SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COMPREHENSIVE ALLOCATION AMENDMENT PUBLIC SCOPING

New Bern, North Carolina

February 7, 2008

Summary Minutes

Mr. Shackelford: I'm Britton Shackelford and these few comments that you're going to get are specifically related to me, but there will be a position paper coming forth from the North Carolina Watermen United. Just a few brief comments that I have, in talking about the allocation issue with king mackerel, we do not believe, or I do not believe, that there should be a sale of any type of fish without a permit, period.

I think that a permit is going to satisfy the requirements that a lot of people would think would be an important requirement that a license would get, but with the added burden that permit carries with it a little bit more weight, and I think that people would possibly be more attentive to exactly what they're catching when they're catching and weight, sizes, which is effectively what we're hoping to get out of a license issue or a permit issue, is size, year class, quantities, the pertinent information that's going to help us to make the best judgment call on quotas or allocation or reallocation or whatever have you.

I think that a permit is going to satisfy that and I don't think there should be sale of any fish without a permit, period. That's any fish that has a fishery management plan, which is effectively just about anything.

State-by-state or regional allocation -- I'm talking about allocation and I'm talking about king mackerel. He talked about both issues, allocation and king mackerel, and these are just notes that I was writing as he -- He kind of hop-scotched back and forth as people were bringing up issues and so forth and so it might not make the most sense to you.

Mr. McCaffity: My name is Chris McCaffity and I'm a commercial fisherman out of Morehead City, North Carolina. The first one that I will address is the Comprehensive Allocation Amendment and I've not had time to read it over, but I would like to say that you should take into consideration the millions of people that do not recreationally fish or commercially fish, but do eat fish, or any seafood for that matter, and commercial fishermen allow them to have access to that resource.

That is an American resource and not just a toy for rich people or people that like to recreational fish. They need to take into account that this is America and our country is based on freedom and the free market and you need to allow that to work as much as possible with the limited set

of commonsense regulations.

You can't just keep adding on and on and on. There's the free market and the price of fuel and certain other things that have already reduced the number of commercial fishermen and the aging population is going to keep on whittling away at them and I'm one of the young ones that's in it and I'll be thirty-five next month.

That will, in itself, eliminate a lot of fishermen, commercial fishermen, and you need to make sure that you preserve those people. You can't just keep trying to push them out and just have it where it's a toy for people and it needs to be a sustainable resource that feeds America. We can't just get our stuff from sewage-raised fish from China or any of that kind of stuff. We have a clean, renewable resource in America that if we are allowed to harvest it responsibly also helps our economy and feeds American citizens. I guess I'll end on that point.

Mr. Blackerby: My name is James Nicholas Blackerby and I'm from New Bern, North Carolina, and I'm here representing the Coastal Conservation Association of North Carolina and I serve on the board. I would like to speak to the allocation amendment and I'll make the following remarks regarding this.

The Coastal Conservation Association supports a new forward-looking approach to allocation, primarily based on requirements in the MSA and minimizing past catch history. We believe allocations are not required under the Act, except in fisheries under rebuilding plans or where harvest levels are reduced.

Whenever rebuilding plans are implemented or harvest levels reduced, the Act requires the Secretary and the council to analyze the economic impact of the proposed conservation and management measures on all of the participants in each of the sectors of the fishery. While the process requires the use of economic information for analysis, the use of historical data is optional.

The obligation is ongoing. The failure to address the distribution of benefits and restrictions by both the Secretary and the council is a procedural flaw. The final product of the generic allocation plan ought to include a series of considerations, including economic impact, historic catch, demographic shifts, impact on coastal communities, impact on fishing communities, and a process that allows the importance of each consideration to be weighed.

A new allocation paradigm is needed for the following reasons. The human population along the Atlantic coast has increased significantly in the past twenty years, presumably because of an increase in the number of anglers wanting access to the marine fishery resource.

There are changes in habitat that may have affected fish populations. The primary data used to compare the recreational harvest to the commercial harvest is the Marine Recreational Fishing Statistics Survey data, whose accuracy is unknown. There have been many changes in regulations during the past twenty years, affecting either sector's ability to harvest fish within the complex. The effect of those changes are not reflected in the proposed allocations.

It does not take into account the economic value of either sector. Most importantly, the use of past landings data to set future allocations is inherently a backward looking management measure that does not account for future changes within the fishery. We would prefer to set allocations which reflect how managers and fishermen would like the fishery to look in the future.

We are asking that the National Marine Fisheries Service follow the law as follows: 1) prepare economic documents and then use them in the deliberations; 2) review and renew allocation decisions every time they impose new harvest restrictions or derive benefits from a rebuilding plan; 3) any time the total allowable landings are reduced in any fishery, NMFS must require the relevant council to review the impacts on the sectors and reallocate the resource to meet the goals of the plan in the best economic outcome from the use of the resource.

Speaking not for the Coastal Conservation Association, but my own, I would just like to say that viewing the different alternatives, it would seem to me that perhaps Alternative 3, which in the council's judgment is based on fairness and equity, and also Alternative 4, which I understand possibly will be out in the future sometime, that this be used when available and not that the other alternatives have some merit, but I feel that these two probably have the most.

Mr. Aiken: My name is Jeff Aiken and I represent Jeffrey's Seafood from Hatteras, North Carolina. I wanted to comment on the Comprehensive Allocation Amendment, in an overall observation, after attending not as many meetings as you guys have, but quite a few. We talk about the reauthorization of Magnuson and the new imperatives that are in front of managers and the timeframe and the problems that exist in meeting those effectively.

Number one, we're charged with being fair and equitable and in that assessment, everything should work equally for all the user groups. We have an imperfect science and everybody seems to admit that and we need to move towards improving our science.

Yet, we are given the flexibility -- The managers are given the flexibility of using the best available science and that seems to be the craw every time I try to swallow. My inexperienced observation, in my observation, I would submit that every user group should have the same reporting requirements, whether they're commercial and they have logbooks and they have penalties and fines that follow them for the inaccuracies or for failing to submit reports, those same regulations should follow the recreational user groups. I think that's fair and equitable.

Mr. Oden: My name is Jeff Oden. I'm looking at the three alternatives on the allocations alternatives for, for instance, snowy grouper, my main focus, and I don't like any one of the three, for the simple reason if we're going to talk about the conservation perspective of this fishery, to allocate any to a sector that is -- In the recent landings, I believe they show them at 168,000 pounds, when historically they've been well below that.

How can you trust an unbridled fishery to remain at 5 percent without either permitting or --There's just absolutely no way to address this unaccountability without taking them out of this fishery, at least until which time, which is thirty-five years down the road, until more confidence is gained in their catch rates and just more accountability. You can't logically turn this fishery

over to an escalating fishery that is not accountable and pretend to address the Magnuson mandates that you all know or you are bound to address.

Mr. Hawkins: My specific comments are relating to the three amendments and the king mackerel quota. First, I would like to speak to the Comprehensive Allocation Amendment and what I would urge the council to do, based on the knowledge I have at hand, is I would urge the council to use the historically most accurate landings to set a comprehensive allocation amount for the variety of species that they have to come up with by 2010.

Once they pass 2010, or between the interim period of now and 2010, I would urge the council to set the allocations within each specific amendment that they are dealing with and so if there are species groups within the Comprehensive Allocation Amendment that could be handled by a specific amendment for the next two years, I would urge them to do so, versus doing it all in one document.

Again, I would use the landings. If it was legally defensible, I would urge the council to be able to use their judgment as to the most accurate landings for the longest time series to set these allocations, the most accurate landings for the longest time series.

My last comment on the comprehensive allocation is I would urge the council to take into consideration the consumers of seafood when they make those allocations. I wish I had more specific recommendations on that, but from a state perspective, there are a lot of people that are unspoken in the process that like to consume seafood and the managers need to be aware of that when they allocate the resources.

Mr. Fletcher: James Fletcher, United National Fishermen's Association out of Manns Harbor, North Carolina. Your program was speaking about a comprehensive allocation amendment. It does not address bycatch and it does not, in my opinion, address what the councils on all coasts have allowed to go on, an allocation of resource to commercial and recreational and not require accountability on the recreational side.

I understand under the new Magnuson Act that you are attempting to remedy this problem, but all our landing records and stuff are based on -- They're going to be based on historical landings and the recreational had no constraint and we currently have no constraint on the recreational numbers of increase or increase in vessels.

Until we put constraint on the number of people and I'm only talking about the EEZ. The councils, by the Magnuson Act, were supposed to put restrictions and benefits equally on all sectors and it has not been done.

If we're going to go back, we need to -- The Magnuson Act has changed three times. The councils -- It's not only the South Atlantic. None of the councils have fulfilled the requirements of the Magnuson Act. They have ignored them. They have received legal advice in the Northeast that the councils, when it came to recreational, did not have to comply. We need to get accountability in both sectors.

Mr. Schoolcraft: Kelly Schoolcraft, Frisco, North Carolina, representing the Fishing Vessel Country Time. Allocation of snowy groupers, there again, according to this chart, Alternative 1 would be the preference, even though I don't fish for snowy groupers anymore. I used to. It's a shame that this state is getting left out and the way things are going in the deepwater grouper fishery.

I was part of it years ago and I'm not any more, but I see what's going to happen to these guys here. According to this chart here, Alternative 1 would allocate 95 percent to the commercial and 5 percent to the recreational. That's history and so many times, I hear, in all these meetings, how we like to do it historically, historically. That's historically the way it was, 95/5.

It should be that and there again, whatever the quota is, the coastwide quota, North Carolina should just strive to get a portion of whatever the TAC is allocated to this state to be managed as our state fisheries people see fit. It would keep them working.

There again, you know the snowy grouper fishery is not a year-round fishery for most of these guys here, as we go from one fishery to the other throughout the courses of the year. North Carolina is in a very unique situation. We're at the southern part of the northern migratory fish and the northern part of the southern migratory fish.

We just need -- Whether it be king mackerel or snowy grouper or whatever, if there's a federal quota, a hard commercial quota, on any federally-regulated fish, this state ought to fight as hard as they can to see that we get an equal proportion of that allocation allocated to the fishermen of this state.

Mr. Sessions: My name is Kenneth Sessions, from Topsail Beach, North Carolina, and I wanted to talk about allocation. In going to these meetings today, what I have once again seen is that we do have hard data and representable data for the commercial sector.

We know what fish are caught and we know where they are caught, but from a recreational standpoint, North Carolina has just finished their first year of a saltwater fishing license, but it just seems like there's so little data and the data is so far behind what the current allocations are that it's kind of hard to finish the equation when we have a very large portion of it, even 50 percent of it, is poorly represented.

In looking at that from that standpoint, being as we're talking about federally regulated fish, snapper grouper and king mackerel, et cetera, a suggestion that I had was in order to fish for these species from a recreational standpoint, the idea to have a recreational federal permit. For instance, you've got a similar thing right now for the pelagics, if you want to pursue tuna and wahoo, et cetera.

Do the same thing for your reef complex fish as well. You would have to have in addition to or combine it in a North Carolina saltwater fishing license and have a federal endorsement where you say yes, I do target grouper and I do target snapper and I do target king mackerel, to get more accurate numbers for the recreational fishery. Make it not voluntary.

Put it on the saltwater license and sign up for what you are, but to put some teeth in it, make it in order to possess a snapper grouper or king mackerel that you had to have signed up for that endorsement, so you could get a more accurate -- Right now, we don't know who is fishing for what.

For instance, on the snowy groupers, right now it's not looked at very much as being a recreational fishery. Well, when you go on the websites and you talk to the people that I talk to, your offshore deepwater fishes are really becoming hot and there's a lot of people pursuing them and so once again, make a saltwater license in North Carolina or require a federal permit for a recreational fisherman.

For instance, me fishing here, I could also carry that same permit, if it's a federal permit, to Florida, to Georgia, to South Carolina, but I'm documented as having fished for what species. The data that we've got, there's really not a -- From what I can tell, there doesn't seem to be a logical data collection system.

North Carolina doesn't really have one. The saltwater license at least points an idea at who is fishing for saltwater species, but spots and grouper don't exist in the same water, but that's all that saltwater license, that I can tell, represents. That was my recommendation; just find some way to narrow down who is fishing for what, because I personally feel that the recreational data is being far from represented. Thank you.

Mr. Burgess: Tom Burgess, commercial fisherman, Sneads Ferry, North Carolina. I would like to comment on the Comprehensive Allocation Amendment and first off, I am concerned that with the council not having a comfortable feeling on the accuracy of the landings of the recreational sector and it is not known the impacts at this time that the recreational sector has on our resources, to proceed with the allocation amendment in the sense of making changes to status quo, which is historical landings data, to allocate between recreational and commercial should not be done at this time, due to the uncertainty of the numbers of fish caught by recreational fishermen. At the time that the recreational sector comes online and a much more level of confidence in the data and then to address this issue again at that time.

I would also like to comment on possible -- If I am correct, there is some thought of possibly breaking up the commercial sector into three sectors, if I choose my words correctly, and that would be hook and line, sea bass pots, and longlines.

I am in favor of exploring this further to look at the possibility of that, and I'm speaking mostly of the sea bass fishery that I am involved in and the current studies that have been completed and are at this time underway to speak of bycatch and bycatch mortality in the sea bass pot fishery, and it might shed some light on what bycatch mortality, which could be associated with the sea bass pot fishery by itself, and it might have a bearing on the TAC associated with the pot fishery. I am in favor of exploring that further. That's all.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COMPREHENSIVE ALLOCATION AMENDMENT PUBLIC SCOPING

New Bern, North Carolina

February 7, 2008

Attendees

Council Members:

Dr. Brian Cheuvront Rita Merritt Mac Currin

Staff Members:

Mike Collins

Transcribed by: Graham Transcription February 18, 2008

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL 4055 FABER PLACE DRIVE, SUITE 201 NORTH CHARLESTON, SOUTH CAROLINA 29405 PUBLIC COMMENT ATTENDANCE RECORD Public Scoping / New Bern, NC - February 7, 2008				
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Robert West	(252)(115 - 415)		
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Box 52 Buxton N	6 27920		
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KELLY SCHOOLCRAFT	252-995-	4029	
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YOUR NAME (PLEASE PRINT) TELEPHONE NUMBER(& AREA CODE)				
Tom Burgess	910-327-352-8			
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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)			
Comprehensive Allocation Amendment	······································		
DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			
Snapper Grouper Amendment 17 DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			
Snapper Grouper Amendment 18 - LAPPs DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			
King Mackerel Quota DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL 4055 FABER PLACE DRIVE, SUITE 201 NORTH CHARLESTON, SOUTH CAROLINA 29405 PUBLIC COMMENT ATTENDANCE RECORD Public Scoping / New Bern, NC - February 7, 2008				
YOUR NAME (PLEASE PRINT)	TELEPHONE NUMBER(& AREA CODE)			
Jettrey N. Miken	252-986-2800			
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) P.O. BOX 515, Hatteras NC 27943				
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)				
Comprehensive Allocation Amendment		/		
DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)	YES			
Snapper Grouper Amendment 17				
DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)	YES	NO		
Snapper Grouper Amendment 18 - LAPPs DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)	YES	NO		
King Mackerel Quota DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)	YES			

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL 4055 FABER PLACE DRIVE, SUITE 201 NORTH CHARLESTON, SOUTH CAROLINA 29405 PUBLIC COMMENT ATTENDANCE RECORD Public Scoping / New Bern, NC - February 7, 2008			
	TELEPHONE NUMBER(& AREA CODE)		
YOUR NAME (PLEASE PRINT)	252 3937	253	
Charles OF A CONTRACT STATE & ZIP CODE)			
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, a 211 0000)			
311 Nolphin St Cape (arte 10			
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)			
Sen TRUCT Th			
Comprehensive Allocation Amendment	YES	NO	
DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			
Snapper Grouper Amendment 17	YES	NO	
DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			
Snapper Grouper Amendment 18 - LAPPs DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)	1 YES	NO	
King Mackerel Quota	YES		
DO YOU WISH TO MAKE A STATEMENT? (Please attach a written copy if available)			