

Summary of Public Comments on Regulatory Amendment 35 to the Snapper Grouper Fishery Management Plan

Scoping was conducted from January 18 through February 4, 2022. Four comments were received during the scoping period. Additional comments responded to scoping materials were submitted later. All comments responding to scoping materials can be viewed [HERE](#).

Comments on red snapper management or Regulatory Amendment 35 were also received during public comment periods for the [September 2021](#), [March 2022](#), [June 2022](#), [September 2022](#), and [December 2022](#) Council meetings. Links to online comments are included here and transcripts of verbal public comments are available upon request to Council staff.

The formal public comment period was conducted from January 3, 2023 through February 3, 2023. 2 written comments were received during this comment period, and those comments, as well as written comments submitted online after the formal comment period, can be viewed [HERE](#). As of February 14, 2023, a total of 158 written comments were submitted in response to the scoping or public hearing materials.

In-person public hearings were held in Richmond Hill, GA; Charleston, SC; Morehead City, NC; Jacksonville, FL; Cocoa, FL; and Key Largo, FL. One additional public hearing was held via webinar. Below is a summary of comments that were received during the public hearings.

Attendee Characteristics:

(numbers in parenthesis indicate how many attendees chose to give provide comment)

| Hearing | Number of Attendees (Commenters) |
|-------------------------------|---------------------------------------|
| January 17 (GA) | 20 (3) |
| January 18 (SC) | 6 (0) |
| January 19 (NC) | 10 (3) |
| January 24 (Jacksonville, FL) | 29 (8) |
| January 25 (Cocoa, FL) | 25 (5) |
| January 26 (Key Largo, FL) | 2 (1) |
| January 31 (Webinar) | 37 (9) ¹ (NC: 3; SC: 3) |

| Affiliation | Number of In-Person Attendees and Webinar Commenters ² |
|------------------------|---|
| Private Recreational | 56 |
| For-Hire | 30 |
| Commercial | 27 |
| Non-Gov't Organization | 0 |
| Other | 7 |

¹Webinar commenters that provided state affiliation.

²In-person attendees and webinar commenters that provided sector affiliation. Some respondents chose more than one affiliation.

Many of the submitted comments addressed management concerns outside of the actions and alternatives considered in Regulatory Amendment 35. Below are some of the more frequently submitted comments:

- Support for increasing access to and retainment of red snapper. Some comments suggested an aggregate snapper or snapper grouper bag limit that would include red snapper. Some comments suggested increasing retainment under a slot limit to protect young fish and larger spawners.
- Oppose the restriction of electric reels (previously considered in Regulatory Amendment 35 but removed before final consideration).
- Recommended improved scientific information and increased stakeholder involvement in scientific data collection and status determination.
- Recommended increased and more effective outreach and involvement of stakeholders in the management process.
- Support for of increased angler education opportunities, especially educating on proper venting and descending techniques, as well as appropriate bait, tackle, and fishing techniques to more directly target fish that can be legally kept.
- Discussed the timing of the red snapper seasons. Most comments on this topic were in favor of reconsideration of times of the year outside the red snapper spawning season. Other comments on this topic stated a preference for the current timing to increase accessibility to the fishery for smaller boats.
- Discussed the issue of shark depredation and recommending that management action be taken to reduce shark interactions.
- Support for reducing commercial fishing for snapper grouper species.
- Support for considering different red snapper regulations for different parts of the region.
- Discussed the composition of the snapper grouper fishery, specifically stating that the high abundance of red snapper is resulting in declines to other snapper grouper species (e.g., groupers, black sea bass, mangrove snapper).

Red Snapper Catch Levels (Action 1)

Most of the submitted comments did not directly address alternatives considered under Action 1. Those comments that did address Action 1 alternatives were in favor of **Alternative 1 (No Action)**. No support was expressed for **Preferred Alternative 2** or **Alternative 3**.

- Many of the comments expressed desire to increase retainment of red snapper due to the stock's increased abundance.

Requirement of Single Hook Rigs for Snapper Grouper Recreational Sector (Action 2)

Most of the comments that addressed Action 2 supported **Alternative 1 (No Action)**. One comment stated support for **Alternative 2**.

- Commenters stated that **Alternative 2** would likely have little, if any, biological benefit to red snapper and would hinder fishing effort directed at other species that could be retained.
- Commenters stated that **Alternative 2** would especially have negative impacts on the deep drop fishery, noting that bottom fishing for species like deepwater grouper and tilefish at 300 feet and deeper requires substantial effort to reel lines in.

- The potential for losing bait on the only hook being used to fish may discourage anglers from fishing in that way or booking charter or headboat trips that fish in that way.
- One comment further noted that use of multiple hooks does not typically result in catches of multiple fish, but increases the chance of one fish being caught, especially in deeper water. This comment stated that any limit on the number of hooks per line should be restricted to depths less than 300 feet and that up to 5 hooks should be allowed in those depths.

REGULATORY AMENDMENT 35
PUBLIC HEARING
Richmond Hills, GA
January 17, 2023

PUBLIC COMMENT

HARRY MORALES. I'm a South Carolina fisherman out of Hilton Head. I'm also on a South Carolina Snapper Grouper Advisory Panel volunteer, for the last I guess this is my second year. I got involved simply because what we experience on the water relative to what the science is saying, keeps growing out of face; and for whatever purpose it did not reconcile with me so the only thing I could do was get involved. I would say to you that, and I sent you a paper or a note regarding when a recreational fisherman is on the water, we go grocery shopping and we spend "x" amount of time to get our groceries. Well, now we spend a significantly greater amount of time to try to catch the trigger, the vermilion and whatever else. We're allowed to keep the black sea bass, of course, they don't exist any more so that's gone to the wayside. If we were able to change the dynamics and keep, whether it's one or two snapper per boat, we would end up reducing the effort to fish and increase the same rate on the red snapper.

Everyone talks about the Magnuson-Stevens Act so I went ahead and read the 171 pages as best as I could and while science is one of the drivers, it is not according to that law. It's not the only driver. That law says that you're supposed to take the community into consideration; the economics into consideration, and right now my view and what I share at our meetings is that we are being hijacked by a science that's simply is not accurate. The best way I can describe it is like it is an incredibly super educated guess and when you go out on the water, these guys go out on the water, and every single year for 12 years, the amount of snapper that is being caught today, relative to a decade ago, has to be almost 300% greater. Now, the science tells you that when the 25-inch fish is caught, he might be a 3-year old and you taught us that the diameter of that fish is what tells you whether it's 3 years old or 25 years old; and these gentlemen can tell you that they're bringing up fish by your own measurement that would say this is a fully grown, mature fish and we're catching them at a greater and greater rate.

I was happy to see the movement toward MSE. Now publicly these people don't know what MSE is. They don't understand it. They're going to be a part of the solution now where the stock assessment is a dinosaur relative to assessment. It has to be far more dynamic, and Kim just pointed out, things are changing so rapidly. You go out on the water, you can see it and their voice is not being heard and it's going to take years for that voice to finally get across.

MONTEZ JOHNSON. I'm from Richmond Hills. You gave an excellent presentation, but you got a panel that covers the eastern corridor basically and do they take into consideration the amount of pressure the different areas, like we're Savannah, we're 80 miles back in the big circle to where North Carolina their waters are right there, the reefs are right there. They have less travel time, so that means more people are hitting them as compared to where we're at. We have

so many things against us here that the other areas don't have. Is that taken into consideration as far as all the documents you presented to us? I'm just asking. But, as these gentlemen said, I feel like here in Savannah, by what you are reporting and the amount of pressure, because I kind of fish up and down the coast, I feel we're getting screwed and a lot of other things need to come into consideration. As breakdown here of this area, the pressure is heavy okay, let's adjust. Here, let's adjust. There just needs to be adjustments. We can't all be in the same crabpot.

MATTHEW HOPPER. I would just say, Dr., I don't remember your name. I'm not trying to shoot the messenger; appreciate the briefing, appreciate you being here. I'm passionate about it because I want our grand kids to be able to fish here, right; and, I read the 151 pages and clicked on some of the links, and it's just not lost on me that there's a lot of people making a lot of money based on there being a red snapper endangerment when all the people that actually fish that I know, you can't always find them; but there's a lot of them. There is a lot of them. So, I would just ask you ladies and gentlemen to be... I hear about we can't find anybody, we send out the emails. There's a lot of avenues that we could use that are not the preferred method that we heard, of like your ship permit. Charter captains are not hard to find. Your data bases, like it's not hard to find, and the fact there is very, very few of them here that make a living doing this, in my estimation, for people being paid by the federal government, means you are not doing your job well. Because if you were communicating, then this room would be standing room only because there's a lot of people that make a lot of money on those waters. I have never met a charter captain that abuses it, that keeps illegal fish, encourages it, or ever wants a fish to die that doesn't go into somebody's belly.

REGULATORY AMENDMENT 35
PUBLIC HEARING
Morehead City, NC
January 19, 2023

PUBLIC COMMENT

CHRIS MCCAFFITY. Commercial fisherman in Morehead City, North Carolina. I had some prepared comments but some questions have been answered already, some others brought up.

There are so many things here that it just don't seem right. Before this, wasn't sure are there too many fish, too few fish, what is the Council thinking. Now it seems like there are too many juvenile fish, and I'm afraid that it's going to lead to some sort of collapse in not just the red snapper stock but it is going to negatively impact many other species. We're already seeing that to some extent. But, there was a precedent set with red grouper where North Carolina and South Carolina are being managed separately from Florida and Georgia. I would like to see that considered for the red snapper fishery; and further improvement for the entire fishery. North Carolina and South Carolina are completely different. As already was stated everything is different than Florida other than some of the similar fish. There's some things going on offshore with windmills and I would like to see the Council speak up on that on behalf of the fish and the fisherman and consumers of seafood that get left out of a lot of these discussions. NEPA allows us to ask for mitigation from negative impacts for environmental things like that. I would like to see that the base of all offshore windmills be designed as permanent artificial reef habitat so that they can be dismantled to safe navigational depth once they're decommissioned.

And then another one of the mitigations should be hatcheries. We have the technology and stock fish to where we could have year-round fisheries, recreational and commercial, and feed many more people with almost no waste involved. We're wasting many hundreds of thousands of tons of fish every year. If there are that many that are actually dying then we should be seeing them washing up on beaches, they should be floating around; these red snapper and grouper and all these species are much tougher than they seem to be given credit for. We fish in depths where 99% of our red snapper and anything else that we had to discard, it lives. I don't the mortality rate is near as high. Something else I think the Council should be aware of is offshore aquaculture. We need to really be looking at that for the future. We don't want to have our wild fisheries fished down to the point that there is not enough there available for consumers. It opens the door to corporations coming in and caging large concentrations of these fish, that they opt to genetically sterilize, otherwise modify, and we should really be aware that we have the ability to stock these fish and it could be the perfect blend of wild-caught fish and public water aquaculture; these fish would live wild and free until they are harvested by independent fishermen. That's a much better alternative to caging these fish, fish that would swim thousands of miles throughout the course of its life, being confined to the cage the size of this room. It's inhumane and wrong. We should really be aware of that and think these things through before we do them. Look at this like a food source; fish are food. We have a growing population of

people and more recreational fishermen that want to be able to catch these fish and to contribute. I saw a statistic from NOAA saying that in about 10 years, most recreational fisheries would be catching and release only, as dead discards fill their quotas. We're seeing that now, and I think it's unnecessary. We really need to think about how we want to manage this as a food source sustainably for the future and make sure that the next generation has an opportunity to be able to harvest these fish.

DR. STEVEN SMITH. I do recreational fishing; recreational fisherman in Morehead City. I've been recreational fishing here since about 1980, before some of these guys were born. I don't think that North Carolina should be equated climate-wise to Florida. It's just not correct. North Carolina and South Carolina probably are closer together but there needs to be different divisions within this fishery. Some talk about sea bass a little while ago, well North Carolina sea bass, you have two seasons. There is a summer season and then there's the winter season. There's two different fish species. We are fortunate to have Big Lot in North Carolina because it causes a big eddy along the east side between Hatteras and Cape Lookout, and we have a very warm current that comes in and keeps the far northern area much warmer than it should be but, therefore, it's very productive for red snapper, grouper, beeliners, just lots of fish in the wintertime. But, I still think we are penalized by our geography versus Florida. One thing I have not heard about is there any increase in habitat? Okay. Artificial reefs do produce more fish. Sandy bottom does not. In the reef programs we had in this state and other states should be, if you are going to spend a lot of money on surveys, I would say spend some of that money on putting reef materials down in the areas that are underproducing such as sandy bottom areas that don't grow anything. I mentioned the slot idea; you all discussed that. What about tag? Didn't they tag deer; for birds, you get so many tags, and it prevents; you've got two days to go fishing in the summertime. In July, it usually blows a gale. You'll have 25-30 mile an hour southwest winds and a lot of recreational fishermen can't get offshore because you have two days to go and that's it.

Tag is something that you can't fake. You put it on the fish and you bring it in and boom, done. It prevents people from going out there when they shouldn't have to go because they want to catch a red snapper. How big is a 6-year old fish? You have any idea sir? That needs to be brought up so that we kind of know what we are shooting for. Like flounder, we know that a flounder that is over 15" is going to be, in the summertime, it's going to be a female. Male flounders don't get above 15". I don't know that the male snapper gets bigger than a female or a female is bigger than a male. Has any of that biology been worked out or figured out? Randy does all the ear things around here but I don't know the sexes; does the fish, like a grouper, change its sex when it gets older. So your bigger fish are going to be female. That needs to be factored into some of these numbers that you're talking about. Question was the number for dead releases for snapper were 10 times greater than that of grouper. That doesn't make sense. You understand what I'm saying. I saw the numbers up there and there were 10 times the number of dead discards for snapper versus grouper. That doesn't make sense. They are coming out of the same area, they have the same physiology—that just doesn't add up. I'm just trying to point that out. The biology just does not support it. There can't be that much of a difference. It

was brought up the deeper the depth, the greater the mortality because of the gas bubbles and what not. You bring a fish up in 230' versus 8 and 100', you're going to have a lot better mortality recovery in the shallow waters.

So, some of the inshore reefs that can be put in, should be emphasized to be shallower water. Talk about a tag system, but this idea of one foot is not enforceable cuz when you are out there catching beeliners and grunts and bass and triggerfish and what not, inadvertently you're going to catch snapper and have to release them but, at the same time, are you going to get accused of targeting? You've got two boats out there? I've got some good rigs that I fish with one, but I'm not necessarily fishing for... I'll catch a shark, I'll catch a big sea bass with a one-hook rig and you're not going to get a triggerfish obviously, with a one hook rig. It's the size of your hook. That's another factor on the rigs. We use the smaller hooks, more beeliners, more triggers; the bigger hooks, you're going to catch bigger fish.

CHRIS KIMREY. There are a lot of misconceptions and something I've learned the past few years being on the advisory panel, it's really vast amongst fishermen, these misconceptions. I'm absolutely not calling anyone out; I'm just stating a few things I've heard tonight. One of them was more habitat means more fish, and I think Mike would agree with me that doesn't necessarily mean more fish; it just means more areas for fish to be easy to target because they've been relocated, true or false? I learned that at MREP, that was one of the things they pushed on. Just because you have habitat doesn't mean you have fish. It might increase access to the same number of fish in terms of reduced number of fish that you have; something to that effect. Just like some of the other things I've heard—1 hook versus 2 hook, and Bob, we've talked about that for years. Because you're limited to one hook really doesn't change your fishability. What it can do, if you catch that snapper, instead of having to deal with two fish, if you have a snapper, the only fish you're dealing at that time is the one that needs to be released, so you can reduce your release mortality and/or your discard, in a sense, by using that one hook.

REGULATORY AMENDMENT 35
PUBLIC HEARING
Jacksonville, FL
January 24, 2023

PUBLIC COMMENT

ROBERT JOHNSON. You're right. A lot of the things you guys are saying are right, but until we figure out how to make the science more accurate, this is what we have. Okay, I'm not defending anything; I'm just stating the actual facts. So until we decide that we want some kind of recreational reef fish permit that takes some of the guesswork out of effort, because you're right, these graphs you see for recreational discards it's based on estimates of effort, how many people are going fishing, how many people intend to fish for snapper grouper species and then the dead discards. We worked very hard to get that discard number into something that we felt like was reality. The truth is, the lady that uses a descending device, she's probably right. Probably 95% of her fish do live. I don't doubt that but the guy that I pick up my phone and look on Instagram and he's got a picture of him holding a big red snapper, he took picture, his buddy took a picture, that one might not have made it. It's just a fact.

I walked away from this process because I got very frustrated. 10 years I spent at meetings just like this. I was on the advisory panel. Hey, you guys want to get involved, get involved. Sign up for one of these advisory panels. Go sit through enough of this stuff, and you'll start understand how they do things. There are some problems and some of them can be solved but until we're willing to do it, this is what we got. But, digging our heels in; I remember telling my customers when Amendment 17A, when they were talking about spatial closures which is a fancy word for area. Guess where they're going to close, and that is in this Amendment. Now the Council says they don't even want to consider it, but the language from the SSC was in there. I read it. Spatial closures, well they're going to close where you live, because this is where the big mass amount of red snapper are and where the effort is taking place. We don't want that; I don't want that. I want to be able to go fishing. I mean my livelihood depends on this; how I pay my bills. We've got to be willing to; we can't just dig our heels in and say no. And what I was going to say, I had a customer, a good customer tell me when I said they're going to close red snapper---Oh, they'll never close red snapper. So, just remember that. When you see these regulations like circle hooks and single hook rigs, it's not that this group of people on this council... The Florida members answers to our governor, so it's not like they are trying to do something to punish the fishermen. No, they're trying to do anything they can to adhere to Magnuson so we can keep fishing. So, that's what they're really after. They are for ideas. I'm fresh out of ideas. I gave them all mine so they know them. I do think if we could figure out if the recreational sector and charter boats are included in that; we do report.

DARREN WILLINGHAM. I'm Vice President of Jacksonville Offshore Sportfishing Club. We take great pride in trying to help out with the proper release of these red snapper. We've been trying to do this over the years with the venting, which more people were stabbing fish than actually venting them. So then it was a smart idea to go with the descending devices; very good idea. Get the Boyles Law into effect. I don't think that everybody's got the science behind using that and if you know that you're in 30 feet of water and you happen to pull up a red snapper, that's different than being in 160 feet of water. So how deep is the release, things like that? Those are opportunities for science, research, fisheries biologists to actually jump in there with some of their graduate level students and then actually analyze this data versus the stuff that's going on right now.

This Magnuson-Stevens Act, I understand it's been in play for quite a long time, however, I think we need to go back and look for the original garbage in-garbage out data that has set this terrible snowball rolling. If you look at it, the whole reason everybody is considering this to be overfished is because of data that has been shown to be skewed data, inappropriate data, false data and like I spoke to the doc who presented this in the beginning of this, we are an incredible resource as the fishing community; the recreational fishing community; the commercial fishing community. We are an incredible resource to help out getting all of this information that you want, but don't rob us blind. Don't rip us off where we can't take home some fish. As you present your 5, 6 and 7-year old fish which are carrying the decent size biomass in eggs, my goodness gracious, put in a slot for this and don't let us take those fish home. Guess what, we're going to do everything in our power to get those things descended so our kids and their kids and their kids can do this. We're not out there as ogres. I also don't want to look at the SAFMC, that Council, as a bunch of folks that are trying to screw us out of everything, but I very, very much hope that they will actually use good science.

I'm a physician, I'm a surgeon; I know what statistical analysis is and looking at some of these things that have been presented, I think when you present this type of information to folks that are not scientists, you can very easily skew their decision and make somebody the enemy, one side or the other. So, I believe that the ABC recommendation and your secondary recommendation that you showed up there, they are not going to do the trick. I don't think they're going to do the trick. I think that if you've got folks out there who are trying to collect data, I can honestly say when somebody shows up to me with an FWC tee shirt and says I'm collecting data for FWC, I know that they are not FWC and I have no interest in giving them any information because I know there just going to try and screw me out of my fishing. But, if somebody is actually coming up and we're part of this as a fishing community and can be part, we can collect data. I'll give you data. I'll come home not that night but the next day, I'll get on my computer and say this is what we caught, this is where we caught them. This is the depth we caught. This is the amount of releases we think we got good, because we pride ourselves on these releases.

Guys, I just ask you that when you present the data for these meetings, especially when you've got these 13 votes going on, that those 13 votes, that people that are looking at that data, are looking at clear, specific data not the original garbage in garbage out data. I would love it if you could take that 1950 to 1978 data that was a guess at best and then go back and eliminate as many of the guesswork as possible and say, alright, are we really, really truly overfished or did somebody start a snowball and that we just can't get out of it.

CHARLIE SAKAKINI. I'm going to tell you my fishing story now. I lived in Michigan. I used to catch 6 inch blue gill; that was dinner. Okay. I came to Florida. I used to come here to vacation in the wintertime. I discovered deep sea fishing. I closed a 20-year old business to move here so I can go deep sea fishing. I used to go on the Sea Love, the King Neptune; used to be paid \$35 to go fishing and catch plenty of fish, bring them home and all of this stuff you guys are showing me here, this is all fiction. I'll tell you what happened. In 1990 was when I started deep sea fishing. In 1990 the snapper was in short supply. I'll give you that. The way I know that is by being out to sea and seeing what's going on. Since the time I moved to Florida until now, I go fishing every single week, weather permitting. That means I know what's going on out there. In 2009, was the best snapper fishing year ever. From the time I came here until 2009. In 2009, you guys had these town hall meetings and we told you guys what was up. We were catching more snapper than ever before. We were catching 35 to 45 head of snapper on the big charter boats, where half of the people on the boat were greenbacks. They didn't know how to catch fish. They would just drop hooks and bring up snapper. That's how much snapper was in the water. In 2009 we had the perfect fishery.

We had the perfect fishery and you guys, the Council at that time, ruined it because in 2009 you could go out to 9 miles to 14 miles to 20 miles in the summer; you could catch gag grouper; you could catch 20 pound gag grouper. Now you can't catch gag grouper. Why? Because the red snapper have taken over. There are so many red snapper out there. If you caught and killed every single snapper you caught for the next 5 years, there would still be too many snapper in that water. In 2009, it was not only could you keep 2 per person recreationally over 20" but the commercial fisherman could keep every single snapper they caught all year long. And still, the population was growing, and the size was growing. Those are facts. That's not some guesswork some scientist dropped the basket to the bottom of the ocean and tried to figure out what was going on. The way you know what's going on is if you are out there fishing, and I was out there fishing every single week. Sometimes two or three times a week. So, I saw the growth. In 2009 we had the perfect fishery and January 2, 2010, you guys screwed it up. All the people that voted on it, I went to every single town hall meeting in 2009. What did the people say? The people that were supposed to vote, they'd say, well we know that our data is outdated but Congress wants us to close it. That's the reason all this stuff has happened because Congress is invested into frozen fish, farmed fish, and imported fish. They don't want us to keep. We have the most abundant supply of snapper anywhere. You can go out there every single day and catch 2 snapper and bring them home and it wouldn't put a dent in the snapper population. You go out there, you go fishing. I used to spend \$35 to go fishing. You know how much I have to spend to go fishing now -- \$500 so that I can get to where I can keep a fish. Okay. If you go out to 9

miles; I go sometimes on my private boat. If you go out to 9 miles, you can catch all kinds of snapper but I have to go past 40 miles in order to keep something I can keep. While I'm spending \$300 to catch \$100 worth of fish. That is what you guys are doing to us.

Recreationally in 2009, recreationally you could keep 2 per person and commercially you could keep all the snapper you caught. I watched in 2009 some of my friends that were charter boat captains lose half their income. I watched the recreational fishing boats lose half of their income. All this stuff happened because all this is about nonsense. You want to know how many fish are out there. Come jump on one of these boats and tell the captain to take you to a snapper spot. You can take a handful of squid in your hand and throw it in the water and 5 minutes later, there is as many fish out there as the eye can see. You can take a flatline and drop a flatline with a hook on it with bait on it and watch a 20-lb snapper come get it from 20 feet from the boat and run with it. There are snapper all around you. Not one or two; as far as your eye can see. There is no reason for the closure of the snapper fishing. There was no reason for it in 2009. This is all crap; this is all to line the pockets of rich people that don't want us to keep this fish so they can make more profit with what's going on. That's what's going on. That is what this is all about. This is not about – if you guys were trying to conserve the fish, I would go along with it 100%. I'm all about conservation. When I catch a snapper, I make sure I release all the air before I release it and that snapper swim straight down to the bottom. That snapper does not float away and die. But all this stuff is fiction. There is nothing wrong with our fishery.

In 2009 we had the perfect fishery. You could go out there ever single day of the week, catch 2 snapper per person. The recreational people were catching all the snapper all year long, yet the population was growing from, not from year to year, but from month to month. You could actually see on the charter boats from month to month that you were catching more snapper and you were catching bigger snapper. Now, the snapper out there is nothing but a nuisance fish. You have to dodge them there are so many of them. You go to a spot where you used to catch mangrove snapper; you catch a couple of mangrove snapper, then the red snapper will move in. You have to pull your anchor up and go to another spot. You go to that spot, same thing. Go to the next spot. You spend half your day just getting away from red snapper. That's how many of them are out there. I was out in 500 feet of water a month ago, and we were catching red snapper that big out in 500 feet of water. Pretty soon you're going to be able to cast the line from the beach and catch red snapper. All this stuff is bunk.

In 2010 when they closed the snapper fishing, I quit fishing for two years. But I moved to Florida just to go fishing. I'm retired now. You guys have deprived me of red snapper now for 13 years. This 2 day opening, the two weekends opening. It's a joke. It's a farce. All this stuff. The Council needs to vote to put back the 2009 laws back. The 2009 laws worked. What's going on right now is you guys are destroying our fishery. The grouper are moving out. You got to be out 40 miles plus to catch a grouper. You got to be 40 miles out to catch a mutton snapper. You got to be 40 miles out to catch a mangrove. That's what you guys are doing to our fishery. We are mad as hell because all the stuff is not based on facts. Fact is you jump on the boat, go out there and see what's out there, and I do that on a regular basis. I've been doing that since 1990 and there is more snapper out there than you can shake a fist at. There's no shortage of snapper.

It's gotten to the point, I don't do it, but I want to kill every red snapper I catch you know why? Cuz the red snapper keep me from catching what I can keep. That's what's going on. All this stuff is politics. We have become a third world country. Just like in Cuba, the President of Cuba, owns everybody's boats and he can keep everybody's fish. That's what it's gotten down to now. Congress keeps us from keeping abundant frickin super; exploding snapper fishery. It's like I have a half an acre of potatoes in my back yard and you guys tell me "well you can't harvest those potatoes; you got to buy potatoes imported from Guatemala." That's what's going on now. We got to buy snapper that's imported from Guatemala. We got to buy tilapia, we have to buy all these fish that put money in the pockets of rich people. That's what's going on. All this stuff has no basis in reality. Reality says there are more red snapper out there than you can kill in 10 years. There is no shortage of snapper. There will never be a shortage of snapper. There was no shortage of snapper in 2009 when you guys closed it. I am mad as hell and if you guys would live in reality and not living in fiction, and nobody's paying you off, you guys should vote to reopen it to what we had in 2009. Two per person recreationally; you can put a limit on the commercial fishermen if you want but recreationally we should be able to keep two snapper per person all year long. Not two weekends. That's a joke. I don't even go snapper fishing.

DAVID HAGAN. I'm your worst enemy. I own or lease 30 commercial vessels that fish in the South Atlantic from Key West to Morehead City, North Carolina. The first thing that you all need to know is recreational fisherman, the law, federal law, says that if the season is 3 days and/or less, they don't have to open it period. So you better get on board with this stuff or you're going to lose your fishery. I can tell you there's all the red snapper in the world out there; I don't know what's wrong with them; I can't catch them. I spearfish commercially. I see them. But I am going to tell you another problem that's out that you all don't see is lionfish. The lionfish are taking over everything. I worked with science department of the University of Tampa. I harvested a world record lionfish, and they gutted that fish and had 60 minnows. I caught this fish 40 miles offshore. I don't know what kind of minnows they were but I bet you, there were beeliners, grunts. Anything they can get their mouth on, and they breed five times a year. That's going to be a big problem. So you all need to get on board with this science stuff whether you agree with it or not because like Captain Robert said, they'll cut you off the ocean, and you won't get to fish at all. That being said, I love that you all hate me. One other thing I meant to say, they want to take a recreational permit- I don't know how much it costs. Maybe \$20; maybe \$50; maybe \$75. That's a lot of money. By God, let's go commercial fishing because that permit cost me \$100,000.

MARK WILLIAMS. Oh my God, 38 years. For all who don't know me, I'm sure you will at the end but maybe likewise, you'll like me for all sectors because I speak for all recreational, head boat, charter captains and commercial fishermen so the rest will be to these people. Sound, responsible, professional fishery management. Unlike what we have not seen from the Council of the last 25 years. If anybody remembers the old days, we had a very professional Executive Director. His name was called Jodie Gay. How unfortunate he was a commercial fisherman because not since Jodie, and if you want to know who Jodie is, please talk to Kim. Please consult

Kim Iverson as what a professional Executive Director we had versus the likes of those like Mahood and that when I came back from the Gulf and my buddy Dr. Roy was right there at a podium next to me and I had them pieces of paper, them powerheads that I had gotten from the machine company in Israel. That woman's eyeballs were so big, "What you have papers for us?" Thank God her husband got relocated. She had to move. Let me tell you, for someone to be in charge of a governmental agency set forth with the task to make decisions as valuable over our creatures. Them red-headed girlfriends Dr. Roy took from me. That's exactly what they are ladies and gentlemen. They were my girlfriends that he took away from me. I was a red snapper-specific guy. I didn't have a 60 foot boat like Robert. I had my Shamrock that I paid for by myself, and I ran by myself because I couldn't afford a mate. I promise you I made over six figures a year running that boat by myself and could not. People came from all over the world to come snapper fishing with me. In two years before it all came down, Dr. Roy and this Council got what they wanted on my red snapper. Two years I had customers calling me that were so intuitive and so into fishing like many of these fellas. Like this man that's fished with every charter boat and head boat guy. I sat here listening to him for about an hour and a half. Yes, he is obviously very passionate since he took so much time. I'm not going to take time. Man with his doctorate degree, much like Dr. Roy, I have the most profound thoughts that you have spent 6 years to go to college, or 8 maybe, and get your PhD and so chose to come work here for this. But, as we all know, there's no part of sound, responsible fishery management to any part, and I'm not saying this to insult your intelligence, but because of what has been taken away from people like us.

You know what's really funny, there's a very accomplished doctorate man in this town. His name is Dr. Quinton Wright (?). I recently made his acquaintance. I was a huge king mackerel fisherman. I made tons of money as a young man. It was my lottery time of year. That man professed how slow growing *Scomberomorus cavalla* were a.k.a. king fish, how slow growing they were; 10-15 years later down the line, Dr. Quinton Wright (?), the great professor, biologist, from. I wasn't exactly correct and to I think it was this man's point. Yes, it's temperature, it's food, it's a sexual drive that make our fish do what they do. And you can believe there can be a 17-pound snapper that's 5 years old. I understand for purposes of analyzation and your outer space formulas that you have to use what you can use. But, as you see here now, all of that bogus stuff is not there. I'm going to give you something to research young man. It's called reef dynamics. That's the destruction that this Council has rocked the last two decades. What a shame my buddy, Dr. Roy, isn't here. That you have taken away because you have destroyed the reef dynamics but since you can't find it in Funkinwagenol's or the Webster Dictionary, you won't be able to grasp or understand it. But, God and Mother Nature, never intended for those red snappers to overwhelm every reef. Sound, responsible, professional fishery management – everybody here learn to preach it to them. Maybe someone will wake up.

DEREK SEGAL. I'm a member of the Jackson law enforcement. I've been with for over 30 years. I've been a member of the offshore club for over 30 years. We have been put down a tremendous amount of artificial reefs offshore to help our fisheries. I've fished with about a third of the folks that are in this room. We make damn sure those fish that are released were

alive every time we catch them. If you talk about these numbers about dead release, you could walk from here to South Carolina on dead red snapper. That's fiction. My question to you Mike Dr., you're a smart guy. Have you ever fished in the northeast Florida water yet? Have you even taken a few minutes to ask one of these captains or myself, say hey, take me offshore, take me fishing. Show me what you're talking about. My question. That's what I'm asking you. Have you ever fished in these waters.

PHILLIP SEMINSKI. I'm a boater and I'm a fisherman and I love offshore fishing and I love reefs and I love red snapper. But not because I have to keep moving and spend a lot of fuel to catch them. It's that one of the things that I have missed since I moved to Fernandina which was in about 2010, is when I could go offshore and fish some of the local holes and catch a myriad of fish. You could catch pinfish, you could catch spot tail porgies, you could catch sea bass; you catch a whole lot of things that you could bring a meal home. Now, if you catch a pin tail or spot tail porgie - it's rare. You're going to catch one a trip. You may catch a grunt where before, grunts were, I believe the Florida FWC had sent out a permit where you had to have a reef permit to go out and catch those types of fish. You had to sign up for it even though it didn't cost you anything. They're not there anymore. We were out on Thursday. This is current. We went out at the lower end of Nassau Sound, we didn't go very far. Maybe 5, 6 miles, stopped at our first spot. Normally we catch sea bass. We had to move all the way up to HH because all we could catch were red snapper. Every time we dropped, we caught red snapper. Pretty soon, no more bait. It's like a waste of time, and now you're heading farther, farther out. You keep checking the water temperature hoping to catch a few degrees cooler. Didn't seem to make a difference. First stop, more red snapper, but you know what we're not catching even if you're using squid, cut bait, there's no more fish that populate a reef. There's no reef populations anymore. It's red snapper or nothing. They're eating everything; they're eating sea bass; they're eating grunts; they're eating flounder; anything that is smaller than them and swims, they're eating it. That's why they're getting so big. People are saying they take so many years to grow, well they have so much forage out there now, they're eating everything. They're even eating other red snapper. They're probably more on the dead discard scale than anybody else. Because when a 20-pound red snapper gets hungry, he eats anything that's swimming in front of him. There just isn't any reef population any more. You can't go. There just used to be sea robins here; they're used to be puffer fish, there used to be lizard fish - you don't catch anything anymore. You either catch a red snapper or a tiny small sea bass. They mustn't like to eat sea bass because of the hard head. Maybe it gets stuck in their throat, but something's wrong because they're eating everything else. That's really the only comment I wanted to make - that the reefs are barren of small fish that make the reefs healthy.

DANNY PATRICK. I'm the publisher of the Coastal Angler Magazine, a local outdoor fishing magazine in the area. Based on what we've seen tonight, they're going to vote on this Amendment here pretty soon. If they vote on it to implement what they want to, there won't be any; there's no snapper season. Isn't that right? The one that is scheduled, there will not be any snapper season because they said, what can you catch 28,000 red snapper? Is that what it was? So we're not going to have a season. Not only that, Robert brought up something that's more

important I think. It's this spatial closures. Now you said that you were assured by, verbally, some of the members, that we're not going to go down that road? Is that right? But you said that the language is in the Amendment. So the language is in the Amendment; if they vote on it, and they vote to pass it, what's going to happen? We don't know because they never told us what's in it tonight. They didn't go over that. So that's all a problem. Big problems. But there's something that's even bigger than that, and I hate to be the bearer of bad news. There was a couple to three months ago that Robert Johnson and I went and spoke to the Nassau Sport Fishing Club about these very issues. But there was another issue that I'm afraid is going to trump all of this. Does anyone here have any idea what I'm talking about? The wind farms. It's kind of funny. I came in contact with someone today that is liaison from a company, a foreign company by the way, that has already been awarded the contract and the leases for the North Carolina, South Carolina coast. I talked to a lot of friends of mine here lately and a lot of them are just like what some of us are saying. Oh, they'll never do that. I said, you know these wind farms are serious stuff. They've already started it up in the Northeast. They're already implementing them. My knowledge is that they're going to be 10 square miles in size and there's going to be in-between those wind farms, there going to be one-mile boat runways in-between them. Then another ten more square miles of wind farm. And in these wind farms, these things are 1,000 feet tall; the windmills, and the blades that go on them are 170 feet long.

Right off the coast of New Jersey, if you all have been watching the news, only Fox News will report it. Mostly Jesse Waters. They have been doing interviews lately off the coast of New Jersey, and they're already starting the stages. The money is already there; it's already been appropriated; Matter of fact, Biden signed it a couple of months ago fast tracking it. I think it's like 300 billion dollars. It's big money, and all these wind farms, there's not one single American company that has it. They're all European companies. So, I talked to this guy today on the phone, and I asked him questions about it but he is the liaison that this company hired to be the go-between from the fishermen from North Carolina, South Carolina, and he didn't really have any answers. I said well when are they are going to start this. Well, it's in the planning states he said. I asked him about the size of them; it's in the planning states. Everything – he just dodged every question, but nevertheless, this is coming. Their plan is to put these all the way from the Northeast all the way down the coast to Cape Canaveral, FL; and yes, we are in the zone. They will put them here. They can't put them out far enough to be out of our way for fishing. They can't put them past the Continental Shelf. They have to put them inshore. They are going to be right in our- you won't be able to not see them. They're going to be everywhere out there. This is coming folks. The money is appropriated; the money is being spent, and it's even bigger than that. I don't want to get into politics but it will be all union jobs so they'll hire a lot of people from here to work on them, but the companies are going to be European companies; but they'll be all union jobs. Just to let you know, all what we're fighting for right here right now is probably going to be trumped because when that happens to go in effect, they'll be no boating period. No fishing, no nothing. No boats. Just want to let you know that's what we're looking at.

REGULATORY AMENDMENT 35
PUBLIC HEARING
Cocoa, FL
January 25, 2023

PUBLIC COMMENT

GREG RAPP. I'm with Sea Leveler Fishing Charters which is a charter operation out of Port Canaveral. Also my boats have three... in my fleet, there is 3 SG1 commercial permits and all boats have king mackerel permits attached to them. I also manage the Ocean Obsession Headboat out of Port Canaveral so I have knowledge of each side of the fishery in there somewhat, so that's my background. I've been fishing out of here for 25 years, making a living from it, and well before then as a little kid. As far as the amendments coming out, think the chicken rig idea is a bad one. I really don't care because I think it's an unenforceable rule anyway, so good luck with that FWC, that's on you guys. Really what I want to state in this is I feel like your data is unfortunately very flawed at really not much fault of your own. I feel it's just people mean well, but they're trying to push an agenda, also. I think you guys really need to look into... I know your discard numbers are going to be way off; your mortality rate on that percentage was better than what I thought you guys allowed, so I maybe can agree with that but the discard rate numbers from what I see being on the water every day is way off. I think that I'm going to more propose a suggestion – I think you need to look at the hot spots of the red snapper fishery. I'm really only going to talk on the recreational side of things; not commercial. I think you need to look at the hot spots of the fishery where they are, north, south. I think you need to reevaluate your strategy; go back to really thinking about; really get to know your users, what the people do. You kind of have three types of people; you've got people out there just for the total fun and enjoyment of fishing, who could really care less if they bring something home or not. You have the people that want to justify fishing by filling their freezer and justifying their money to their boats and tackle and everything they spend; and then you have the majority of fishermen who just want to go out, have a fun day and bring enough back for a meal or two and be happy with that. I think that's your major group of people that falls in that; and I really think you should just think about going back to like a slot limit.

Like I said earlier today, red snapper, big red snapper, that's truly the problem; are definitely a targeted species. When you do your little derbies, there's red snapper tournaments that happen amongst side betting and stuff like that. The whole not having a limit thing, that doesn't mean anything because people are going to cull them and it's not helping anything. Maybe look back at the slot limit, meaning make it go back to the 20 inch minimum; make it a 30 inch max. It's just a suggestion but your small fish release very, very well from I notice. Your really big fish don't release as well, and then if you did 4 per boat, people would actually catch those and they would move on to something else. That would fix your problem with everybody sitting there bottom fishing. Even if they moved to something like chicken rigging targeting smaller fish, it's not going to be a problem. Most importantly, I named all of my qualifications; I'm also a dad. I want my kids to have a great fishery, so there's no hidden motive of that. I really want to have

them be able to take over the business some day; all aspects of it, and be able to have a great fishery so we're all on the same team.

I just want to reiterate I disagree with the discard rates; I think that number is way off, and I really think a whole 180 needs to be done on the management of how do you allow the people to enjoy the resource but also manage it without taking everything they enjoy away from them. That should be the goal in my opinion. If anyone wants to talk to me about it, I would love the opportunity to take that. I've actually collected data on my website years ago before it was even mandatory. I did 12 years of every single fish we caught; it was painstaking, and would just love to talk more about somebody; I'm going to reiterate one time about the data and how you guys collect it. I feel it's very; it's bad getting it the way it comes in. I think it needs to be ride along program even if you have to base it going with charters or something like that, but people have an agenda that they don't really mean to have, because they think they're helping themselves when they're really hurting themselves.

DUSTIN RAPP. I am captain of the Ocean Obsession 2 Headboat out of Port Canaveral. I'm Greg Rapp's brother. Basically just coming up here to say I agree with everything that Greg has just spoke about. Instead of going over all of that again, the collection of the data I believe is a big problem in a bunch of different ways. Other than that, the maximum on a slot limit for the reds would be pretty good as well. Other than that, that's basically all I had to say. Just wanted to say I second with what Greg just said.

ADRIAN MARTINEZ. I own a retail fishing tackle store called Handler Fishing Supply. I also have an SG1 king fish permit and been fishing in this area as long as Greg Rapp has. Fairly knowledgeable. I was also a participant in the Gulf commercial fishery for several years on my own boat and then many years before that, fishing for other people. So, I've looked at both bodies of water pretty intently as a fisherman and responding to management measures. One of the things that has been the overall sentiment over the years with anything related to the Magnuson-Stevens Act is what I was saying for we have to fire two bullets, pick where you want them to go, and I think in this particular situation, we might be in a room full of innocent people and nobody needs to get a bullet, right? So, what I kept talking about and the reason I kept asking for clarification on the data is I strongly believe that if we're trying to make decisions based on data, we have make sure that the data is as perfect as it could possibly be. Obviously, as scientists, you guys are after that, right? But I think that at some point in time, when what the model is telling us and what we're seeing in nature start to drift apart, as they have in the last five years, drastically, then we have to say, "Wait a second, why is the model telling us something super different than what every person that walks the earth is experiencing in the ocean?" If you polled fishermen getting off of a boat, if they thought that there were plenty of red snapper in the ocean, 100% of them would tell you "yes", and that's not what the science is saying right now, right? So, at some point in time, you have to acknowledge that it may not be what they're saying. They may not be letting go 60 fish a trip; it might only be 10 or 12 and it feels like 60 to them because they have to throw them all back. They're mad about it, right? But the fact of the matter is, there's a huge separation in those two data sets and I think that we need to not only acknowledge it, but we have to say whoa, whoa, whoa, whoa.

Before we shoot any bullets and make any decisions, let's pause, time out, and go back to the data collection and try to prove that more so that we can get better decisions. I've been listening to some of the Council meetings on the webinars which are very long winded, right and have a lot of things in them. Some of the amendments are much more elaborate than these right? They have a lot of bullet points and a lot of actions in them. There are several members that I've heard voice their opinion about being concerned that the data that we're using to make this assessment is incorrect. Also, that we had reduced the mortality rate and the amount of discards significantly over the last few years but that the Council overall is still saying that there are still too many. I'm not sure if the goal post got moved or not, right. But, if you keep moving goal posts, well there is no way for us to get to the end of this. So we have to, and this why I was asking about when's the last time somebody's gone back and gone whoa, whoa, whoa, whoa, this piece of legislation is written in the 70s by the same people who wrote a bunch of stuff that was really bad for the US, right? So, why don't we take a look at this and maybe refine this piece of paper and give it an overhaul; maybe do a completely new one and come up with a new model and maybe we don't say that every single time we come up with an amendment we have to have conclusive actions for every little thing.

Back to what Greg said, putting this chicken rig rule in effect is going to negatively impact a lot of fisherman because a lot of people are relinquished to now that's one of the only things they can fish for is the small fish because with gag grouper closed on, we have red snapper closed on, certain months amberjacks are closed, so that's sort of in a way to limit it. If you hook up 15 pounds of snapper on a 40 pound test with a 4/0 hook while you're trying to catch a beeliner, most of the time, you're probably going to lose it, right? It's going to come off. It's just a little, tiny hook; it is not designed for that type of fishing. And if they do catch it, most of the time you reel it up slow enough to where you can probably let it go and it's going to live, right? I'm pleased to see that the mortality rate that you guys have come up with has been lowered, right? But, at the same time, if you now move the goal post because of it, well then we're still in the same position. Ultimately, we keep making up rules and coming up with things based on a data set that is inherently flawed, right? And, I think there needs to be more of a dig our heels in the mud and really, really... I think we're at a point now with technology where we can really figure out exactly what we need and what is actually happening out there instead of extrapolations, right?

Phone surveys, surveys at the boat ramp, it's literally the worst way to collect data. So if I was going to make a recommendation, I would say that they throw the chicken rig rule completely out and instead, use this opportunity to implement the same way we have an HMS stamp that's \$25 or the snook stamp that's \$5, even if it's free, right, the data is more valuable than the money that it would bring in. Yes, it will cost money to administer that, but the data is so valuable just to know exactly how many people are fishing. And, you know what, make it free, but make the fine if you don't have it, \$500 or \$1,000. Make it sting so that every person goes out and get this free stamp. The State tried to do it with a reef fishing stamp, if I'm not mistaken. Make it mandatory so that we know exactly how many people are actually going fishing, so that we can really use those numbers. If we estimate that there are 500,000 anglers in the State of Florida

that are impacting the South Atlantic Fishery, and that number we find out to actually be 316,000, that takes every model that we have and ruins it, right? So, even a 50,000 member discrepancy wouldn't be a big deal, right? So I just feel that the focus needs to be like whoa, whoa, whoa, this is like a copy of a copy of a copy of a copy that's just now a nightmare. Let's just start over, let's get a fresh, first print edition and try to figure out what we can do to solve this problem correctly, because nobody thinks that these fish shouldn't be managed at all. Right? But, this kind of stuff just seems like throwing matches at a bonfire. What's it going to do, right? And, I strongly believe that we need focus on that, and we need to stop putting pressure on the people who are participating in the fishery now and relying on it and just deciding I guess we just need to squeeze them harder, let's squeeze the harder, squeeze them harder, squeeze them harder. It kind of feels like you don't have to go home, but you can't stay here and we have to stop that. This is a resource that belongs to the American people. It's federally managed. We understand that there are laws in place that say that we have to take these measures to end overfishing. Let's make sure that the definition of being overfished is accurate, correct so that then we can look at how hard we have to regulate these industries.

The issue of predation needs to be addressed, not in 5 years at the end of the SEDAR, okay. Not in 10 years when you guys have had time to bounce through amendments. Predation is a major problem right now. The whole reason why sand bar sharks are even banned from being harvested was because of paperwork errors in the 70s where everybody and every fish house just wrote sand bar on the trip ticket. So every shark was counted as a sand bar, and then National Marine Fisheries showed up and goes, what are you guys doing? Why are writing sand bar for every shark. I don't know what it is; it's fins are cut off and it's a plug. I just write sand bar, because that's what I think it is. Whoa, whoa, whoa. We've got to do this right? Then they started doing it right and then the scientists were like whoa, whoa, there's a huge reduction in sand bar sharks, what's happening? Think about that. We have a moratorium on a fish species because of a clerical error, which has now caused them to be absolutely rampant and the predation that they're creating is massive, right? And it can't be ignored and it needs to be the #1 thing that's factored into every model on a solution, right? So, bullet points, we need to know how many people are fishing so that we can get accurate data. We need to pay attention to sharks more, and we need to stop with the I got to shoot somebody in this room, who do you want it to be?

RICK ELY. C Suite Charters. I have a charterboat here in Port Canaveral. I'm really new to the area so I believe there's a huge resource with people who are concerned and care very much. I think there's a huge...

[Technical issues disrupted the audio recording at this point. Staff and Council member notes indicate the remainder of this comment noted that the timing of the red snapper recreational season coincides with the spawning season and that more public participation is needed to improve management moving forward

Audio recording was resumed ahead of the next comment.]

ANDY FISH. I represent Cape Canaveral; I'm a long-time commercial fisherman; first dove our reef in 1981. I've seen a lot of changes in the fishery. I'd like to start by saying for Amendment 35, for Action 1, I prefer Alternative 1, which is no action. For Action 2, I prefer Alternative 2. For our Cape Canaveral area, I'd like to talk about something that pertains to zone area closures. Of course, here we have the space industry and right now they're with SpaceX and Blue Origin and Horizon and Ares and all that stuff, they're talking possibly 100 launches a year. In the next couple of years, they're predicted to do 300 launches, with up to 300 launches a year. With these launches, they typically have a 4-hour closure in zones depending on which way the launches are going; sometimes it goes out 25 miles, but there are these areas where we can't transit, we can't fish, they clear us out of the areas and with these zoned areas closures, we'd like to get some form of credit for these times that's not being pursued as a zoned area closure; no red snapper interactions. Interrupting our fishing activities; stuff like this that we should get credit for.

I would also like to make a comment about the spawning season. It is kind of ridiculous, and it's widely known; and we all know it's best time of year, but it's absolutely ridiculous to target red snapper in the peak of spawn. I'd also like to address the science. For a lot of us, the science just doesn't add up. Every year the stock has grown despite the interactions; despite the discards that everybody talks about; despite the shark depredation, and every year the numbers are at an all-time high, even despite what everybody talks about.

REGULATORY AMENDMENT 35
PUBLIC HEARING
Key Largo, FL
January 26, 2023

PUBLIC COMMENT

OWEN KOGAN. We don't have any red snapper down here to catch. Never have; I mean in our little area. They have always been numerous in other places but as far as the so-called species, it's always been a very rare fish. Even days when I was young when I was catching all sorts of big snappers, they were just never around down here. Other places, you couldn't get away from them.

I'm more concerned about the 42, about the permitting. If you go to make a special class of fishermen, they're entitled, they have a special privilege of catching bottom fish and the rest of us are going to be peasants. We're not allowed to catch them, that I have a trouble with. Either you make it no fish for anybody or you make everybody have equal footing; but our founding fathers had rules about privileged classes. We told King George what to do with them in 1776. It's not the constitution.

Environmental degradation, which no one wants to talk about; everybody says it's not their jurisdiction. This is nothing new. I've experienced it out here; we came upon a research boat about 5 years ago, 6 years ago, that told me a truth I suspected all along. I don't remember what university it was. There's a sewage sludge method called deep well injections; limestone is porous and permeable like a sponge. It goes on about 3,000 feet give or take a little bit. It hits bed rock, something like granite or basalt; that's not permeable. So when they take this one component of the sewage, the number 2, the solid wastes, they pump under thousands of psi basically through large tubes down to there; it doesn't just go bye-bye and disappear. It can't go down, so it spreads out. Now when this stuff decomposes, with decomposition, it's called anaerobic decomposition without oxygen. It produces a few gases; a few chemicals. The most abundant one is ammonia. The next one is hydrogen sulfide. Now under a few bars of pressure, the ammonia will stay in saturation or solution. Now we all know, if you're not familiar, ammonia in concentrated form is a highly toxic chemical. It was used in World War I as a weapon. Well, and hydrogen sulfide, that is pretty dangerous as well. It takes a little more pressure, but in 190 feet of water, both were in solution, and I've been fishing a set of deepwater ledges and terraces in about 180 feet of water off of Key Largo, and they are all dead.

As of about the late 1990s, early 2000s they started dying. I started pulling up long moss algae; it looked like Spanish moss, almost the hair of a horse's tail on our sinkers or our rigs. That's a sign of a dead reef being eaten by this algae. I have an idea what's killing it because the researcher said there's ammonia down there. Well, this sludge pumping among other things in our environment, I'm not trying to sound like a tree hugger; we have forever chemicals are going through the water table on the estuaries. There are a whole bunch of them. We have

pharmaceuticals that are being put out where fish in the bay and near-shore waters are questionable about the safety to eat. So, if you need a prescription, just go eat a snapper caught in the bay; you will probably eat your fair share of pharmaceuticals from it, and then some. It's not healthy when hazardous to people, it's sure not healthy to the fish.

And your own term that you use, that research uses, called the water column. I don't need to explain what it is. I fish an engineered method called water column fishing. They're just using that as; if your bottom, if your water column foundation is dead. You don't have a water column anymore; it's gone. This is what I've been finding all up and down the middle Keys all the way up past Key Largo to Miami, it's dead out there in that depth of water. The marine researchers told me that they would do scuba diving at 190-feet of water; remember that's not for a novice to do; you can kill yourself doing it. They told me the bottom was dead and they also took water samples. I forgot what university. It was like a 50-60 foot catamaran. It had all sorts of gear bristling from the half cockpit. This was about two to three years before covid. Now, there are basically; I don't care who is going to fight over a last snapper or grouper, but if we keep on doing this the stuff that's been pumped down there is going to be down there for hundreds of years producing poisons that come up from the water column through the bed rock. I don't know what you do about it. The forever chemicals are bad, the pharmaceuticals, they can treat and get them out of the sewage treatment plant, but it would cost money.

Now if you're going to have developments to the coastline, I'm not against the real estate industry, but when you stack 40-50-80 stories of commodes on top of each other, you better treat what you produce. People know where I live walk a dog and the dog takes a poop on someone's yard, they've got to pick it up. It seems like environmental protection is not doing that on a much larger scale, and I don't need to hear "the poor people, they need a car now". No, everybody has responsibility. No one gives you a privilege to come down here and live high on the hog if you can't afford it. The Department of Natural Resources, EPA, everybody had better stop fighting over their little order of turf and get together and solve this holistic problem. I'm not a tree hugger or a bunny hugger or George Soros or _____ (?). This is just reality.

As far as the fishing goes, I don't fish for these little fish with chicken rig. Maybe I'll try that the day if I can't get something good to put on my plate when I get home. It's usually vermilion snappers; we don't get red snapper out here. Maybe a yellow eye snapper that goes by a different name. I fish for trophy fish, record fish, and tournament breaking fish, I'm not out there to catch 100 fish. I'm out there to catch one that's a record or one that is trophy. I usually fish methods and stuff that most people don't know anything about. To me, they are trade secrets and that's why I produce stuff. But, if you've got a dead sea floor, you're not going to catch anything.

One other thing, your researchers or scientists or whatever, I have been hearing things like they've been told to make the science fit the narrative; these are things I've been hearing; but, I do know there is one thing for certain, these guys go to the boat shows and came up with the

same exact term what they see since they're not fishermen. It's called technology anxiety. They go through, they don't know how to tie a knot or bait a hook, but they see a big 40-foot center console boat and it's bristling with big screen sonars with a bunch of rod holders on it. It can go very fast, and they say "Oh my god, this seems to me like Darth Vader's boat; they want to kill all the fish. I'll tell you one thing about these boats. The ones you really see are the same ones through the year, they are display models of boats. They are completely useless the way they are set up, because they're set up with every option possible to show the public what they have. If they really want to do something; it's like archery, before you go to the Olympics, you better be able to use a bow and arrow first before you criticize about it.

One last thing I wanted to say and this has to do more with state stuff. I'm going to use it in an anecdotal lead in. When it comes to mini season with lobstering, we've all heard stories of what type of abuses and circuses and misbehavior goes on with this that the stories were endless. Usually a few people die in mini season in pursuit of lobster. Well, there's a certain type of scenario which has been played out all too often; the different magnitudes; that some pontoon boat, a little deck boat, that are for bay areas; you know, see their grandparents, a bunch of grand children on it. None of these people can swim but the senior citizens and children, they don't need a lobster license. On this boat will be usually two or three Olympic quality swimmers in speedos. Most of the time, Hispanic, but not always and these people are diving for lobsters and using the kids quotas; their grandparents' quotas. They all do it with a wink and a nod. Probably FWC is well familiar with it too. They're not going to throw the grandparents and grandchildren in the water and watch them drown to catch a lobster; they're just supposed to protect and serve. It's like a wink and a nod we know this goes on; they know that we know they know.

On a similar note, I believe it's Western Dry Rocks or something west of Key West, a big area has been closed. Mutton snapper spawns go on down there; they go up here, or they used to until the bottom was destroyed. During that time of the year, I believe, I don't know if it's state or state and federal mutton snapper during two months of the year are not to be sold in any shape, size, or form. That's the Florida or your rules. Recreational is supposed to be 5 fish per person and at that time, commercial can have 5 fish in their aggregate or recreational limit per person. That's the rules. Now what these guides in the Keys do, and there are 6 guys, and I don't want to drop any names as I don't need to have a criminal act done against me. They go out there during the mutton snapper spawn and if it's not Western Dry Rocks they'll go further out and they'll take out 4 or 5 or 6 kids on their boats and enough life jackets, and them and their brother or whoever, they'd be doing all the fishing; commercial fishermen at one of these meetings a few years ago told me about this. They can't sell, the honest to God commercial fishermen who fish the reef fish mangroves and yellowtails during those two months, they can't sell... They have to truck that fish to Miami, because just about every restaurant down here has mutton snapper filets coming in the backdoor bootleg from these skiff guides who are doing this with the children, the rent-a-child on board, with a wink and a nod, and the FWC or anybody else can't react to it. They're like number of kids, number of fish, done. Kiss off, have a good day, the authorities have to leave.

There are abuses and it gives the fishery a black eye and I want to suggest one thing – A multi-licensed operations like some of these skiff guides out of Key West. Other ones do I too. They better not be mixing church with state. They can be licensed or passenger for-hire or they can be licensed for commercial. You don't mix both together. Pick your license; passenger for-hire or commercial catch shares, whatever you want to call it. We can't have both because they're just going to mix them together and abuse it. The real fisherman, who are honest to God hardworking commercial fishermen, who were telling me about this a few years ago, they mentioned it and nothing has been done. They closed Western Dry Rocks, let's move down the line and do somewhere else. Something has to be done with your regulations.

**SNAPPER GROUPEL REGULATORY
AMENDMENT 35
PUBLIC HEARING WEBINAR
January 31, 2023**

PUBLIC COMMENT

DEWEY HEMILRIGHT. I see A35 as a band-aid on an axe wound that has been boiling at the Council for numerous years. Going back and reading the administrative record, which is strong on that something needs to be done more than what's proposed in A35 from what I've read at all the meeting minutes and put together going back as far as 2011. Outreach and continuing outreach and the things going on is a good thing and needed. I was disappointed last night when hearing that the permitting is going to take 2 or 3 years to do, and reporting is another 2 or 3 years; but that's not A35 here. I don't think you have, the one hook rig is enforceable according to the limited AP Panel Law Enforcement meeting minutes. I don't believe you have an estimation on the descending device, and the descending device itself, you only have to have one rigged and ready. It's not one per rod or one per person so I think you're falling short there. I think with A35, given the amount of discards that are happening, it is going to be a while before you get to that age that you all need. In looking and reading the meeting minutes, it appears that the four states do not want to do nothing of any substance because I see where some question Magnuson, the intent, and some of the Council members just don't feel like it's the right thing to do. So, obviously, the Council can vote one way, but it's going to be up to the Region and Secretary of Commerce the continuation there. That's the part that I see that's going to be an issue, because this is not going to fix the dead discards and effort that needs to be done. For this to continue on, you've got to have some type of small closure area as we saw in 17B that reduced the catch, even though it was not the intended catch of snowy grouper and blueline tilefish. So you know the effectiveness of closures. And yes, there's pain, but this has been going on since 2010 of the overfished and overfish occurring of this. I just don't see 35 as getting to where it needs to be done for overfished to reduce it and get to the state of rebuilding, and I believe you have a legal mandate, and it will be up to some legal interpretations that you all could be challenged for failure to reduce overfishing.

ALANA HARRISON. I found an old South Atlantic Update in my dad's papers the other morning. That was from October 1992. Imagine my surprise when I opened it up, and I saw an article about best fishing practices. So here was an article entitled "Increasing the Chances of Survival Of Released Fish". Through diagrams, the article hoped to educate anglers on properly returning reef fish. This is something you all are still trying to educate anglers about in 2023 which is 31 years later. So, in the article, it mentions how National Marine Fisheries Services advocates for puncturing the swim bladders in various snappers and other reef fishes in the South Atlantic and Gulf of Mexico. And it said a video tape entitled "Pass It On" shows the technique and you could borrow a copy from the Council. So I was born in 1994, two years after that article was published. I don't when the video tape was made, but I assume it was before '92. So as long as I have been alive, you all have been discussing best fishing practices, and you keep

mentioning it like it's going to save everything, but it hasn't. Regulations say you need just one descending device on board, but what happens when you have three anglers, 10 anglers that have to descend the fish at the same time? All the fish are going to die because they're sitting on the deck. So, I really think area closures are the only answer.

A limited season is not doing it. A closed season didn't do it, but area closures could do it. Depth closures won't do it; we went through that the last time you tried that. All that did was deter people and put them out of business with no way to enforce it. We could enforce area closures, but we have to start a permit which would be done in A46, which I believe this Amendment goes hand-in-hands with recreational permitting. And what was reported and tied to that permit, it seems that the reporting has to get its own amendment number now. So, I don't know how you all are going to zero in on what the actual catch estimation is for the recreational sector for red snapper, which is unfortunate because the majority of catch effort is from the private recreational sector, which I believe is 95%. So you're going to ask them to get a permit but not ask them to report what they're catching, so we're not really advancing here, we're just doing feel good. So like a single hook rig is a feel good, but meanwhile we have been doing supplement discard logs on the commercial side and we know exactly what our discards are, but we can't zero in on the other side. I know there are so many issues here. It seems like we're getting closer, but dropping that recording requirement from A46, I think that's going to backtrack on A35. Just a few things to think about. But I really don't think that just pushing these best fishing practices is going to do it. You have to have a tougher restriction, and I think that may be area closures.

MITCHELL MCCONNELL. South Carolina recreational fishermen; I know Florida, Georgia, South Carolina, and North Carolina falls under the South Atlantic. I would be curious or I would like to know a resource where; I'm curious to see how much of this data is coming out of which state. Are we being punished for the number of anglers down in Florida catching and releasing or is the data collection evenly distributed amongst Florida, Georgia, North Carolina, and South Carolina for red snapper? I'm a little curious about that. Now in terms of the discards, we have the descending devices; we're required to use them; I use them. I love them. The only times I ever noticed fish dying or not making it, because when I'm usually fishing, it's 90 feet or less, is when sharks get a hold of them. Most of the time we catch a fish under 20, 30 seconds, we're putting that fish back down on the bottom. I understand other people don't do that; a lot of people don't. Some people may keep the fish out for a few minutes, take pictures; yes, I could see discards, but these numbers I'm seeing; If we're seeing these kinds of number on fish that are dying after discard floating back up or whatever, I think I would be seeing a few floating on the surface every time I'm coming in from a trip. I'm not seeing that. I've never once seen a red snapper, if it was properly put on the descending device or vented, floating on the surface. All the times I've ever seen red snapper die is when sharks get them on the way down, especially with the descending device.

And then, in terms of the one hook ban, personally I'm not a fan of it. I find it really hard to see how you would enforce single hook bottom rigs. I'd really be curious to see how you enforce that one. The only way I could see you guys enforcing that one is the ban of multi hook rigs at

tackle shops and even then, people can make their own rigs. They can make multi-hook bottom rigs. They see something that looks like DNR Law Enforcement approaching, they cut the hooks off. Now they've got a single hook bottom rig. I'd be very curious to see how you would enforce that.

The other one I have is if I'm being limited to one bottom hook per rig per trip. Say I usually go buy 100 hooks from my local tackle shop, now I'm probably going to cut my quantities in half if several hundred people do that per month or per year or even several thousand, I'd probably say there would be a semi-significant economic impact on your local tackle shop, and you local tackle shops take notice on that in terms of hook sales.

THOMAS NEWMAN. I work parttime for North Carolina Fisheries Association, and I'm also a commercial fisherman. I'd like to make some comments on 35. I kind of agree with everybody else. This is definitely just a band-aid, and I've been following this issue as most you all know because I've been at all the Council Meetings for a while. I don't understand why the Council didn't look at area and depth closures, because one hook is definitely not going to fix this. I think Chip said it was a 15% reduction on that short-term study for the 15% less discards. But it's the 85% discard problem; a lot more needs to be done and a lot more needs to be looked at. A lot of these quotas for harvest in the snapper grouper fisheries are minute. It is so close to these species; it almost looks like they're endangered. Some of these fish, 1,000, 10-20,000 fish harvest quota, we have to start protecting them. We can't just let fisherman just keep going to these targeted rocks and just keep hammering these fish 24-7, 365 days a year. I applaud the staff for finally putting these numbers out where you can plainly see them showing that 230 fish, red snapper, can be removed but 202,000 fish are projected to be removed as dead discards, thereby we can only harvest 28,000 fish, that's ridiculous. The average person, recreational fishing, wants to go catch a red snapper to eat. If more recreational fishermen knew that's the only reason they get a 1, and 2, and 3, 4-day season, is because there are so many dead discards, and you take the discards off the top before you let them harvest any fish. They might would be susceptible to closing at least some small areas just to have some refuges or somewhat out there.

Andy Strelcheck suggested looking at area and depth closures to at least be scoped. I don't know why the Council wouldn't at least let the Science Center scope that. They said they would scope it. I think that area and depth closure definitely needs to be scoped and looked at. You could show the recreational community that you could give them more fish. And, also the commercial fisheries could have some more fish because if you're removing the discards before you send out the quota that can be allowed, the ACL that's allowed for harvest. Man, we would have a whole lot more fish to take home and sell and to eat.

MITCHELL MCCONNELL. In regards to the closure areas some folks are recommending, I think it's good and I think it's bad. Maybe if you did something like areas that are ever-revolving with closures, not permanent closure areas like you have the Edisto MPA; I think you have the Devils Hole closure areas. I don't want to see permanent closure areas, but I don't mind

temporary closures in places that rotate in terms of closure; in terms of taking pressure off for one or two years and then rotating spots in terms of closures. I would be very interested to see what that does, but in terms of spots that are like total closures, large areas, again like Edisto MPA, Devils Hole, and some of the other MPAs, I do not want to any more of those for bottom fishing restrictions.

JOSH HUDSON. I don't want to be this person but, unfortunately, as a member of the public, and a recreational fisherman, I've heard way too many contradictions tonight. It's been more made in public especially within the DNR system and especially with the national system. You all pick and choose your studies. You all choose what you want to believe and the last thing we need to listen to is any non profits and commercial fishermen because they always choose themselves because they know the State and Federal system will always work with them. They'll cut the recreational fisherman out and they'll still get their dues.

DEWEY HEMILRIGHT. I just wanted to bring reference to the part that the recreational industry gets 72% of the red snapper and the commercial gets 28.07. I made mention of closures. I'm not talking of massive closures in the whole South Atlantic. The scallop industry has revolving closures to protect the small scallops until they grow up. So if anybody misconstrued my comments, that was not simply the case but simply doing what we are continuing to do with A35 is not going to fix this and everybody knows this. It's just very few will state that at the table. I wanted to clarify the catch allocation of the recreational and the commercial, and it's 28% commercial; 72% recreational; or 71. something percent. I just wanted to make sure that got clarified and I also believe that one gentleman asked about the data coming out of somewhere and you probably could answer this best Jessica. Over 90% of the effort with the red snapper and the discard, is that coming out of Florida based on the best available information according to the Regional Administrator? Well it's a high percentage.

JIM ATACK. On that data, how much of the fish in Florida is landed in state waters which is legal to keep a red snapper. I was surprised we hadn't run the numbers on the one fish per vessel per trip. If we have 202,000 discards or dead that we can discard, that could be 202,000 vessel trips that can bring a fish back to the shoreline and provide data for the marine fisheries and what not. The only argument I've heard on the derby fishing is whether they get data on the fish and what size they are and all that. But, with the 28,000 say for the derby fishing which is now a directed fishery at a fishery that's overfished, I just don't understand the thought process and the judgment when we do that. If you get 4 fish per trip, of the 28,000, that's 7,000 trips that you are bringing a fish in on the derby fishing. If you did 1 fish per vessel, that would be 202,000 trips that people could bring a fish back in. So, it would be interesting to run the numbers as to how long the season would last if you allowed each vessel to keep a fish until the bycatch mortality was caught.

JAMES DAVIS. Going back to what Mitchell was saying earlier, I'd like to agree with him as far as how the data is collected on a state-by-state basis-North Carolina, Georgia, South Carolina, and Florida. Here in the waters off of South Carolina versus there in Florida, we have to go out much further and in order to get to the target depth of 70 to 90 feet for these red snapper to be in

federal waters; from what we have seen in data recently from trips in the past year or two around is there has been almost an overabundance of red snapper caught that's the most hurting fishery on the ways of smaller vermilion, and for porgy, or trigger in the area and I believe that the single hook rig proposed in 35 as a whole is nothing but a band-aid on the wound or, like was said earlier, a feel good tactic that's not going to really change what you get data wise. I think 15% isn't enough to propose this ban. Also, if you are looking at it from a charter guy's standpoint, such as myself, if I'm taking a charter out in 70-90 feet to get a box full of fish that are legal and have less restrictions in the snapper grouper complex such as beeliners or porgies, it's going to take myself twice the amount of time especially with children or elderly or disabled on the boat in order to get up and down with one hook what they'd normally do with two or three hooks so they can get the most for their money for a charter. At the end of the day, I feel like it is completely unenforceable and kind of like a band-aid on the wound.

JACOB HARDY. The solutions tonight do not have supporting evidence that was presented so please cite.

MARK STEWART. From South Carolina; a recreational angler. I agree with most folks earlier that the single hook rig is just a band-aid. I might even go to say sort of a joke to even be doing this. It seems like we are dancing around the issue. I will say the one thing it does buy is some while we wait for the new assessment to come in. I think my expectation is there is a wide spread disagreement with the current stock assessment, and we're hoping that the updated numbers will reflect something more like we saw out of the Gulf, where there is actually more fish than people think there are, so that does prevent us from taking more drastic measures in the meantime. But, it does kind of leave us in this limbo land for the next couple of years. I would almost rather see us do nothing and just keep managing the way we were, because I don't think those single hooks are going to do anything either way. It will buy us some time as least.

JACOB HARDY. A majority of red snapper that I've caught or witnessed being caught are single hook rigs. A majority of double rig catch results in other species typically smaller fish due to the typical style and size of double rig hooks and bait.