

**CE-BA 3**  
**Summary of Comments**  
**January – February 2012 Public Scoping Meetings**

**Action 1. Expanding Coral HAPCs**

*Approximately 40 comments on general expansion of these areas*

(Those commenting included Chamber of Commerce representatives from Titusville; restaurant industry; and shrimpers. Largest presence of commenters was during the Cocoa Beach public scoping meeting, followed by the Jacksonville meeting. Most comments were in regards to the Oculina Bank HAPC expansion.)

Comments opposed to expansion of the areas:

Questions about what current studies are being done; what reports are being compiled on these areas; it is important to not bring unnecessary attention to these areas, which expansion of the boundaries would do.

Several Shrimp AP members spoke of their disappointment to find out the information in a scoping document without consultation with shrimp industry representatives. They felt the Coral AP was unfavorably allowed to define the scoping document, without input from others.

Many commenters expressed concern about a potential socioeconomic impact to the shrimping industry, seafood restaurants, and commercial fishing businesses at Port Canaveral that would result from the possible expansion of these areas without consideration of significant modifications to the Coral AP proposal.

5 commenters spoke favorably of expansion of the HAPCs:

Encourage the Council to consider the scientific research about Oculina and Lophelia communities – expanding the areas based on the scientific information available is in accordance with MSA.

Encourage protection of habitat, in the right places, and expanding HAPCs; but request that it is done so in cooperative fashion with shrimp industry.

**a. Expand Oculina HAPC**

*Many commenters are opposed to the Coral APs recommendation. 29 commented on this issue.*

This is an area that has been actively fished for 40-50 years for rock shrimp (since the 1960s). Shrimpers drag only on hard, mostly mud bottom, and have no incentive to trawl nets near or over coral habitat. Shrimpers avoid coral habitat/pinnacles because it's destructive to the nets. The Oculina habitat is a nursery area for rock shrimp, and most shrimpers advocate protecting the coral habitat. Expansion of the area recommended by the Coral AP is extreme and unnecessary. Socioeconomic impact would be widespread and detrimental to shrimpers.

The current proposed expansion includes sand and mud bottom where no coral exists where extensive trawling has occurred. If the purpose is to protect coral, then limit protections to where the coral exists. A lot of the bottom is also home to speckled hind and Warsaw grouper.

This recommendation to revisit the Oculina boundary also offers an opportunity to open some areas where there is no coral that are currently within the HAPC. No coral exists in the southern end of the HAPC, outside of 330 ft. A recommendation that the Council open this part of the southern boundary back up or provide some allowable trawl zones in the southern HAPC.

Some feel there is not enough data to consider the Coral AP expansion recommendation.

Shrimp industry representatives offered a few suggestions to the Coral AP recommendation:

- 1) Do not include areas of traditional rock shrimp fishing in expansion of Oculina.
- 2) Consider an expansion of the western boundary (northern extension) that lies east of traditional rock shrimp fishing grounds. The western boundary should be around ~220 ft (60-70 meters)
- 3) Consider an expansion of the eastern boundary (northern extension) that lies west of traditional rock shrimp fishing grounds. The eastern boundary should be at 100 meters (some said 90 meters = 295 ft.).
- 4) Modify the eastern boundary of the original HAPC to exclude traditional rock shrimp grounds.
- 5) Modify the transit provision to allow possession of rock shrimp on vessels going through HAPC at speeds above trawl-able speed. (Areas they are trawling are ~2.5 - 3 knots; running speeds are around 8 knots.) Otherwise, shrimpers will not be able to go through the boundary to access with current restrictions on possession of rock shrimp aboard vessel within HAPC. The northern expansion recommendation is too far north to be able to afford to go all the way around the boundary near St. Augustine to get to access fishing areas. Shrimpers will also be hard pressed to travel around the southern boundary off of Ft. Pierce to access the other side. Based on the VMS, you can determine a vessel's speed to be able to tell who is trawling, who is motoring through. Utilize the technology as completely as possible.
- 6) Data from the shrimp fishing fleet would be a tremendous resource for defining true location of coral; this data, as well as the NOAA bathy charts could be balanced to determined an appropriate modification of the original boundary.

#### **b. Expand Stetson-Miami Terrace Coral HAPC**

*17 commenters expressed concern about the Coral AP recommendation to expand Stetson-Miami Terrace CHAPC.*

Shrimp industry representatives spoke about negative impacts that would be felt to the royal red industry. Proposed expansion covers the northern area where the royal red shrimp boats operate.

Comments were in regards to a lack of identification as to where the coral mounds are located. They need to be delineated in order for the Council to make sound decisions.

Industry and fishery managers worked with scientists to recently set aside ~23,000 square miles to protect coral in CE-BA 1. Revisiting this issue/area and asking for protection for an additional 650 square miles seems excessive.

Shrimp industry representatives offered suggestions to the Coral AP recommendation:

- 1) Consider the traditional areas of royal red shrimping and leave them out of the expansion of Stetson-Miami CHAPC.
- 2) Expand Shrimp Fishery Access Area 1 to incorporate areas where deepwater shrimp fishing is occurring.

### **c. Expand Cape Lookout Coral CHAPC**

*Few commenters spoke about this measure, only expressing general interest in not supporting an expansion and interest in seeing more detailed information on the recommended area.*

### **Action 2. Prohibit powerheads**

*Most comments on this issue were received during the Key Largo and Jacksonville meetings. Around 33 comments were received on this measure.*

#### **a. Prohibit powerheads off NC**

*Most comments on this measure were regarding a prohibition of powerheads throughout the SA; ~4 comments were specific to a NC prohibition.*

Several commenters were not in favor of a prohibition in NC waters because they feel this is an effective means of harvesting a fish. Powerheading should be governed by the same rules as those that apply to spearfishing. Council should consider restricting all users to the recreational limits, but don't prohibit this gear type.

Some spoke favorably of this measure, requesting that if the Council pursues a powerhead prohibition, that it be limited to NC.

#### **b. Prohibit powerheads throughout SA EEZ**

~5 comments were in favor of a powerhead prohibition throughout the entire SA EEZ. Many felt possession to carry powerheads should still be allowed for emergency purposes.

~24 comments were not in favor a prohibition throughout the EEZ.

They stated that bycatch with powerheads is zero. Use of both gear types – spearfishing and powerheading – is highly efficient and makes up a fraction of the overall effort in harvesting fish. They questioned the science to back up implementation of a prohibition.

Some commenters felt the Council is revisiting an issue that has already been overly addressed and that previous findings through the public hearing process should be reviewed. Some feel this has derived from anecdotal information from hook and line fishermen in NC and isn't a real issue that deserves the Council's attention.

A couple of comments on this issue were in regards to the National Standards. In regards to the Safety at Sea National Standard, a prohibition would present a safety issue. Also, this would violate the standard that says conservation management measures should be based on the best scientific information available and consider efficiency in the utilization of the resource.

Commenters felt that few fishermen use this method of harvest because of its complexity and difficulty.

A few spoke that the end-product of a powerheaded fish is superior to the quality of those harvested by hook and line.

A few suggestions were offered for consideration to:

Maximum a size limit for commercial and recreational harvest by use of powerhead; consider a prohibition at a specific depth limit; establish an endorsement program for commercial use of powerheads; consider designating SMZs in FL and prohibiting powerheads in SMZs; and look for a way to better manage powerheads without a total prohibition.

### **Action 3. Establish MPAs across the mid-shelf and designate HAPCs for speckled hind and Warsaw grouper**

*Comments on this issue were received throughout the public scoping meetings. ~23 comments were received on this measure.*

~15 comments were not expressing support for this measure.

Many oppose time/area closure regulations that prohibit recreational fishing unless it can be scientifically justified that recreational fishermen are a cause of the specific conservation problem. The Council doesn't have a system for eliminating an MPA after the conservation goals have been met. This measure may generate support if the areas weren't closed indefinitely. Speckled hind and Warsaw are found in some of the areas already closed to bottom fishing; identification of duplicative closures to protect coral and fish needs to be detailed to the public.

Many spoke unfavorable of the value of MPAs.

Some comments indicated that the public feels there is limited education/outreach on the existing MPAs, and thus why develop new areas. Some questioned the availability of any studies to determine if the currently designated MPAs have shown an increase in observations of speckled hind and Warsaw grouper. They questioned whether the Council is pursuing the appropriate management tool.

Some feel that information provided now on observations for speckled hind and Warsaw grouper is the same information that was available to the Council when the 240' closure was implemented under SG Amendment 17B.

~6 comments were received in support of the Council working with stakeholders, fishermen and scientists to identify appropriate areas that protect spawning aggregations for speckled hind and Warsaw grouper throughout their range and not just the mid-shelf alone. Protections in the mid-shelf alone will likely not achieve adequate reduction in bycatch.

2 commenters caution the Council including this measure in CE-BA 3.

Pending approval of Regulatory Amendment 11, a commenter feels it is critical that the Council adhere to the development timeline if this remains in CE-BA 3.

One comment specifically states it is imperative to remove this issue from CE-BA 3 considering the large volume of issues in the scoping document. They feel this needs to be addressed through an EIS amendment to allow implementation of effective protections.

This commenter also offered recommendations they feel the Council needs to consider:

- 1) Include the full range of potential area protections ranging from fixed large area closures to spawning and/or seasonal closures;
- 2) Evaluate time and area closures, a network of no-take MPAs, and caps on total mortality (bycatch caps on a fleet wide, sector wide, and vessel level)
- 3) Develop an EIS that identifies essential data collection elements and methods for collection such as methods for more accurately assessing effort, monitoring bycatch, i.d. fishing locations, and i.d. important habitat areas
- 4) Include a broad range of options for a total mortality management system and consult with other regions that have faced similar issues
- 5) SSC should evaluate impacts of discards and categorize real allowable mortality of the new management measures

#### **Action 4. Designate Snapper Ledge within FL Keys National Marine Sanctuary, as an MPA**

*Most comments received on this measure were during the Key Largo public scoping meeting. ~18 comments were received on this issue.*

13 comments were opposed to the Council moving forward with this designation.

Some feel this is a special interest issue coming from one particular user group, the dive community. Confusion of why the Council would implement a regulation on an area that lies within a Sanctuary, that already has a managing entity; any sort of designation is only calling attention to an area.

4 comments in support of Sanctuary Preserve protections for Snapper Ledge; they feel this designation would protect spawning areas of coral; and restore fish populations.

Sanctuary Advisory Council Chair and Vice-Chair attended the Key Largo meeting; they expressed the Advisory Council's intentions for the Sanctuary to look at the recommendation for a Sanctuary Preserve Area through their rezoning process, which is underway. This will be addressed by the Sanctuary at that time.

Another commenter spoke from the perspective of an underwater photographer, describing Snapper Ledge as unlike any other place in Upper Keys, and that designation as an MPA would be a step forward towards greater protection for this area.

### **Action 5. Develop a recreational tag program for deepwater species**

*Comments received on this measure throughout the meetings. ~11 comments were received on this issue.*

7 comments were in favor of development of a tag program. One comment pointed out that big game animals all have tag systems associated with management, and that a terrestrial game management strategy has been missing for too long in marine fisheries management. This is a program that has useful merit in monitoring recreational catch for golden tilefish and snowy grouper; they questioned how this would be enforced; and also questioned the applicability of additional fees with this type of a program, and this should be administered state-level.

Opposed to the measure in CE-BA 3

1 commenter questioned the placement of this measure in CE-BA 3 and feel this is an issue better addressed through a framework or plan amendment.

Two comments were opposed to developing a tag program. One felt there are 2 primary issues: the method in which recreational angler catch data is collected and used; and a fish tag or an individual tag will lend itself to being turned into a monopoly that could be used for personal gain. This commenter also expressed concern that there is an allocation issue, and feels it may be prudent to revise the sector allocation configuration.

Offered recommendation to:

- Establish a deepwater grouper permit or endorsement for the license (like a stamp). Make the permit a vessel permit and tie it to specific vessels which give you better data on where fishing is taking place, also have a for-hire permit to cover the charter boats. This would narrow the universe of recreational anglers who participate in the fishery. Cost would be low, the effort is already there, and anglers won't balk at a nominal permitting fee to be represented in this fishery.

### **Action 6. Increase the minimum size for hogfish**

*A lot of comments on this issue. Most came from FL Keys region, southern FL, and from a lot of spearfishermen; and those in attendance at the Key Largo hearing. ~31 comments*

Opposed to this measure in CE-BA 3.

This is an issue better addressed through a framework or Plan amendment.

21 comments were opposed to an increase in minimum size. Many favor 14" FL over 18" FL. Commenters expressed that this illustrates a regional problem, it is not an issue throughout the SA, and is another indication that regional management approaches are needed; the Council shouldn't compare a NC issue to FL waters; a slight increase in size may be needed, but not as drastic as an increase to 18"; some feel the larger hogfish are only found in deeper waters and in northern end of their range (NC); and request a full SEDAR assessment on hogfish that takes

into account how the fishery differs in the northern part of their range versus their center of abundance region.

7 comments spoke favorably of this measure. Rarely is the minimum size for hogfish seen anymore in FL waters (Monroe County); limiting fishing opportunities through other regulations increases pressure for hogfish so increasing the minimum size will help. Many were in support of increasing the minimum size to 14", and felt that an increase to 18" would eliminate almost all fishing for hogfish in FL waters.

3 comments were in support of gradually increasing the minimum size limit. The Council should spell out what is coming to fishermen in the form of incremental changes to the minimum size. The fishermen would see the merit in an increase in size of the fish as they go, and the Council would receive buy-in from fishermen.

#### **Action 7. Change the bag and size limit for gray triggerfish**

*11 comments on this issue.*

4 comments were opposed to any changes to gray triggerfish. One comment stated that gray triggerfish are a nuisance in FL waters and need no protections.

1 general comment that this is an issue better addressed through a framework or plan amendment.

5 comments in favor of this measure. Limiting fishing opportunities increases pressure for this species, and modifying the bag and size limit will help alleviate this issue. Triggerfish are lobster predators, they need to be better managed so lobster population isn't affected; current bag limit is too low for this species.

#### **Action 8. Add African pompano to the appropriate FMU**

*8 comments on this issue.*

1 commenter suggested this is an issue better addressed through a framework or plan amendment and removed from CE-BA 3.

7 comments were in support of placing this species in a management unit.

#### **Action 9. Modify permits and data reporting to ensure ACLs are not exceeded**

*9 comments received on this issue.*

This is an issue better addressed through a framework or plan amendment.

7 comments in support of this measure. Data should be used to manage possession limits so fisheries remain open; permit holders should have a vote in how this is administered; many in support of electronic reporting, and weekly; currently too much time lag for reports and there are no penalties for reports submitted late; the current system is setting fishermen up for failure;

permit sanctions should be considered for non-compliance; for-hire sector should have mandatory reporting just like commercial.

Recommendation to develop an app for smart phones to submit reports. If fishermen argue they don't have a computer, many of them do have a smart phone.

### **General Comments on CE-BA 3**

\*General confusion of the public scoping process in amendment development. Many felt in CE-BA 3 these are measures the Council is already finalizing.

3 comments in support of an Ecosystem approach to amendment development, and looking at goals for future management of fisheries as opposed to reactive management.

A commenter offered suggestions for guiding principles for a CE BA type amendment. What is currently included in CE-BA 3 doesn't provide a structure for which to develop an ecosystem-type amendment. A comprehensive amendment should address broad issues that:

- promote aggregation/spawning
- address critical habitat issues
- identify site fidelity for a species
- consider essential biologic issues; is there a genetic stock to protect? Migratory pathways associated with certain fish certain times of the year?
- consider synergistic issues – what is state of FL planning to do versus what federal agencies are doing? Paring needs to be looked at throughout the region.

A few commenters discussed that many of the issues are stemming from water quality. Water is Essential Fish Habitat. The Council needs to address water quality throughout the SA coast to improve many of these issues.

Public stressed the need for the Council to consider regional management approaches. Many management issues differ drastically in NC than they do in southern FL. The current approach to management needs to address these differences.