper inhabit, not just a few spots, but the entire continental shelf that is warmed by the gulf stream, and the Gulf of Mexico. These fish lie behind sea mounts, large rock formations, ridges covered in coral and deep steep ledges. You can locate these grouper by targeting bait fish that hang over these structures. They lay on the down current side and wait for the bait fish to be swept over the edge by the currents. During my fishing years I find that you can specifically target Warsaw grouper and therefore I rarely catch a Warsaw by accident. Since the Warsaw is a deep water fish, in northern Florida, from about Daytona Beach and northward, they are so far offshore that most sport fisherman do not have the range, expertise or equipment to catch the Warsaw and therefore you will not find fisherman going out to catch Warsaws. It is easier to catch other species of grouper that are much closer to shore. Since I do a lot of 240+ fishing I have developed a devise to return any unwanted fish back to the bottom. If you pull your catch up slowly, it does not bloat as badly as when you run them up at a fast pace. With careful targeting and a slow electric reel, I do not have a significant problem with catching an unwanted fish and when I do, I have been very successful at returning the fish back to the bottom with my fish return devise. I believe the greatest danger to Warsaw is long line commercial fishing. In reference to the Speckled Hind, they are rarely caught. I believe these fish are loners, have a very small habitat area and a very specific diet, making them very hard to find and catch. They may congregate during spawning, but I have never encounter it. Since the South Atlantic Council is asking fisherman where to find Warsaw and Speckled Hind, that tells me that you do not have any data that you can use to support your contention that these fish are over fished or endangered. In my experience, Warsaw are in far greater numbers than other grouper species. If I were going to create a protected area for the Atlantic Fisheries, I think I would close down the Charleston Hump and the Marathon Hump. I do not believe that Warsaw are over fished and that a bag limit and a ban on selling them, would be a much better solution.

As a general observation of the South Atlantic Council, I would like to see only individual that have fishing and/or diving experience on the council. A good example of the councils lack of knowledge is asking divers to give you data on the Warsaw and Speckled Hind. These fish are way beyond any sport diving capabilities. There are things that I do agree with, such as catch limits, banning of commercial powerhead fishing and closed spawning seasons. I think the artificial reef and fish ball projects are a great idea and are increasing the amount of fish. A lot of the fishing regulations are creating a lot of by catch and killing more fish than the regulations are saving. I believe that a bag limit on all species is the way to conserve our fishing resources. Right now all the closures and guessing on overfishing has crippled the boating industry. Before the South Atlantic Council got carried away with all these new regulations, you could not find a parking spot at the boat ramp on the week ends. Now its almost empty, even on a beautiful Saturday. Our charter boat captain friend has had to go back to school to start a new career since he can no longer catch most species of fish. I believe in conservation, but this has become a way to control our lives and livelihood. All of our fishing friends feel

the same way!
Keep the ocean clean and eat what you catch!!
Captain Roy Poston

From: [CaptJoe](#)
To: [mpaworkshop comment](#)
Subject: MPA"s
Date: Sunday, May 20, 2012 11:11:13 PM

The reason I don't think SAFMC should make MPA's at this time is due to my concern with previous projects that you have conducted have never been shown to produce results that help the fishermen or ecosystem as a whole. It doesn't make sense to make these areas without good research done before they are formed. (which you haven't done)

Also if the funding isn't in place to monitor there progress why would you do another half-ass job? (Which seems to be your common practice) All this will create is more hardship on the local economy in those areas effected. What kind a research have you done on the snowy MPA since it was formed? Just so you can keep your jobs & the enviro's at bay.

I've been practicing safmc's conservation for over 20 years and haven't seen any positive results on paper for all my efforts.

SAFMC needs to start showing positive results from prior laws they have in acted and conduct more pro active research.

I have so many unanswered questions that you are unwilling to answer. It would be nice to see some more follow through on the laws you have put in place.

Results?

Capt. Joe Hifko
124 sailway rd
Sneads ferry NC 28460

From: [Lorraine Smith](#)
To: [mpaworkshop comment](#)
Cc: [Patty Murray](#)
Subject: Watching the MPAs ---Too Complicated for a Federal Agency to Manage?
Date: Sunday, May 20, 2012 12:00:07 AM

Marine Protected Area Public Comments

My name is Chris McCaffity. I am a commercial fisherman who has been offering common sense solutions that would mitigate many of the severe negative impacts of rushed regulations that are based on "fatally flawed" data. I feel as if my solutions are being dismissed and ignored by the South Atlantic Fishery Management Council (SAFMC) leadership. Please take a few minutes to read why I have ZERO confidence in the council's ability to properly manage anything including Marine Protected Areas (MPAs).

The gross mismanagement of unnecessarily low quotas that are based on "fatally flawed" data played a key role in the death of a fisherman. The mismanagement has caused hundreds of tons of perfectly edible fish to be discarded to slowly die and go to waste. The worst part about this is that the council leadership appears to be maliciously mismanaging our fisheries in an attempt to advance other agendas like catch shares and area closures. The solution is very simple yet the leadership refuses to enact it. Quotas should be MANAGED with split seasons and Trip Poundage Limits (TPLs). The TPLs should be adjusted after approximately 75% of a seasonal quota has been caught to a level that fills the quota without a long closure. We could target fish with high TPLs while still keeping the ones we accidentally catch with lower TPLs. This would follow the Magnuson-Stevens Act (MSA) mandates to limit waste, make efficient use of our resources, and promote fishermen's safety at sea. Roy Crabtree told me that the council did not have to follow those mandates. I asked how we were supposed to safely survive the rebuilding process if they would not even consider our safety at sea. Crabtree told me that was not the council's concern! Alan Nelson lost his life trying to support his 19 month old baby shortly after the council decided that derby fisheries were the best way to "manage" the reduced quotas at the December 2009 SAFMC meeting.

For these reasons and many more, I have ZERO confidence in the SAFMC. The multiple layers of federal fishery bureaucracy should be investigated by Congress and any regulations that do not follow all MSA mandates or NEPA requirements should be abolished immediately. The SAFMC should not be allowed to pass any more laws until they properly manage the quotas and do credible stock assessments. Permit holders should have final approval of any management measures with a 2/3 majority vote.

This is the only way I would support Marine Protected Areas.

1. MPAs should be limited to small key areas.
2. MPAs should be marked with data collection towers.
3. MPAs should be offset with equal areas of Artificial Reefs.

The negative impacts of MPAs on recreational and commercial fishermen as well as seafood consumers could be mitigated by creating equal areas of new habitat as are closed with MPAs. Some areas with sandy barren bottom could be transformed into Artificial Reefs that would produce more seafood for fishermen and consumers. Artificial Reefs are the perfect union of aquaculture and commercially or recreationally harvested wild fish. We could show other nations how they can produce more revenue and feed more people while protecting their resources. We need to look at ways to enhance our resources rather than just restricting our access to them. The data collection towers could be powered with solar panels, windmills, and tidal energy. Underwater cameras could provide constant footage of the reef. Video cameras on the platforms could be used to keep fishermen out of the MPAs rather than forcing us to buy expensive and intrusive Vessel Monitoring

Systems.

The SAFMC has squandered a great chance to fix the problems they created with decades of mismanagement. The council's gross incompetence is rewarded with more money and power. Our obedience is punished with new laws that force us to waste our resources and compromise our safety. We are treated like the most hated number in the council's management equations. The fish and fishermen they manage seem to be looked at as pawns in the game they are playing with our lives as they test their scientific theories. We are not numbers, variables, or Guinea Pigs! We are American citizens. We are human beings that deserve to be treated like the bureaucrats that rule us would like to be treated if the roles were reversed. The council's actions have created tons of Regulatory Discards, financially ruined families, destroyed businesses, denied consumers seafood, and even contributed to the death of at least one of their fellow Americans. We can avoid most of these negative impacts by simply using the slightest bit of common sense along with sound science and remember the Golden Rule.

Based on the ongoing corruption, incompetence, and abuse of power by the SAFMC leadership, I respectfully ask everyone reading this to OPPOSE MPAs until our quotas are properly managed and credible stock assessments are done. I also ask everyone to SUPPORT the three MPA stipulations that would mitigate most of their negative impacts. Thank you. freefish7@hotmail.com

This letter says it all except that notice of events drifting towards Agenda 21 become more alarming to the public in general every day. We are watching what you do & we believe in American sovereignty. If the United States are not free, then where in the world will we find freedom? It's what our troops are fighting for--the ideas of farmers & fishermen cannot be overridden by an elitist & ignorant socialist agenda.

Lorraine Smith

“If you love wealth more than liberty, the tranquility of servitude better than the animating contest of freedom, depart from us in peace. We ask not your counsel nor your arms. Crouch down and lick the hand that feeds you. May your chains rest lightly upon you and may posterity forget that you were our countrymen.”—Samuel Adams

Subject: Public Comments for the June South Atlantic Fishery Management Council Meeting

Public Comments for the June South Atlantic Fishery Management Council Meeting

My name is Chris McCaffity. I am a commercial fisherman from North Carolina who is writing these comments in Sacramento after talking with some fishermen on the California coast. They told me stories about the Pacific Fishery Management Council (PFMC) that sound very similar to the corruption and gross incompetence we are dealing with in the South Atlantic Fishery Management Council (SAFMC). The fishermen I talked with have no confidence in the PFMC and believe eco-charities have too much influence. The vast majority of fishermen from the gulf and east coast feel the same way about our management councils and eco-charities. The SAFMC rushed to meet the Magnuson-Stevens Act (MSA) hard deadlines using “fatally flawed data” and has REFUSED to properly manage the unnecessarily low quotas. Now they’re rushing to set up Marine Protected Areas (MPAs) and violate our Constitutional Rights with Orwellian Vessel Monitoring Systems to keep us out of the Agenda 21 inspired MPAs.

The SAFMC should not be allowed to take any further action until they properly manage our quotas and do credible stock assessments based on accurate data. The current mismanagement of our quotas has caused hundreds of tons of perfectly edible fish to be discarded to slowly die and go to waste. The council leadership appears to be maliciously allowing this tragic waste and abuse to continue in an effort to advance agendas like catch shares and area closures. The simple solution is to MANAGE the quotas with split seasons and Trip Poundage Limits (TPLs) that are adjusted throughout a season to levels that fill the quotas without any long closures. We could target fish with high TPLs while still keeping some of the fish we accidentally catch with lower limits rather than discarding the illegal ones. This would achieve the honorable goals of catch shares without destroying independent fishermen and our heritage.

The multiple layers of America’s billion dollar federal fishery bureaucracies are attacking small minority groups of fishermen around the country at the behest of global eco-charities. They are denying American citizens access to our public resources while mandating the waste of those resources with their gross mismanagement. The (MSA) hard deadlines have been met using “outdated” and “fatally flawed data”. NO further actions should be taken by any of the regional councils until credible stock assessments are done and all of the rushed management measures have been peer reviewed by panels approved by 2/3 of the affected permit holders in each fishery. Any of those management measures that do not meet ALL of the MSA and National Environmental Policy Act (NEPA) mandates should be abolished immediately. The affected permit holders should be allowed to offer our own management measures that do follow all of those MSA and NEPA mandates. Any future management measures should be peer reviewed and approved with a 2/3 majority of the affected permit holders before they become law.

Fishermen have centuries of collective on-the-water knowledge to share and solutions to offer that would allow us to responsibly harvest America's seafood with very little waste.

We should be showing other nations by example how they can feed more people and produce more revenue while protecting independent artisanal fishermen and stocks of seafood for future generations. Fishermen should NOT be treated like pawns in the games fishery "managers" are playing with our lives, jobs, and food supply as they test their theories. We should be working together using sound science, common sense, and remember the Golden Rule. Please send any questions to. freefish7@hotmail.com

Public Comments for the June South Atlantic Fishery Management Council Meeting

I am writing representing my husband, a 35 yr veteran in the commercial snapper/grouper fishery, and myself: Capt. Gilbert and Kathy Mathis
from Morehead City, NC.

We are in agreement with Chris McCaffity from North Carolina who had these comments in Sacramento after talking with some fishermen on the California coast. They told him stories about the Pacific Fishery Management Council (PFMC) that sound very similar to the corruption and gross incompetence we are dealing with in the South Atlantic Fishery Management Council (SAFMC). The fishermen he talked with have no confidence in the PFMC and believe eco-charities have too much influence. The vast majority of fishermen from the gulf and east coast feel the same way about our management councils and eco-charities. The SAFMC rushed to meet the Magnuson-Stevens Act (MSA) hard deadlines using “fatally flawed data” and has REFUSED to properly manage the unnecessarily low quotas. Now they’re rushing to set up Marine Protected Areas (MPAs) and violate our Constitutional Rights with Orwellian Vessel Monitoring Systems to keep us out of the Agenda 21 inspired MPAs.

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Capt. Gilbert and Kathy Mathis

FW Atlantic Runner

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