

Summary of Comments

14 individuals provided public comment at the hearings.
10 individuals provided written comments.

Action 1- bag limit sales of king mackerel and Spanish mackerel:

- 8 comments supported prohibition on bag limit sales. Most stated that recreational fish should not be sold, and that the Councils should be consistent with dolphin-wahoo and snapper grouper regulations to prohibit bag limit sales.
- 5 comments supported no action.
- One commenter felt for-hire vessels with the commercial permits should be allowed to sell fish caught on a for-hire trip.
- 5 commenters supported the exemption to allow tournament sales because they felt contributions from donations benefitted the community and local charities.
- 3 commenters did not support allowing tournament sales. One commenter felt that tournament organizers should only be allowed to directly donate fish for consumption, such as to a food bank, but not for money. Two commenters (including a MAFMC member) noted that allowing tournament sales was inconsistent with prohibiting bag limit sales, since tournament fish are also recreationally caught fish.
- One commenter felt there should be more specifications for states to allow and monitor tournament sales, including a cap on total tournament sales.
- One commenter felt that there was an inconsistency with allowing cobia bag limit sales but prohibiting king mackerel and Spanish mackerel bag limit sales.

Action 2- elimination of inactive king mackerel commercial permits:

- 6 opposed elimination of inactive permits, because permits are part of the fishing portfolio, and the Councils should not take away permits.
- One commenter suggested that permits issued before 1995 should be grandfathered in, if the Councils decide to eliminate inactive permits.
- 2 commenters supported eliminating inactive permits and supported Option A under Alternative 2.
- 2 commenters supported making inactive permits non-transferable (Alternative 3) because at least permit holders could continue fishing the permit. Both recommended Option C.
- 7 commenters supported the two-for-one requirement to reduce the number of permits over time. One commenter recommended finding a way to minimize the loophole for corporate permit transfers.
- 3 commenters opposed the two-for-one requirements because of the impact on new entrants and the requirement would de-value the permits.
- A member of the MAFMC commented in opposition to the two-for-one requirement and recommended the Councils define a specific outcome before removing inactive permits.
- One commenter felt that there should be a threshold for the snapper grouper two-for-one requirement and the potential requirement for mackerel that designates a minimum number of permits.
- One commenter noted that there was a conflict between eliminating inactive permits and eliminating income requirements. If the intent of Action 2 is to remove latent effort and keep

fishermen in who were consistently fishing, eliminating income requirements in Action 3 seems like it would keep latent effort in the fishery.

Action 3- eliminate or modify income requirements:

- Three commenters felt that income requirements should be kept but modified. Two commenters felt that income from commercial fishing only should qualify, and one commenter suggested changing the requirement to at least \$20,000 in two of the last five years.
- Three commenters supported eliminating income requirements (Preferred Alternative 2).
- Two commenters supported no action.

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AUG 14 2013

South Atlantic
Fishery Mgmt. Council

FRANK H. GASSMANN

P.O. Box 43

ST. AUGUSTINE, FL

32085-0043

8/10/13

BOB MAHOOD, EXECUTIVE DIRECTOR
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SC 29405

RE: AMENDMENT 19, FISHERY MANAGEMENT PLAN
FOR COASTAL MIGRATORY PELAGIC RESOURCES OF
THE GULF OF MEXICO AND SOUTH ATLANTIC
PERMIT PROVISIONS

DEAR MR. MAHOOD,

Please bear with me as I will try to make
this letter as short as possible. I have
two king mackerel permits issued in
4-4-86 and 4-17-89. I presently use and
have used them in a seasonal manner
since then. I believe any permit issued
before the control date back in 1995 should
be grandfathered in.

Now, in reference to ACTION 2, I am
in favor of ATL 1; NO ACTION and can live
with ATL 4 (2 For 1). I am totally opposed
to ATL 2, OPTION B and ATL 3, OPTION B,

As for ACTION 3, I support ALT. 2 and can live with ALT. 1. I totally oppose and am not in favor with ALT. 4.

I believe any and all income requirements should be derived from only sale of fish to a wholesale dealer with a corresponding state trip ticket. Income from for-hire or charter fishing trips should not be able to be used as income for income requirements to obtain or renew a commercial king macheral permit,

i.e. An eco-tour in the bay looking at wildlife and then casting a plug a time or two would qualify as a for-hire fishing trip and that charter money used for income qualification. In addition I would like to say that corporate permits offer a distinct disadvantage to a individually held permit in as that any amount of income derived would bring that income over the 25%, 50% or even more as it could be 100% of the corporate earnings. This being said I believe to be in a fair playing field that income requirements should be eliminated.

Sincerely,
J. H. Garrison

Hi my name is Vincent Bonura from Goin' Off Enterprises Inc. My comment directed towards **Amendment 19** is **Action 1** I support **alternative 3**: Prohibit the sale of king mackeral and spanish mackeral caught under the bag limit. A king mackeral permit is required to sell king mackeral and a spanish mackeral permit is required to sell spanish mackeral. If these fish are not caught commercially they should not be sold. **Action 2** I prefer **Alternative 1**: No action. If I had to have a second option it would be **Alternative 4**: Allow two for one permit reduction in the king mackeral fishery. I do not believe that any closed access permit should be non transferable including king mackeral gill net and the government should not just take someones permit even though they say its a privilage not a right. I think this way because I am on the younger side of the fisherman in the industry and have paid my way monetarily with hard work and drive to get where I am at today. I was not born into a commercial fishing family who had the boats, permits, knowledge, and gear to hand down to me. I also beleive that all closed access permits should be able to be transfered and or sold to keep an opening for the next generation of fisherman to be able to get into this business with near the same oppurtunties as the older generation of fisherman. An option I do agree with is to allow the retiring of king mackeral permits in order to add that permit to you current permit in order to up your trip limit to double, triple, etc. By doing this you would up your trips profitability by catching more with the same amount of expenses. This is a very hard business to survive in today. Please keep American commercial fishing alive with an opening for the next generation. We love the ocean and what we do. Please think about this before making any decisions.

Tight Lines,
Vincent Bonura

Comments on:

Mackerel Amendment 19

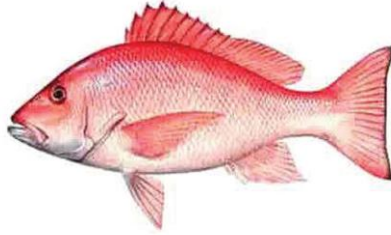
re: **Action 1**. Prohibition of bag limit sales has been on the SAFMC's plate since 2002 or before. Please select and pass this amendment with **Alternative 3** as a preferred so that bag limit sales of king and spanish mackerel will be disallowed as they are for snapper grouper and dolphin wahoo. I realize there is some sentiment to allow tournament sales, but they should not be allowed to compete with commercial sales of mackerel.

Thank you for the opportunity to comment on these Amendments.

Mac Currin
801 Westwood Drive
Raleigh, NC 27607

DIRECTED SUSTAINABLE FISHERIES, INC.

A FISHERIES CONSULTING COMPANY



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

Date: Sunday August 18, 2013

Re: Coastal Migratory Pelagics Amendment 19 Proposed Three Actions and DSF Preferred Alternatives
MackAm19Comments@safmc.net

Mr. Mahood,

The Directed Sustainable Fisheries, Inc. (DSF) is submitting written comment concerning the South Atlantic Fishery Management Council's (SAFMC) proposed actions on Coastal Migratory Pelagics (CMP) fishery management plan (FMP) Amendment 19. DSF preferred alternatives are presented, and comments from DSF are in "red" with each of the three actions.

Action 1 – Sale of King and Spanish Mackerel

Alternative 3: Prohibit sale of king and Spanish mackerel caught under the bag limit. For a person to sell king or Spanish mackerel in or from the exclusive economic zone (EEZ) of the Gulf of Mexico or Atlantic, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel.

South Atlantic Preferred/Gulf Preferred Option b. The Gulf Council's jurisdiction
(Gulf AP Preferred)

DSF supports the Alternative 3, Preferred Option b, for CMP FMP Amendment 19 Action 1.

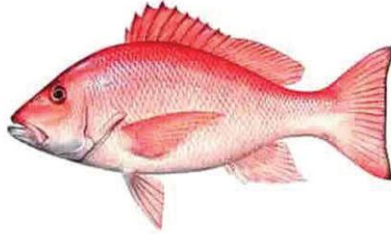
Alternative 4: Prohibit sale of king and Spanish mackerel caught under the bag limit with the exception of state-permitted tournaments. For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel. King or Spanish mackerel caught during a tournament may be donated to a dealer in

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exchange for a charitable donation if the tournament organizers have a permit from a state to conduct that tournament, and transfer and reporting requirements are followed.

South Atlantic Preferred/Gulf Preferred Option a. The South Atlantic Council's jurisdiction

DSF supports the Alternative 4, Preferred Option a, for CMP FMP Amendment 19 Action 1.

Action 2 – Elimination of Inactive Commercial King Mackerel Permits

Gulf Council Preferred Alternative 1: No Action – Do not eliminate any commercial king mackerel permits. **(SA Mackerel AP Preferred) (Gulf AP Preferred)**

DSF supports Preferred Alternative 1 (No Action) for CMP FMP Amendment 19 Action 2 to not eliminate any of the current 1389 King Mackerel limited access permits from Texas to New England. Until a method is developed to accurately separate the limited access permits in this huge area, based on historical participation and stakeholder inputs as to criteria to properly analyze the landing streams by permit landings history, temporally and spatially, No Action is the best choice for all the Councils involved in this joint CMP FMP.

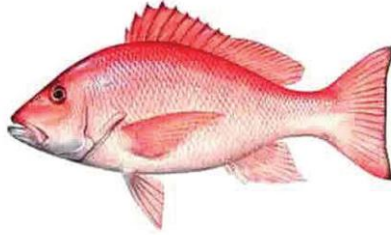
South Atlantic Council Preferred Alternative 4: Allow two-for-one permit reduction in the king mackerel commercial fishery similar to the system for Snapper Grouper Unlimited Permits.

DSF cannot support the SAFMC Preferred Alternative 4 to the CMP FMP Amendment 19 Action 2 to establish a two-for-one permit reduction in the SAFMC region similar to the system used for Snapper Grouper Unlimited Permits. The reason is that there is not enough analyses presented for the single CMP permit issued by the National Marine Fisheries Service (NMFS) involving the current 1389 King Mackerel limited access permits from Texas to New England. The Snapper Grouper unlimited permit reduction began with over 2000 open access permits that have since been reduced to under 600 unlimited permits currently.

To this date, there is no sunset threshold established to freeze the Snapper Grouper unlimited permit reduction level at. The same issue will occur with the current limited access CMP King Mackerel permits. Until a method is developed to accurately separate the limited access permits in this huge area from Texas to New England, based on historical participation and

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stakeholder inputs, as to criteria, to properly analyze the landing streams by permit landings history, temporally and spatially, this current Alternative 4 is not well thought out to date.

Action 3 – Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits

South Atlantic Preferred/ Gulf Preferred Alternative 2: Eliminate income requirements for commercial king and Spanish mackerel permits. **(SA Mackerel AP Preferred) (Gulf AP Preferred)**

DSF supports the Preferred Alternative 2 for CMP Amendment 19 Action 3.

Rusty

Russell Howard Hudson, President
Directed Sustainable Fisheries, Inc. (DSF, Inc.)
PO Box 9351
Daytona Beach, Florida 32120-9351

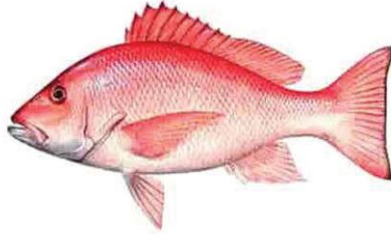
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Saltwater Fisheries Consultant, Shark Specialist
Deep-Sea Fisherman and Shrimp Boat Captain
Recreational, For-Hire & Commercial Fishing Life Experience, 1959-2013
Retired 100-ton United States Coast Guard (USCG) Licensed Sea Captain
Fifth Generation Waterman from Central Florida East Coast
Seafood Coalition (SFC) member
American Elasmobranch Society (AES) member 2004-2013
Atlantic Coastal Cooperative Statistics Program (ACCSP) Advisory Committee member from Florida
Atlantic States Marine Fisheries Commission (ASMFC) Coastal Shark (CS) Florida (FL) Advisory Panel (AP) commercial & for-hire recreational member [former Chair of CS AP]

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National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) AP commercial member 2013-2015

NMFS HMS SouthEast Data, Assessment and Review (SEDAR) AP Pool member 2013-2015

South Atlantic Fishery Management Council (SAFMC) SEDAR AP Pool member

SAFMC Marine Protected Area (MPA) Expert Working Group participant

Former SAFMC MPA AP FL commercial member

Former NMFS Atlantic Large Whale Take Reduction Team FL participant (ALWTRT)

Former NMFS Bottlenose Dolphin Take Reduction Team FL participant (BDTRT)

Participant, observer and/or contributor to US coastal shark stock assessments during 1992, 1996, 1998, 2001, 2002, 2005, 2006, 2007, 2011, 2012 and 2013

Participant, observer and/or contributor SouthEast Data, Assessment and Review (SEDAR) 11 (Large Coastal Sharks), 13 (Small Coastal Sharks), 16 (King Mackerel), 19 (Red Grouper/Black Grouper), 21 (Large Coastal Sharks/Small Coastal Shark), 24 (Red Snapper), 25 (Black Sea Bass/Golden Tilefish), 28 (Spanish Mackerel/Cobia), 29 (Gulf Blacktip Shark), 32 (Gray Triggerfish/Blueline Tilefish), 34 (Atlantic Sharpnose Shark/Bonnethead Shark), and SEDAR 36 (Snowy Grouper)

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Robert Johnson spoke last night, August 6th, at the public hearing in Jacksonville, against sale by Tournaments of Kingfish. I feel that tournaments should be allowed to sell kingfish. Most of the tournaments are run for or by charities. Today The Greater Jacksonville Kingfish Tournament, which formally had 1000 entries, has less than 230. A new format had only the top 10 boats fishing a second day, which helped cut down on the numbers of fish harvested. Corporate sponsors are for the most part gone, crowds are gone, and the survival of this and other tournaments is fragile at best the economic value of tournaments to the local economy is critical. With the closures of fisheries, a down economy, and rising costs to fish, the bait & tackle, as well as other businesses need all the help they can get. A commercial Kingfisherman catching and selling his catch, benefits one person, the fisherman. The tournaments benefit many, both directly and indirectly, however they need all sources of income available to survive. Tournament sites are not free, tent rental, setup costs, police patrols, and entertainment are all costs. Don't close down another leg of the recreational fishing, it's on life support as it is. The Fountain Kingbuster 400 in St. Augustine is no more. Fountain boats, a long time sponsor are gone, bankrupt. Please don't bankrupt what is left of a wounded industry.

Bob Houghton

My name is Ira Laks. I am the owner operator of a dual permitted vessel. As an active participant in the King Mackerel commercial fishery, I believe we need a two-for-one permit reduction in the king mackerel commercial fishery and an annual average of at least 1,000 lbs of king mackerel from 2002-2011 to renew. If only one option is chosen I believe it should be the two-for-one option. I have heard council members say in meetings that they do not want to remove inactive permits, some council members said that they want fisherman to be able to use inactive permits as tools in their toolbox. The problem with that rationale is that the councils have removed limited access permits from fisherman in other fisheries in the past due to inactivity and low landings. Myself and other active King Mackerel fisherman have had these permits removed from our toolboxes without any compensation. If it is now the position of the councils that fisherman should be able to retain inactive and limited landing king mackerel permits and these permits through sale or effort may become active to the detriment of current active king mackerel fisherman, the councils should reinstate any limited access permits removed from fishermen while holding their current king mackerel permit. How can you effectively manage the king mackerel fishery biologically, socially and economically if you have such a large variability in potential effort.

Both the SAFMC and GMFMC have taken a leadership role in the ban of bag limit sales of federally managed species in the EEZ. The most important part of leadership is consistency and if bag limits of Cobia and tournament caught King and Spanish Mackerel are allowed to be sold it will be inconsistent with previous actions of the councils. I have listened to and read the minutes of council meetings as well as spoke to council staff in an attempt to understand why Cobia are excluded from the ban of bag limit sales. From the information I have read and heard, no practical or legal explanation have been sufficiently given for the sale of Cobia in the EEZ. As the holder of a Florida SPL with an RS endorsement, I could go on a recreational Headboat trip in the EEZ off the east coast of Florida and catch my bag limit of 2 Cobia and 2 King Mackerel. I would be able to sell my 2 Cobia to a wholesale dealer but not my 2 King Mackerel, This would bring into play double counting issues in the Cobia fishery that I thought the councils were trying to avoid. Since a significant number of Cobia will be caught recreationally and sold commercially this should be addressed in the commercial allocation for Cobia.

As to the sale of tournament caught fish, I think the councils should have to craft the guidelines for any tournament sales policy with alternatives and the ability of the citizens of United States to be able to comment on a specific tournament policy.

In the draft amendment 19 book. North Carolina's tournament sales policy is used as an example.

This is from the NCDENR Division of Marine Fisheries:

Recreational Fishing Tournament License to Sell Fish

The Recreational Fishing Tournament License to Sell Fish is a license available to fishing tournaments that sell fish and requires the designation of a tournament organizer. Proceeds from the sale of fish must be used for charitable, religious, educational, civic or conservation purposes - proceeds from the sale of fish cannot be used to pay for tournament expenses. This license is required for tournaments that sell fish plates or provide free fish plates to tournament participants.

King and Spanish mackerel in the EEZ are a public trust resource of all the citizens of the United States. If the states are given the authority to convert a federal public resource into cash to benefit a select few, it will raise many ethical and legal objections.

A few questions I have are:

1. How many tournaments will be allowed to sell fish?
2. Many fisherman pre fish the day before the tournament, will those fish be able to be sold?
3. How many fish per boat will be able to be donated? Will it be just the fish weighed in or the bag limit for all on board?
4. If its the bag limit for all onboard that can be donated, will that cause boats to catch more fish than they normally do in a desire to be charitable?
5. Will organizations such as the SKA be able to take a charitable tax deduction on the cash donated to a charity? If so that would be of great financial benefit to them.
6. Can wholesale dealers profit from the sale of these fish and who will decide which wholesale dealer is used? If the choice of wholesale dealers is left to the tournaments, it opens the door for quid pro quo relationships.
7. If the number of tournaments who sell fish expand how will this effect the price commercial fisherman receive for their fish?
8. How ironic would it be if money from the sale of tournament fish was donated to a conservation organization and they used that money to lobby to restrict commercial fishing.
9. Can the town of Boca Raton hold a tournament and use the money from the sale of a federal public resource to build a dog park?
10. Will religious groups be able to capitalize from this public resource to promote their beliefs?

Sincerely ,

Captain Ira Laks

Coastal Migratory Pelagics Amendments 19 and 20 and Framework Comments

I am Chris McCaffity, a snapper/grouper fisherman who occasionally sells a bag limit of King Mackerel. I am deeply disappointed to learn that some permit holders are asking the council to take other people's permits because they are not using them enough. It should be viewed as a good thing that not many permit holders are actively competing for a piece of the fishery that is currently in a down cycle. The very idea of this scheme to take away permits is causing people to target King Mackerel when they might not otherwise. Stopping other commercial fishermen from selling a bag limit is also going to increase effort as we must buy a permit to sell our catch and try to catch more King Mackerel to pay for it. I understand not allowing tournaments to sell King Mackerel or any other fish. Those tournaments are for charity. Tournament fish should be donated to soup kitchens and food pantries rather than competing with commercial fishermen.

I OPPOSE banning the bag limit sale of Spanish and King Mackerel by commercial fishermen working in other fisheries.

I SUPPORT banning the sale of tournament fish. Let the charities that feed people benefit from that seafood rather than selling it to give the money to some other charity.

I OPPOSE the elimination of inactive permits. This kind of action was wrong in other fisheries and it is wrong for this one. Eliminating competition through the strong arm of our federal government is never right.

I SUPPORT allowing fishermen to decide with a 2/3 majority vote of participating permit holders what the trip limits, transit provisions, and transfers at sea should be.

Thank you for considering my comments. Please send any questions or comments to freefish7@hotmail.com

As a seafood dealer purchasing king mackerel from the Atlantic Beach King Mackerel Tournament we have personally written checks totaling over \$9600 over the past 4 years. This money is given to the Atlantic Beach Fire Department to aid in volunteer training and purchasing of new equipment to benefit the entire community and out of town vacationers. Without this funding from the sale of tournament caught fish this would make it more difficult to fund these projects.

Thank you
Brian Moore
Crystal Coast Fisheries
252-342-4383

ank you for the opportunity to respond to this amendment (19) which i find offensive at best.

First as a commecial fisherman that values each and every permit WHICH i HAVE EARNED OR BOUGHT OVER TIME, i find it incredible that councils that are supposed to be managing fisheries now thinks it should manage people as well. The councils make the case that it is necessary to preserve the integrity of the fishermen, yet sees nothing wrong with stealing other fishermens viabilities under that pretense. WHAT HYPOCRACY? As i have stated over time on more than one occasion, a fishermans permits are his toolbox, and while one wrench in that toolbox may not get used very often....that does not mean that it is not necesssary to that mechanic. A fishermans permits are no different. In the fishermans case he either earned them of bought them which is no small commitment in either case.

The bottom line is this is just and ongoing decommercialization of this nations fisheries since you see no other control efforts recreationally on these same species. Shouldn't the councils be looking into the fact that new recreational entrants are going to diminish the "fishing pleasure" of those before them also under this mentality? Where are equitable restraints mentioned on the recreational sector?

As for latent effort, WHAT does it hurt? When fishing is good, fishermen fish. When it is not they, they alternate between other more abundant or lucrative species in their respective areas. What is wrong with that??? Is it not better for the fish? And as is the case where i live in northern N.C., our fall mackeral fisheries have ebbed as of recent due to enviromental influences..which NMFS/NOAA readily acknowledges is happening coastwide (East Coast anyway) in all fisheries. But those influences may not be happening in the gulf coast states which share a similar latitude which makes them in my estimation out of touch with these trends. And as the lead council on mackeral, inept in that position.

As for my previous statement "it is just and ongoing decommercialization of this nations fisheries" it doesn't surprise me that the SA would propose a 2/1 permit clause as it's "Preferred" as they have presisted in doing in the S/G fisheries under it's jurisdiction. Question is when does it end....when there is only a recreational fishery plus two commercial fishermen?

The only provision i would agree to on this amendment is a income requirement. I do feel that it should be a fishermen that makes at least \$20.000 in two of the last five years in commercial fishing endeavors, be they SA, Mid Atlantic, Gulf or NE fisheries.

Oh, and I am also in agreement on the exclusion of recreational sale which is amazing that it is still having to be discussed this far down the road. If they want to sell their fish, let them buy a permit and jump throught the same hoops as myself with safety training, equipment etc.plus put #'s down the side of their vessel and have the added Coast Guard scrutiny that goes with it.....

Finally, as for the fishermen that seems to think that they should hold precedence over another because of their recent landings, you are setting yourself up to be a domino in another fishery elsewhere. Thanks for the opportunity to comment.

jeff oden

I can understand the impact of a recreational limit being sold on the Spanish Mackerel Fishery in the south Atlantic as the recreational limits are high. I do not agree with the Kingfish 2 fish here as there isn't going to impact the fishery as it doesn't reach the ACL allotments as it is now in the South Atlantic. When wahoo fishing the inner reefs it is common to catch King fish utilizing the deep trolling techniques for wahoo. fisherman with a dolphin wahoo permit should be allowed to sell a recreational limit as by catch. I believe the income requirement should stand for both mackerel fisheries. permits should be for those who make at least 10,000 in fishing income to ensure that permits go to those who really are fishing for a fair percentage of their income not just recreational fishermen looking to write off the cost of owning a boat and buying tackle.

Trogdon