

## Summary of Scoping Session Comments on Amendment 53 to the Snapper Grouper Fishery Management Plan

(Based on comments received from January 18, 2022 through February 4, 2022)

Below is a summary of comments that were submitted electronically during the scoping comment period for this amendment and received during the three scoping webinars held of February 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>. Comments provided during the webinars (n=35) are included in this document. Online comments (n=364) are available to view in full at: <https://safmc.wufoo.com/reports/snapper-grouper-amendment-53-comment-report/>.

*Online Respondent Characteristics:*

State	Number of Respondents <sup>1</sup>	Affiliation (SA Region Only)	Number of Respondents <sup>1,2</sup>
North Carolina	40	Private Recreational	216
Florida	195	For-Hire	24
South Carolina	4	Commercial	65
Georgia	5	Non-Gov't Organization	11
Gulf of Mexico (FL, LA, TX)	115	Wholesale/Dealer/Retail	18
Other	7	Other	11

<sup>1</sup>Includes online respondents and individuals that provided state and sector affiliation.

<sup>2</sup>Some respondents chose more than one affiliation.

The majority of comments focused on the restriction/prohibition of spearfishing gear during the gag grouper rebuilding plan.

### **Restriction/Removal of Spearfishing Gear During the Rebuilding Plan (Action 6)**

- Three comments were in favor of restricting or removing spearfishing gear.
  - One comment in support suggested limited spearfishing in certain aggregation areas
- 361 online comments and 34 webinar comments were in opposition to restricting or removing spearfishing gear during the gag grouper rebuilding plan, noting the following reasons why spearfishing should not be removed:
  - Gag are highly sought after in the spearfishing community. Removing this gear type would have huge negative impacts without positive impacts to the stock.
  - Spearfishing is the least harmful fishing method on the environment. It leaves little to no litter, doesn't require baitfish, and doesn't harm other animals (i.e., birds, turtles, etc.). Spearfishing is also the main method of invasive lionfish removal.
  - Spearfishing while diving with both SCUBA and freediving is still limited by depth, trip time, temperature, and visibility. Both recreational and technical dives still aren't deep enough to affect the brood stock of gag grouper. Spearfishermen

also noted that due to technical advances, hook and line gear have access to and are harvesting large gag grouper as well.

- Spearfishing is the most selective and sustainable gear with little to no bycatch.
- This fishing method has no discard mortality whereas hook and line gear puts stress on the fish while fighting and leads to higher amounts of discard mortality. Spearfishing gear leads to less learned predation behaviors and loss of fish due to predation. Commenters also noted that they believe there are fewer spearfishing landings than there are hook and line dead discards.
- Because of the degree of skill needed to spearfish, most spearfishermen are very responsible and invested. Spearfishermen are very good at judging sizes of fish underwater and often do not take small individuals that may be lost through discard mortality from hook and line.
- 8 online comments suggested that instead of restricting all spearfishing gear, restricting the use of spearfishing gear only when using SCUBA gear may help reduce the take of large individuals at deeper depth.
- One comment suggested only limiting spearfishing gear for the commercial sector.
- One commenter suggested a spearfishing endorsement to the snapper grouper permits to place a cap on the number of vessels harvesting with this gear type.
- Several commenters opposing spearfishing removal/restriction also noted the following concerns for the gag fishery:
  - There is an imbalance of red snapper and goliath grouper that is affecting the gag grouper population.
  - Gag populations are being negatively affected by agricultural runoff, red tides, and algal blooms.
  - Continued best fishing practices education and outreach is needed to reduce discard mortality when using hook and line gear.

### **Modifying Commercial and Recreational Management Measure (Actions 4 and 5)**

- Multiple commenters noted they would rather see size limits, bag/trips limits, and seasonal modifications to avoid spearfishing gear restrictions.

#### **Commercial Trip Limit Reduction**

- Several comments suggested tightening regulations on or prohibiting commercial gag fishing versus the recreational sector.
- Two comments suggested reducing the commercial trip limit to 500 lbs, another suggested reducing it to 100 lbs.

#### **Minimum Size Increase/Slot Limit for both Sectors**

- Some commenters were opposed to a slot limit or size limit change or slot limit.
  - Eight online comments and 2 webinar comments expressed they were in favor of a slot limit for gag, while five online comments and seven webinar comments expressed that they were opposed.
  - Comments specifically opposing an increased size limit noted concerns over increased discard mortality as a result and increased pressure on other species.

#### **Recreational Vessel Limit**

- Several comments opposed the recreational vessel limit.

- One comment that was in favor of the vessel limit suggested a 1 fish/vessel/day with a tag lottery system for headboats.

**Spawning Season Closure Modifications**

- One commenter recommended evaluating the spawning season closure for effectiveness and adjusting the months accordingly
- One commenter suggested expanding the spawning season closure.
- Another commenter suggested implementing spatial spawning closures from January through June.

**Additional Suggestions**

- Multiple comments suggested creating a stamp/endorsement for gag grouper for the recreational sector or increasing the licensing fees.
  - One comment suggested increasing fees and equipment tax as well.

**TRANSCRIPTION OF SCOPING WEBINAR COMMENTS PERTAINING TO  
AMENDMENT 53****FEBRUARY 1, 2022**

**JASON WENTMORE:** I really don't want to talk about spearfishing today because we went over that in 2019 so I'm going to start on Amendment 52. I have a lot of thoughts on golden tilefish longlines. We have a really small user group; there's 23 endorsements. I have management control over 2 of those endorsements, and I fish 1 of them. There can't be more than 15 total resource users. We gotta get everybody together and figure out a better way to manage this derby fishery. We're hurting the fishermen; we're hurting the price that we're getting for fish; and it's just not a good time of year to be fishing. The weather is terrible. I just had the windows get blown out of one of my boats that's fishing. The boat sunk a couple of years ago, and everybody died so there is a small group and we've got to get together and work something out differently in my opinion. And, once again, I support increasing the stock. We see a really healthy stock both in South Carolina and Cape Canaveral where we fish, and we're seeing larges, jumbos, smalls, mediums all mixed together. It appears to be very healthy.

Moving on to Amendment 53, I have a lot of good input about gag; I've fished them for 20 years, pretty much my entire adult life, and I've watched them migrate and watched all their habits. I don't really have a lot of time to talk about all that because I have to talk about spearfishing now. So, I understand how difficult the Council has to deal with this issue, and they are being forced to by Magnuson and by the fact that the fishery is in really bad shape. I'm not in support of creating a slot limit or maximum size for gag groupers. I am not in support of restricting or removing spear gear at all during the rebuilding plan or ever until the science supports it. I'm not really excited about a lot of the other ideas, but I am in support of regulation changes such as spawning closures that are backed by science and equitable to all fishery participants for the gag grouper rebuilding. I'm incredibly concerned about predation and bycatch and discard mortality especially in the expanding recreational sector.

So then back to bring us on spearfishing. Restrictions on spearfishing as a gear type are not backed by any scientific research or data and for those of you that are questioning, like Mark, the reason this is in this discussion right now is because Tim Griner and a couple other Council members brought up their personal biased opinions at the last Council Meeting with nobody there to discuss against. The data that they presented is inaccurate; it's not backed by science, and it's backed by their personal, emotional opinions where they dislike spear fishermen, and these are just disparaging comments that don't have any place in the Council. With the smallest sector, we harvest only 4% of the reef fish, and they are attempting to use a scapegoat for the ailing gag fishery and that will not work. Please, please reference the white paper on spearfishing that Myra presented on March 6th of 2019. It contains the real data. We don't take many large gags spearing in North Carolina. We take almost none, and we take a very small fraction of the overall gag. We're the smallest user group; and then after you look at the white paper, go pull Dr. Crabtree's and Dr.

Porch's comments after the white paper was presented on March 6, 2019 and see what they say. They don't support the data; the data does not support any type of closure against spearfishing and, in fact, spearfishing is probably the best way to harvest gags. There are larger issues like habitat loss affecting recruitments of gags in the early juvenile surviving in our estuaries. There is extensive depredation issues and release mortality in the hook-and-line and bandit fisheries. Pull up the SEDAR and look at how many dead discards there are and then look at how many trips they exclude in spearfishing because we have no dead discard. So, if you guys want to start talking about banning something, let's ban hook-and-line fishing. That is not a productive comment but guess what, we can go fish any fish you want with spearfishing and not have the discards. It's just not practical to implement a maximum size limit because then the large gags suffering from barotrauma, how do you expect them to survive? An untrained fisherman is never going to get that fish back down and even a trained fisherman that has the skill set and cares enough to do it, the depredation of the sharks, we call our descending devices on my boat, we call them, shark feeding devices. We lose half our descending devices every time we go out. We actually try to use them, and I personally feel any type of ban against spearfishing would go against national standard 5 of the Magnason-Stevens Act which encourages the efficiency so that the optimum yield can be harvested at the lowest economic cost. And the reality is spearfishing is one of the most ecofriendly sustainable forms of fishing with no bycatch, no dead discards. We don't hurt turtles, we don't hurt whales, we just harvest the fish we set out to catch so let's stop talking about spearfishing and figure out how to save gag, how to open up red snapper, how to catch more tilefish, and how to allocate the resource between user groups and let's not fight with each other. And just so everybody knows, all the full-time gag boats, like myself, that used to come up from Florida every summer, none of them do it anymore. We've aged out of the fishery; we have medical conditions like cancer that prevent us from fishing or people like me can't dive anymore because of our injuries. So, it's not even a problem. That's all I got to say. Thank you for listening.

**KELLY REEDER:** I have a lot of the same points as Jason, but I will kind of go through them as well. My husband and I we operate a commercial spearfishing business in Florida. We actually just started that business, so we are new to the commercial fishery, but we are long-time members of the recreational fishery prior to that. We harvest fish both hook-and-line and spearfishing but primarily spearfishing now. We're supportive of some of the regulation changes; the ones that are backed by science and that are equally fair to all the participants for the gag grouper rebuilding such as the reduced trip limits and the reduced ACLs. However, the restriction on spearfishing gear from what we've found and heard is not backed by any scientific research or data and it seems to be based on a few biased opinions. In addition, a ban on spearfishing would go against that national standard 5 which, I understand, the Council needs to abide by those national standards with spearfishing being one of the most efficient forms of fishing at the lowest economic costs. The reality of spearfishing is one of the most ecofriendly sustainable forms of fishing. There's no bycatch, no death, dead discards, no hurting marine life, or turtles. We also are good stewards of the ocean, and we try and clean up trash, we remove invasive lionfish and do what we can while we are diving; not just harvest fish. I went through, I'm a bit of a research nerd, so I went through some of the whole reports, and meetings and, in the

December Council Meeting, I know the spearfish restriction was proposed because some people think that spearfishermen target the large gag groupers, and that is not true for myself and all of my peers in the spearfishing community that I know. From what I've seen and heard, there's very little data showing the length and individual weight since the commercial landings are only recorded in an aggregate weight. You guys mentioned that spearfishing white paper and the part of that white paper is on page 5 that has a report from the North Carolina Division of Marine Fisheries where they analyzed hook-and-line and spearfishing gear data for gag groupers over a 10-year period. In that 10-year period, it showed that spearfishing did not account for any significant percentage of large gag grouper harvest. It actually showed about less than 1% of gag harvested by spearfishing or 36 inches or above. The highest size segments for spearfishing in that report were 24 to 32". In my experience, the majority of gags we pick are between 24" and 34" so that's consistent with what the North Carolina study shows; that we do not target the large, greater size gags. The reason we don't target them is we usually don't see them. They live in deeper depth than a recreational diver or even a technical diver can safely get. With diving and spearfishing, we have a lot of limitations that we're bound by, so we have limited bottom time especially diving in deeper depths to stay on the bottom and hunt for fish. We can't dive in strong currents or bad visibility under water. We're also limited by time. We need to take long surface intervals in-between our dives; it's usually about an hour. So those are all things that go into spearfishing that limit us, but I think the most important thing there is that we really don't see those large gags cuz they are living in deeper water than we're going diving at. So, we would probably, maybe see a handful of gags over 36" each year.

Something else I wanted to mention was no discard mortality is another key consideration that illustrates the positive effects of spearfishing on the overall gag grouper stock levels. In SEDAR 71's report for the gag grouper stock assessment, there are actually a bunch of different reports showing the amount of dead discards in pounds and number of fish from hook-and-line fishing. One of the particular reports on page 75 shows that over the past 20 years, diving and spearfishing accounted for an average of 15% of the total gag grouper catch. When SERO dead discards, while for that same time period, the hook-and-line fishery had 42,200 dead discard gag groupers. So over 42,000 dead gags from the hook-and-line fishery which now spearfishing was eliminated, you have more hook-and-line fishing for gags so you have more dead discards. That just doesn't make sense to go that route to save a fishery.

I real quickly wanted to address a couple of other items that were being proposed. The slot limit, I do oppose the slot limit and the minimum size limit. I think both of those would result in more dead discards due to barotrauma and depredation from the hook-and-line sector so it wouldn't have a positive impact on the fisheries which is the goal. And then another idea I just wanted to throw out there for the ACLs and to consider a split ACL for half the year, and that would allow for different regional differences on when we're seeing fish down here in Florida. We don't really get a lot of gags during the warmer months. They move out and then move back in the fall when the water cools off. The last item I wanted to mention was just for the recreational accountability, that a shallow water

endorsement requirement for grouper could be added to the fishing licenses. I know in Florida they have that for a couple different species. You get a stamp, it's \$5 but that would at least give the Council an idea on how many recreational fishermen are targeting grouper. And then also, there could be a rewards program for recreational fishermen who submit their gag lands data with a time stamp photo which would be similar to what FWC has already done with lionfish. They have some programs they've ran for a few years of submitting photos, and then you get a reward of an extra lobster on mini season for the lionfish program but for the gag program, it could be something like an extra red snapper during red snapper season or something like that to entice people to actually report that information to you guys. So that is all I have. Thank you so much for listening to our comments; we really appreciate being able to share our ideas with you guys, and if anyone has any questions, you can reach out to me. Thank you.

**MEAGHAN EMORY:** I am actually here to speak on behalf of the Florida Skin Divers Association. We're a council of spearfishing organizations; we have hundreds of members across the state of Florida from the Gulf and Atlantic coasts. Even a lot of our Gulf divers travel frequently to the east coast to spearfish as well. So, a lot of my comments they have already been said. Jason and Kelly did their research really well and state it very eloquently. So, I won't repeat a lot of the same things but just want to echo their comments. We really do appreciate the Council for accepting comments on this. We feel very strongly about these proposed restrictions on spearfishing gears and are absolutely against this proposal. We do recognize that the gag population is definitely struggling. SEDAR 71 figures make that very clear that something needs to be done so these additional restrictions that this is resolving are certainly reasonable but not the spearfishing one. If there is scientific evidence to support changes and seasons or area closures for spawning grounds or changes in sizes; anything else that's backed by science makes sense but restricting spearfishing gear does not, especially when spearfishing takes up such a tiny proportion of the harvest of gag overall. If the goal of the Council is the achieve a 50% reduction in the harvest, elimination of spearfishing is just going to be a drop in the bucket. It's not going to help with achieving that goal. A lot of my notes here are really just going over some of the scientific evidence that has already been stated but essentially there is no scientific evidence whatsoever that spearfishing harms the population as much as other sectors do. In fact, the scientific evidence actually points to spearfishing being extremely small so less than 1% of the gags harvested by spearing are over 36" which is the major population of concern here. It was brought up that the large male gags are the ones that were being eliminated by spearfishing at the December Council Meeting. We rarely ever see those gags. Like Kelly said, a lot of the fish that we shoot are under 34". We wished that we would see large male gags all the time; I'm sure a lot of spearfishermen would love to see a gag that big, but the fact is, it's very, very rare. I've only heard of one or two true copper bellies being harvested in my years of experience which probably isn't as much as Jason's or Kelly's. As Kelly already mentioned, the odds of a diver actually harvesting a large male gag in the depth range where they are typically found, some of the numbers I found are 130 feet to 300 feet. There is scientific evidence that male gags actually remain in the spawning aggregation sites year-round. These sciences are way beyond the reach of most spear fishers. It's just not feasible for spear fishers to spend time in those areas, have

the bottom time to be able to hunt down these large male gags, and harvest the significant portions. All of these points are just adding to the evidence against the notion that spearfishers are harvesting all these large male gags out of the population which was the original concern raised by the Council. Then, on a more general note, spearfishing is super targeted sustainable method of fishing. It doesn't involve discard mortality associated in hook-and-line fishing and barotrauma so it really should be continued to be an allowable gear for sustainable harvest of gag and other reef fish species. Thank you for your considerations of this comment. Again, the FSDA, the Florida Skin Divers Association, we're happy to speak more on this position and discuss any details that the Council might find helpful for making a decision on this issue.

**DREW MARTIN:** I live in south Florida and I do recreational, but I do not do it to see fish in the water. I don't take anything, I don't kill anything, so I have concerns about the gag population has been wallowing, and I think this is a result of many things. I just wanted to comment on some of the other commenters. Just with some personal experiences I've had – one personal experience I had was I was snorkeling in very shallow water near where I live, and I turned around and there was a very large gag grouper right behind me. So, gag grouper are in shallow water. It was very large. The next thing I'll say is I remember a comment by Dr. Stowe's(?) son, the invented the aqua lung and they went into the ocean, and he said they started doing spearfishing; they were just taking everything. I think he was somewhat regretting because most spearfishing, the fish have really no defense. Now, it's very dependent upon the ethics of the person doing the fishing, and I believe that when you're talking to commercial fishermen, we are in the industry that are concerned about the future with fish stock, they would probably be very careful. But when I first came to Florida, I had a gentleman that lived next door to me he was a recreational fisherman, and I could tell that he was actually doing commercial. He was commercial in fishing. The garbage pail would be just full of things. He was just taking all of kinds of fish, and I think this is the problem is having—if you allow spearfishing and you have recreational anglers out there, they are very difficult to monitor. People are telling you, well we won't take the big fish, we don't see the big fish, but the reality is, you are depending very much on people's work because unless you have monitors in the water with those boats, do you really know? And that's the problem; it's a few bad apples can spoil the whole. A lot of people are going to be very reputable, but unfortunately, if other people aren't and they take those last few fish who are really your best fish for spawning in aggregation, then you are going to lose fish and you're not going to have a fish count in the future so why not look at some temporary ban for spearfishing in some of the areas and compare that to other areas and see if there's a difference. We are concerned; I know I was concerned about the reef up Biscayne Bay and the spearfishing was taking a lot so, again, I think it depends a lot on the ethics, and I think some people are concerned and they didn't do the right thing but unfortunately, it's very difficult to enforce if you allow spearfishing. Those are my comments, and I appreciate that, and I also think you need to look at other restrictions and if there is a lot of loss of fish from you know, bycatch, that's definitely something that needs to be looked at and if people aren't returning the fish, maybe you need to look at areas where you have no take and see if that is the way to restore the stock. Thank you very much.



**ALBERTO SOLADNO:** I'll try not to be too long. I pretty much cosign everything that Jason had to say, but I'll breathe it out so you got it coming out of another mouth. I'm the owner/operator of a commercial spearfishing business and snapper grouper unlimited permit holder. I've been making a living doing this for the last 12 years, and I know the landings of gags are really low personally. My gag landings have been consistent every year. I haven't seen any changes in mine, but I know overall the landings are less. I think a lot of it has to do with less effort putting into targeting them, but either way, they make up 20% of my landings and income every year so restrictions of shutting spearfishing for them would really impact me and my crew in a really devastating way. So, I reviewed your SEDAR's 71 stock assessment and, from what I saw, 11.8% the commercial landings were taken; spearfishing which is such a small number and especially compared to the large number of dead discards in that data; so, it seems like more gags were killed and wasted through dead discards than were actually landed and sold and utilized spearfishing. The other thing from your data you can see, and I know from gutting tens of thousands of gags, that all of those fish under 24", they're all females; egg producing females that are being wasted in that way. Overall, just spearfishing is just the cleanest fishery in existence, produces virtually no bycatch, no dead discards, and in the South Atlantic snapper grouper fishery, it represents a really small percentage of the gag landed. A ban on it, gags in the South Atlantic is not going to produce any benefit to the stock numbers, and it's not going to produce any of the dead discards of the small females that we actually need in circulation to bring back the stocks; and it's just going to be devastating to the few people that have families that depend on spearfishing for them along with all the fisheries that we participate in the South Atlantic. It's just the cleanest method of fishing in existence especially compared to all the other methods that are being used out there. There should be efforts to make more of the fisheries based on spearfishing. A reduction of landings is necessary. The only logical and fair approach is just to reduce the landings and ACLs, lower some trip limits, and like everything Jason said, I don't support any of the other ideas. The only thing that might benefit the fishery is just to lower trip limits and ACLs. One thing that I've talked about for years that no one has brought up, it's not going to benefit the gag fishery, but placing a cap on the number of dive boats that are participating in the commercial snapper grouper spearfishing fishery, especially this year with the hogfish being shut down. It only takes a couple more dive boats in the game to really mess with that, the ACLs. However, it has nothing to do with gag but that's something that I would support is putting an endorsement just like what was done on the sea bass trapping and the golden tilefish longlining. Just to cap off the amount of boats at whatever we're at right now. Other than that, for the gag that's the only comments I have, but for the snowy grouper, the fishery I do participate in, in the winter, when shallow grouper is closed and changing the trip limit to anything less than 200 pounds would just stop me from participating in the fishery at all. I would rather see the overall landing, the ACLs, the split seasons lowered and have the seasons just shut down so that I could still at least go out and participate in it for a portion of the year. Otherwise, it's just a fishery that I won't even go out and do. Thanks for listening to me.

**ROB MURPHY:** Thank you for the opportunity and I know we're running late so I'll try to be concise. My name is Rob Murphy and I live in Jupiter, Florida. I came here to discuss Amendment 53 specifically the spear band. I've been fishing Florida waters since my childhood and spearfishing for over 15 years. The majority of my life has been spent in the recreational sector. I've held a commercial South Atlantic grouper permit for the last two years. I've made a big personal investment in commercial spearfishing in a vessel and associated gear and permits. 100% of our commercial landings are via spear. We don't do any rod and reel, and our target area ranges from the Keys to north Florida. I've seen a decline in the fishery in the gag grouper fishery myself in the last several years and I absolutely support the rebuilding efforts. But I want to voice my opposition to the proposed ban on spearfishing. I think it's in opposition of science and a product of a personal bias, misinformation; it's just not based on reality. The Council has an obligation to make decisions based on science and not emotions. This initiative is based on the assertion that spearfishing takes a disproportionate amount of big breeder gags. Kelly and Jason really touched on the white paper so I don't need to rehash it in detail, but the data just wasn't there. Most of the gags landed by spear, or the overwhelming majority are 24 to 32" which lines up with my personal experience as well. They are also bound by national standard 5 of Magnason-Stevens Act which encourages the fishing seas of the optimum yield can be harvested at the lowest economic costs. Spearfishing meets that definition precisely. It's the most selective and sustainable form harvest and there's zero bycatch, zero discard mortality or predator loss. I would like to clear up some misconceptions about spearfishing because we're a small group and people probably just don't know. Specifically, as it pertains to large breeder gags, we just don't have as much opportunities. Spearfishing opportunities are much more limited than other methods. We can only fish during daylight. We're limited by ocean visibility and sea conditions. The vast majority of breeder gags, the science shows live in depths of 170 to 300 feet. That alone keeps them out of the range of most divers. The handful of divers, I know most of them that are qualified to dive these depths. You have a few minutes of bottom time, a few dives a day. You just can't put a meaningful dent in the population with such limited times. We don't take the volume of large gags in a year than the average bandit boat does on a single trip. I would like to personally address Drew Martin's comments about fish having no defense to spearfishing. I'm kind of taken aback; they have tails, they can swim away. That's a great defense. Big breeders are very smart, and they know when they are being hunted. For every large gag you see, giving in spear range of that large gag is a much different story. We just simply don't get that many opportunities to kill big breeder gags.

I do support parts of the rebuilding plan. I see proposed reduction in trip limits as a good start; I see raising the size limit as a positive, but I think we are ignoring one of the biggest causes of the collapse in the grouper fishery and that's the explosion in shark populations. We have seen here daily accounts of rod and reel fishermen losing fish to sharks. Obviously that's not an issue with spearfishing. Any rebuilding plan should include an expansion in commercial shark fishing to

restore balance. Red snapper have also exploded and displaced gags in many places, and the catch limits to them are overdue for expansion as well. I also fully support accountability measures for recreational fishing. There is virtually no data on their landings. An inexpensive stamp on a fishing license would allow us to at least know how many people intend to target gag grouper. Some type of some incentivized reporting program like Kelly mentioned the FWC does for lion fish would be a great option also. I would like to say I think in order to maximize fishing opportunities to reduce the economic impact on the stakeholders' families during this plan, we should reconsider the closure of black grouper during January thru April. The whole origin of this closure was not any data indicating overfishing of black grouper; it was because people might mistake gags for blacks. This simply doesn't hold water. Anybody with any experience can tell them apart above or below the water, and there are no studies that show any significant occurrence of mistaken identity. In the gulf, where no such law exists, the two fisheries function perfectly well independent of each other. I'd also encourage the Council to engage directly with divers. We're in a unique position to observe the health of the fishery first-hand. I'll reach out to you individually with an email; I welcome the opportunity to follow up directly with the members, provide feedback, provide go pro videos. To summarize my position, a ban on spearfishing gag grouper it's biased, it's discriminatory, and it won't do anything to solve the problem. It not only defies logic in science, it defies the law, and I beg the Council to reconsider. That's all.

**MARK LABOCCETTA:** My comments, and I'm also going to keep this brief, and I appreciate the comments the others. I speak from the standpoint, the vantage point, of being somebody who has been in the spearfishing industry since '97. I made a living, paid my bill, my mortgage selling spearfishing equipment, gear, knives, camouflage, wetsuits anything that has to do with spearfishing. That's what I've done for the last 25 years. Now how I feel about this is fairly, I would almost say, emotional, but I'm going to try to be concise with my observations. I have been diving these coastal waters since the late 90s, since I was in college. I have seen probably 50 to 100 head of groupers on one spot. Not once but multiple, multiple times. Has that been decreased in the last 10 to 20 years, yes. I have seen a big decrease in that. I have not seen things like that since the 90s and the early 2000s in the South Carolina waters and North Carolina waters. About 10 years ago is when I started seeing a pretty steep decrease. I don't want to put anybody out of business. I don't want to hurt anybody's income, especially when mine provided from the sale of spearfishing gear, I'm here to tell you that I think a one fish per person recreational limit daily is very different than a thousand recreational per trip limit. In my opinion, those landings have hurt the local populations of our fish. I'm entitled to that opinion. I have seen that; I've seen a lot of wounded fish out there within the last few years in spots and diving the same spots year after year. In some of these spots, I'd see 20-30 fish and now I see maybe 5-10 and the good ones are torn up. Whether that happened in deep water and then they came into the shallows, with injuries, I don't think anybody could really ascertain that. There has been a lot of pressure on gags. Now, that being said, I don't think that one fish per day per person in the recreational fish limit could really affect that. Given the conditions we have, seas, the pressure, it would take a lot of recreational divers 10,000 fish. It's a lot of fish with a one-person limit. Particularly as everybody argues, spearfishing is

sustainable, that it's better. None of this is environmentally friendly, we all know that. What we are looking for here is sustainability. Do I think that the current path is sustainable? No, I don't think it's sustainable. Do I feel like we need a reduction in the landings? Yes. I feel like probably need a reduction in the landings. Take Bermuda, for example, as soon as they close fish pots?, they have black grouper. There's black grouper everywhere. I've seen it over the last 20 years of going and fishing over there. You are going to have to do something. You can reduce. While I do think that singling out one user group and one allowable gear type is not going to work and it is unfair and its unbalanced. Those are my comments. Thank you.

**MITCHELL MCCONNELL:** I'm a recreational rod and reel fisherman out of Edisto Beach, South Carolina. I'm going to start off with the snowies. I haven't really had much experience with Snowies. I don't know if they're overfished or not. I understand you do your data questions, but I would hate to see the snowy grouper fishery closed to recreational fishermen. I know it's already pretty compact for the amount of time a year you can harvest it as a recreational fisherman. I would be in favor of buying tags or maybe a stamp to target snowies so that way you guys can control the amount of snowies a recreational fisherman can harvest. What I would also hate to see is the commercial side get their poundage cut in half for snowy groupers. I've got friends that commercial fish for them, and they are already saying the amount of money they're making is being hurt especially due to tackle going up, bait going up, fuel costs going up. A lot of them are making a lot less money than they were just a little while ago thanks to inflation. So, the tilefish, I'm all in favor of raising the tile limits. I've just started in the last two years exploring the golden tiles out there off of South Carolina and pretty much every time I've been, we've limited out in a few minutes. Now, maybe it's just my area. Maybe different areas are different. I don't know since there is a lot of them. Now for the gags, I agree with a lot of the folks that said spearfishing pretty much there is no bycatch, and I can definitely agree with that because they can pick and choose their fish underwater what they want to shoot. I think everyone, in terms of spearfishing, made a good point. As a recreational guy, I'm okay with reducing them. I don't see a whole lot of gags any more off of Edisto Beach. Now, I'm not sure if it's cuz of sharks, cuz I fish in less than 100 feet of water most of the time. When I'm bottom fishing off of Edisto, I don't see a whole lot of gags, but I do see a ton of American Red Snapper and I've seen a reduction in black sea bass cuz of that. There were times where we used to go out and catch dozens and dozens and dozens of black sea bass when the limits I think were around 7 to 10 per person. We could limit out in about 2 or 3 hours. Now it's kind of hard to get a limit of black sea bass with all the ARs off our coast. I think that is pretty much it for me.

**ANDREW FISH:** My name is Andy Fish. I am currently on the Grouper Snapper Advisory Panel. I have held an unlimited grouper snapper since 1991, and I am the owner/operator of the fishingvessel Point Blank. I have seen several changes in my 30 years as a professional fisherman, but the one big thing that has always remained consistent is that the hook-and-line fishermen have always, in some form, clashed with the spearfisherman. It is easy to point blame at others. Anytime you talk gear restrictions, there is a resentment between gear groups and I hope that this is not what is driving this

agenda. As voting Council Members of the National Marine Fisheries Service, it is your duty to make decisions based and backed by science, recorded landings, and actual facts. How four fishermen can go to a December 2021 Council Meeting and push this ban in the spearfishing agenda led by opinions from Tim Griner and somehow have it added to Amendment 53 makes me really question the system, the appointed members and its processes. This ban, the spearfishing, seems to come up every 2 to 5 years or so and it's the same pointing of fingers for why fishermen are claiming their catches are going down. It's not because the divers shoot all the big males. It's not because the divers get every grouper that's down there. It's not because it's like shooting fish in the barrel. It's not because the Florida boats go up to North and South Carolina and kill them all. It's because it's a limited resource with an unlimited amount of fishermen of all types. It's the loss of habitat with the poor health of our estuaries. It's an out-of-control shark predation pattern. It's electronics technology, boat and engine technology, underwater data maps technology, making it easier and easier for any fisherman to stay out longer, go farther, deeper and faster. Plain and simple. This knee jerk agenda forces anyone who hopes to spearfish again to have to jump up and defend the already known glaring facts. There is zero bycatch and zero discards. These are the two biggest buzz word excuses of why we can't catch red snapper today. The average gag grouper that I spear in 90 foot or less weighs approximately 8 to 14 pounds. When I go from 90 to 150 feet, my average weight is approximately 18 pounds. I personally don't dive deeper than 150 feet but I do hook and line and those gags average over 20 pounds. I am not in favor of slot limits for gag grouper. I am in favor of reducing catch limits, and I am in favor of longer spawning closures as long as backed by the appropriate science. I volunteer my time on the advisory panel. I'm here to support and try to find ways so that all fishermen have a chance in participating in a sustainable fishery. I'm here to listen, to learn and to offer my 40 years' experience as a commercial fisherman. That's all I have to say. Thank you.

**RON SURRENCY:** To follow up on Andy and Jason and all these guys that talked before me, you all are making me feel old. I thought I was a young guy, but I guess I've been doing it the longest; still alive and still being active in these meetings. My name is Ron Surrency. I've run a dive boat out of Mayport since back in high school. I started in '82 account of Big Floyd, and a lot of the guys at one time, there is probably 15 dive boats fishing out of Mayport. We would range from all the way down to Daytona all the way up to Frying Pan Shoals. We would go up there every summer and stuff. So, I have seen a lot of change in the gag grouper. Unfortunate like red snapper when we were going down the same road with red snapper, we couldn't fish through the red snapper because they were just so thick. Well, we don't have that problem with the gags. The gags, I've been fishing gags, it was a big part of income. The best month of the year was like January before we had a closure and then when you all took the closure, it was closed just to the commercial sector but not to the recreational. Recreational guys could get a boatload of their buddies and go out there and get 6; there was a lot of fish. All that has changed. And then, I guess it's been about 10 years now, it's been closed to both sectors. So, prior to treatments, it's been 2 years ago, I was making up for the lost income on gag fishery with the lion fish. I got very active in the lion fish because I saw this explosion of population, and the price of lion fish it made up for that loss of income. There is definitely a problem. I definitely

agree with that. There is a problem. I'm not going to beat the same horse that Jason and Andy and some of the other people have formerly commented about, about biased comment especially and the level of the Council Member. But yes, there is a problem with the gag grouper, and I've seen it. I don't support any kind of slot limit. I know the shark population that the HMS office is protecting so much it's gotten out of hand like said before. Technology, we can't stop that but so many recreational boats now, these 30-foot contenders and 32-foot yellow fins and stuff like that, all these 30-foot boats are putting high tech troller motors on there. We used to pride ourselves in anchoring a boat and fishing and now they can just run offshore with the CMOR mapping and other technology which just lays out the land and they're putting trolling motor down and they'll hold you against the tide and the wind. They have at it. So, all the grouper through the years that I've shot, and big fish that I shot was like the trophy. I love to hunt so if I shot a big fish, it went on my wall or the picture, something like that. Most of the fish that we landed, when we come into land, there is biologists there so the data is there that shows the size of our fish. Every trip there's a biologist in Murrells Inlet at every trip we land in Mayport, there is a biologist that shows our fish. When the bandit boats come in, it shows its fish so come May 1st if you want to see me catch, and I'm not pointing fingers. We all play a part in the role. But, you will see the bandit boats definitely fish the deeper water, live bait, dead bait. They're just out there in deeper water, they fish bigger boats, bigger weather. They're the ones that over the years have targeted the larger fish. I agree that more loss of habitat, we got a grouper problem. I don't think you can rebuild it. I'm just shooting from the hip, you all say you can rebuild it in 7 years, I would love to see it, but I've seen it change for the last; I've been in it now for 40 years, I don't think you can rebuild it, not in my lifetime and that's just my gut feeling. Whatever you all want to do about it, you've got your hands full but making biased opinions at a Council level, nah, if you can't get your opinions better on science, the best available science, than you need to retire off the Council and get someone in there that can put their personal feelings aside and do what's best for the fishery and the fishermen. That's all I have to say and looking forward to talking to you all. Thank you for your time.

**ROBERT FLEURY:** A couple of things that I've heard that I agree with – I think the shark population has definitely increased the management and the red snapper population likewise. So that's definitely something the Council should look at and consider for future considerations. Coming at this from the standpoint of a recreational diver, the only discipline I use is free diving, and holding my breath. I really take offense at the person who, well, it's not at the person but the comment that when we spearfish that these fish are defenseless or have nowhere to go or something because it's quite the opposite. When you drop down a tasty morsel of meat for a fish with a concealed barbed hook that's going to pierce their skin and pull them up from the depths, that's defenseless. They're going to go for the meat, they're going to go for the thing that is a meal. We get down there, I only spearfish by holding my breath. We go down there; we have to go down and stay so still and quiet so these fish will even come out and look at us. Then if we make just the wrong sound, if I pull my gun the wrong way, if my mask glints in the sun, boom, they bold. If anyone has ever been underwater with fish, you know that they have like a sixth sense. They all do, and they hear things and react instantaneously. So, I think there was another

comment that was made about making decisions based on science and I think that is important. It's not science in the big capital "S" science, it's just a concept. The only real science is something that you can actually disprove, so, anyone's opinions about this are really just that. One thing that we know is if somebody is pulling fish up from the deep where these big gags are, and some of the other fish that we have been talking about tonight, with the increased shark population, they're going to invariably have some loss to sharks. It's just the reality. The sharks can't resist. They love grouper. At least when we free dive, we shoot a fish or shoot at a fish and miss it, all of the neighborhood goes in the holes, goes in deep. And when we're holding our breath diving down 50, 60, 70, 80, 90 feet, you have very little time down there to deal with that. I got on the call a little late, I apologize. Maybe this has been discussed, but to just say—even spearfishing is not just one thing; it's not binary like spearfish are not; I mean, if you have a 30-foot depth with scuba tanks, you can stay down there a long time. If a fish goes in a hole, you can take your flashlight out and look around for it, take a nap and when it comes back out, shoot it. But when you are free diving, particularly with the currents, with the visibility. I'm off of North Carolina and Frying Pan Shoals is notorious; it's a great part of the Atlantic. It's really difficult diving. If a fish bolts and is gone, you would be really, really lucky to see that fish again and extremely lucky your skill could ever get another shot on it that day. I think the limit on recreational spearfishing are more than adequate. I think if you are going to apply science with a lower case "s" which is the scientific method and actually disproving things, recreational spearfishing would be the lowest thing on the totem pole to even consider. It would be a waste of everyone's time to even talk about it. I know most recreational divers have never ever in their life shot a gag, and I mean that because it's difficult. If probably shot, if they're lucky, and African pompano, but more than likely they're not, they probably shot a sheepshead, a flounder, maybe a croaker some fish like because they just want to get something in the boat and eat it and enjoy the experience. But recreational spearfishermen, particularly free divers, are definitely not putting the pressure on these fish. The thing that is sad to see and this is not at all to point fingers, but I have seen pretty disturbing piles of fish that are put up on social media and stuff from some bad actors in the commercial industry and that's unfortunate because it probably propagates a myth. The commercial guys aren't really putting much more pressure on than regular fishing. Some of that is kind of disturbing; that's the world we are in with the social media and stuff. I would just encourage the Vouncil to use science, lower case "s", the method of deduction of scientific method and really think through certainly not grouping everything together and really thinking through where are the biggest catches coming from, the biggest landings, and try to reduce those. Also, consider a holistic approach like some of the other folks have talked about involving other species like sharks on the red snapper and I think at the end of the day, the recreational divers are not putting much pressure on these fish and contributing a ton to the economy. It's going to be a real shame to see that "sort of throw out the baby with the bath water" because I think some of those people are the biggest proponents for doing this right. The last thing I will say is, I've been a fishing license holder in North Carolina for too long. I'm getting old too. But I've never once been asked by the fisheries how many groupers I've took that year – never. I get asked other stuff but never once have they asked "Hey, did you spearfish a grouper this year" – none, zero. So, I

mean if we're not even there where we are trying to find out, then I certainly don't think we could just pass a major regulation. I appreciate the time. Thanks so much.

**AHMAD AGHAR:** I wanted to speak about spearfishing but apparently everybody did. I could not have put that in a better way than what Jason and others have talked about so, I just wanted to point out something. During my years of fishing and spearfishing, as I mentioned I am a recreational fisherman. I'm not commercial but I have been fishing for a very, very long time. More than 10 years. So, during all those years, I've been reading the research and following up with the bans and with the degradations. It appears to me that the major issue is not who's fishing more commercially or recreationally. The major issue is being with the bycatch and the mortality rate of fish that is being returned to the water whether it's because it was out of slot or because it was the wrong type of fish, or whatever. So, my position here is we need to look at those factors first. These are the factors that will help us a lot in controlling the fish population or basically allowing the fish population to grow healthy. That is my comment, thank you.

**CHIP GARBER:** I've been spearfishing for over 50 years. I've been commercial fishing off the east coast of Florida for the last 10 years, and I disagree totally with any proposal to ban gag harvest by spearing. I have listened to both Jason and Kelly, Rob and Andrew and they all make excellent points and I'm in full agreement with them. I just want it on the record that I don't approve of this proposal, and I think that's the main point I wanted to make cuz everyone else has covered everything so well so far. I do appreciate you letting me have some input on this proposal.

**ERIC FINN:** I've been a full-time fisherman for the last 15 years. I make 100% of my income catching fish and lobster. We can all agree that there is definitely problem with gag population. I mean there is no ifs ands or buts about it. We can sit here and point fingers; fishermen, divers, it's been the battle forever. It's not going to get us anywhere. I'd really like to emphasize a singling out the divers is just unjust, and it's just based on opinion and emotion not real data. I've missed a lot of the comments so I'm sure it's been touched several times. Probably see the zero bycatch to zero interactions with turtles. It is a sustainable method of take. You're going down, you're seeing a fish and sometimes if you're lucky, you're taking a fish. Spearfishing is hard. It's not easy. You don't just go down and other commenters have mentioned, the fish just sit there. That's completely untrue. There's different conditions, variables, currents, visibility, this all plays a role on how successful you can be underwater, and it just certainly is not fair to single out divers and spearfishermen in general. I also just quickly want to touch on, to be honest, there's 3 major problems. I know this all plays hand-in-hand with the gag grouper issues we're all seeing is the depredation and the loss of habitat due to jewfish, sharks and red snapper. Anyone who's spent any time in the south Atlantic knows that these three species are just decimating. Spots where you used to see 50/75 gags are now just over barren with jewfish. Overgrown 2, 3, 4 or 500-pound jewfish and obviously gag grouper aren't going to be able to stay in that kind of environment. You have sharks. That's the main issue that needs to be addressed before any of this. We have to look at these critical issues of these 3 species—the sharks, the jewfish, the red snapper before any of these rebuilding efforts are



going to have any kind of impact because that is the root of the problem right there. Not the handful of divers that are going out spearing some gag grouper. We really need to look at these just critical issues that are affecting not only gags but several other species as well. That is all I'm going to say about that, and I appreciate your time. Thank you.

## **FEBRUARY 2, 2022**

**LONNIE REEDER:** This comment is on Amendment 53, gag grouper rebuilding in regard to the ban on spearfishing. My name is Capt. Lonnie Reeder. I live in Stuart, Florida. I've been fishing for over 30 years in the recreational charter for hire sector as a mate and then more recently as a captain. My background is hook-and-line fishing but 5 years ago I did start spearfishing. Last year my wife and I put together enough money to purchase a South Atlantic snapper grouper permit. We were lucky enough to find one and we did purchase it, and our primary gear is spearfishing. Once we did this, we wanted to get involved, so we started listening to the fishery management meetings last year, and we heard some comments that were disturbing for us. These comments included spearfishermen only target big breeder gag males; the grouper have no defense against spearfishermen; and that spearfishing is easy like shooting fish in a barrel. These statements prompted us to really discuss these topics with other people that we know in the fishery and to do some extensive research of the facts and data and science that is actually available on this topic. After a lot of research, many hours by my wife who found that these statements really had no merit, not backed by science, they were based solely on biased personal agenda is all I could come up with. Possibly, misinformation or maybe lack of knowledge. Honestly I'm not surprised by some of the comments. I was a fishing captain for many, years and I didn't like sharing my spots with spearfishermen. I'm going to be honest, but after transitioning to spearfishing as my primary gear type, I realized that spearing is probably more selective but eliminates bycatch, eliminates mortality discards, any harm to wildlife. It demonstrates really how it is in line with the national standard #5 of the Magnuson-Stevens Act with regards to efficiency. If I haven't said it already, I am supportive of regulations to help the gag rebuilding process. Over the years, I've seen the decline myself first-hand, and I would be supportive of this including a reduction in ACL and a reduction of the trip limits for all gear types. I am against any restrictions on spearfishing. It's just not backed by science. It would have a significant negative impact, economically and personally, not only for the commercial sector but countless dive operations that in the recreational sector that rely on your average diver to go out to try and get their one gag. It doesn't always happen, believe me. The majority of the gags that are taken on my boat are between 24 and 34" which is consistent with some of the science we found; the science that was presented to the Council in 2019 in the spearfishing white paper. I know we talked about this last night, but I think it is important to

reiterate it. The research data collected by the North Carolina Division of Marine Fishery shows that spearfishing did not account for any significant percent of large sized gag harvest. It shows that less than 1% of gags harvested by spearfishermen were 36" or bigger. The highest segments based on the report for spearing were between 24 and 32".

Quite honestly, it's very rare for us to see a large gag bigger than 40" basically due to the amount of gags living in depths deeper than we can safely dive. We see them occasionally and we do get them occasionally, but it's pretty rare. There are a lot of misconceptions by those who haven't experienced spearfishing firsthand. There are a number of limitations of spearfishing such as no diving at night, no diving in rough seas really. When the currents are strong, we're limited by low visibility, limited by bottom time and we are required to do service intervals to prevent DCS which is decompressive sickness. That is usually 45 minutes to an hour between dives. I'd like to be more involved. We are new to the commercial sector, and I'd be happy to provide the Council with any more details of a typical day of spearfishing if that would be helpful. In addition, and in closing, harvesting gags with spear gear is not easy, and it takes a lot of skill to stalk and land these gags. Contrary to what some of the non-spearfishermen seem to believe, gags are smart. They are fast and they are illusive. It's not uncommon for me to come up from a dive with no gags at all. Thank you for your considering my public comments.

**MARTHA GUYAS:** I am with the American Sportfishing Association. Just a couple of big picture comments for your all tonight. Covering snowy grouper, golden and gag. Because we have gotten new assessments for those and changes, the quotas are necessary because those new assessments are new assessments for those and changes to quotas are necessary and those new assessments are using FES, and that's being used to monitor recreational effort. As the Council is moving forward and updating quotas, they should also convert the allocations for those species into FES units to match up with the quotas. So, in other words, use the current formulas to recalculate allocations and then implement the conversion at the same time the quotas are updated based on MRIP FES. So, just a general comment, we support the Council automating conversions of allocations from MRIP's CHTS currency to MRIP FES as they go through this process to update quotas based MRIP FES, just in general so that status quo in terms of who catches what is maintained as catch levels are updated; and then, if the Council wants to go through a allocation review process using the decision tree that is under development, then they would have time to do that and carefully consider if and how to reallocate how this changes fish and maybe watch it. I don't have a lot of specific recommendations for management measures and recognize there's a lot of moving parts right now in terms of the Council looking at ways to improve our recreational data and looking at ways to reduce dead discards, the MSA workgroup that is also in the background, and all of this is likely going to feed into management of snapper grouper at some point.

But just a couple of thoughts. For blueline, thanks Mike and Dewey for the info on recreational landings. I was thinking that might have been the case but also just wanted to flag that, remember the ex-Florida change; their regulations last year to be consistent with the recreational regulations in federal waters and so, theoretically, that should be addressing any overages that might have been attributed to what was coming out of Florida. So, just something to keep in the back of your mind. I guess, related to blueline and following up on Dewey's comments, you got to consider what is driving the trends in these fisheries and changes in the way fish are being caught. For a lot of these fisheries, it seems like there are definitely some geographic shifts going on and so, what might have worked

in the past, may not work now or in the future. Fish are just showing up different places than they were before. So, I think it is important to understand some of the trends that have been occurring recently. On gag, the Gulf Council is going through similar struggles with the gulf stock so it might be good to keep track of what they're discussing for rebuilding gag on their side even though they are not a far along in the process. So, they met last week and discussed a couple of options like slot limits just briefly. That might make sense if sex ratio is a factor in why gag is in bad shape. That might help potentially protect males from harvest, but I think the Council would need to weigh how that would affect the level of dead discards for both commercial and recreational on the Atlantic side. So, any- way, I will stop talking. I look forward to listening to future Council discussions on these issues and hope to see you all in Jekyll Island next month. Thanks so much.

**CHRISTOPHER GERCKEN:** I'm a resident of north central Florida. Been offshore fishing here since probably the age of 10. I've worked on commercial boats for almost 20 years and owned my own federal permits and commercial fishing fleet for almost 10. About 95% of my commercial harvest is done exclusively by spearfishing. So, needless to say, I was very concerned to hear about the discussion of possibly removing spearfishing and its associated gear from being used to harvest gag grouper during the rebuilding for this species. Although my personal landings for gag grouper haven't waivered more than a few hundred pounds from year to year since I've owned the permits, I understand that a rebuilding plan must be implemented as a result of these last SEDAR stock assessment. I know many of us commercial fishermen will argue that the science is flawed, and methods used to come to these conclusions could certainly be more efficiently ascertained, however, I realize you are bound by the Act to try and rebuild fish stocks when they are deemed overfished or experiencing overfishing. So, I would like to take a minute and touch on the accusations that only spearfishermen take many of the big breeder fish from the population. While sometimes big black belly gags are harvested by way of spearfishing, it certainly isn't justification enough to remove all spearfishing gear on the rebuilding phase. I think the 40 plus pound gags and the black belly bags are more easily caught by the recreational fishermen by hook-an-line. I truly believe we wouldn't have this prejudice, and frankly I think it's the jealousy from the hook-and-line sector. We all have an equal opportunity to go to the dive shop, get certified and go out spearfishing. But it's because there's too many sharks or it's too deep, or conditions aren't how people expect them to be when they go diving in the Keys. Everyone still has the same opportunity to use this type of method to harvest fish both commercially and recreationally. So, my point is, spearfishing really isn't the cause for this so-called decline in the gag population. It's a total ecosystem unbalance that will negatively affect the way fish move around or congregate in certain areas and depths. So, if you really want to see the gag grouper species rebound, we must address all of the issues and not just single out just one fishery solely based on prejudice and really no science. Aside from putting many of the commercial spearfishermen essentially out of business if spearfishing for gag is banned, we're setting up precedence for any and all groups of fishing to be targeted and attacked in the future. So, we must work together cohesively in order to make this rebuilding plan work. We all know the problems that are plaguing our fishing and diving spots from predator populations exploding to other reef species becoming so densely populated that the natural food chain for the gag grouper

becomes depleted so they must relocate. And, if we don't fix the true problem here, next year we will be talking about gray triggers and then the year after, vermilion and so on, and so on. As a couple of other people said, the science states that less than 1% of gags measuring over 36" are harvested by spearfishing so I really don't understand how, with these facts, our spearfishing community both recreational and commercial is being attacked. Just myself, I personally offered up my boat and the numerous hours and hours of go pro footage that I have compiled to be used for research purposes in these stock assessments and also to address the obvious mismanagement of other species. So, if we are to succeed with the rebuilding phase, please Council, can you just be open to any and all beneficial data that can be used to more accurately represent what is going on in our oceans. Lastly, with all the prejudice and crazy stuff going on in this country right now, the last thing we should be doing is singling out certain fisheries with really no scientific data to back this up. We shouldn't be prejudiced against the most efficient way of harvesting fish on this planet which is spearfishing. Let's collectively work together and make this fishery bounce back to the ways it was when I first started fishing or at least to how it can be represented somewhat accurately on a future stock assessment. That's all I got. Thank you for your time.

**RYAN RUSH:** All of us who make a living in the ocean are pretty much for protecting the fishery and the regs but only when it makes sense. Going after a single sport or single fishery with no science backed behind it doesn't make sense. Local problems require local solutions. Listen to the locals here. Thank you.

**JACK COX.** I want to speak primarily on Amendment 53, the gags. I have, in the Morehead City, North Carolina, area, I've actively fish on gag groupers since 1983; about 40 years of my life, I have participated in the fishery commercially. I will tell you, it's disheartening to see what has happened to that fishery. It's a combination of a lot of things. There's been a lot of pressure on that fish. When I was catching gags back in the 80s, that fish was worth \$1.25 to \$1.75 a pound. Today that fish is worth \$8.00 pound, especially price. There is certainly a bounty put on that fish and that fishery is in deep trouble. I think it was SEDAR 71, we were seeing problems 8 years ago that the fishery was overfished. I don't know why we've taken so long to get in a position to try to recover the fishery but, speaking in my area, in my neck of the woods, I personally hate to say this but we're going to have to do something almost like we did for red snapper to get this fishery back on its feet. We need to have a little bit of bycatch in the fishery to continue to collect data on the fishery, but this fishery in my region can be nothing more than a bycatch fishery to even try to rebuild it. The Council took a very soft position on rebuilding the red grouper. We don't see many in that fishery; the gags thankfully we do see a lot of small fish so I think we could rebuild probably quicker than we could with the red grouper. It's in trouble and it's not going to be easy, and it's going to take a while to rebuild it. Quite a while. It took us a long time to rebuild red snapper. One of the things that concerns me, we have an overwhelming amount of recreational fishermen in this fishery now. We have no idea who the participants are and how many there are. The first thing the Council has got to do is figure out who are the participants in the fishery so we can figure out how to manage it. I'm picking sides here – Both sides are going to roll their sleeves up to rebuild

it. I would like my kids to see; I don't think anybody will see the fishery that I saw in the 80s in this fishery where you could go out and catch 5 or 600 pound of gags in a half a day in 70/80 feet of water. I would like to think that we could but it's going to take a lot of work, but I'd love to see us at least get half-way back to those levels.

Then I want to touch just a minute on snowies. The snowies are certainly not what they were in the 80s. It takes a lot of effort now to catch a limit of snowies. There again, I'm talking about Morehead City, North Carolina there is a lot of effort, grouper prices are the highest I have ever seen. I can't believe what people are paying for grouper and the continued amount of effort put on them, and we're not going to do any better the next year because here we are going to give ourselves another, what, year and a half before we get regulations put in place on these fisheries which is sad because I think the fishery is in such a state that we should have emergency action. I've been in the fishery for 40 years, and I continue to make a living on it. I've got several commercial boats; I do my spearfishing. I agree with some of the comments the spearfishermen have said. A lot of the things they've said makes sense, but it's just going to take a lot of work. Our scamps are in trouble. More pressure. I can tell you what's going to happen—5 years from now, we're going to find ourselves in trouble with amberjacks because we're going to take pressure off one and put it on another fishery but thank you for my comments. Thanks.

**MARK LABOCCETTA:** Thanks for taking our comments. As you know, yesterday, I made some comments for the first time. Representing spearfishermen, particularly free divers offering my opinion. I want to applaud the gentleman that just spoke, really that resonates a lot with me. I'm a recreational free-dive spearfishermen so are my customers, a completely different user group. I echo some of his comments. I've stuck in my head under water off our coast starting in the late 90s. I saw a lot of what he described, and I don't see that anymore. If I could, I would like to take a few more minutes of the Council's time to just give a perspective. From my perspective, and that of a free dive fisherman with 25 years of experience, it's that perspective I would like to give you is coming from looking at this from a different ocean. I was just in Sardinia, Italy for the World's Spearfishing Championships. Me and 3 members of the team were also three women over there. The girls' team, for months, these European teams looked for scattered bottom there, 50-mile-wide stage, the boundaries for this World Championship Spearfishing Tournament. We only had two weeks to prepare. In two weeks, they can color bottom machines, echo sounders, hiring the best, most knowledgeable diver in the area. A diver who has spearfished to 180 free diving, he was our scout. In two weeks covering that bottom zigzagging on that zodiac, I saw rugged bottom, beautiful bottom, lots of relief. Very few marks, just incredibly sad the devastation like you have never seen. Look at a color sounder and when you dive down to 9- to 100 feet, you're lucky to find fish that weigh half a pound or the 250 grams legal weight. The winner of a contest like that with the best American scoring, 1 legal fish per day, 2 disqualifying fish from the second day, the winner of that contest an Italian diver speared 20 fish. The grouper that was most similar to our gag grouper is called a dusky grouper was intentionally left out with the boundaries and with the tournament for various reasons, also cuz of the pressure on their species. This person managed to get 20 fish to the best American free dive spearfishing's

is 1. An interesting thing to compare to our fisheries, that person's 20 fish consisted of scorpion fish, we call green tails over here, eels, a type of hake that likes to swim around in the holes because the grouper, they couldn't shoot. Now, understand that this hole the diver found in 150 to 160 feet contained these fish because the grouper was still there. Those fish fed off whatever these dusky groupers were feeding on and brought back to the hole, there was symbiosis there. When I took this to our waters, I still feel very lucky that compared to what the others started on the other side of the pond, of course, the Mediterranean which is a closed body of water, compare it to the ocean and what we have here, it really made me realize what real devastation is and how good our fisheries are compared to those countries. And how well we take care of our stocks when we are putting plans in place.

That being said, I wanted to kind of circle back from where I came yesterday to the Council and stress a couple of things. Instead of the difficult drop, finger pointing from one user group to the other, you know, recreational hook-and-line to spearfishers and us pointing the fingers at the commercials and a lot of commercial fishermen. I am really glad that they recognize the great reduction in the stock. I've seen that myself. Hundreds of thousands of hours. I'm not like a scuba diver, I can hold my breath and come up and I can spend 6 to 8 hours on a boat and spend 5 of those underwaters. So, I have hundreds of thousands of hours from the late 90s to now, I'm 44 so I've been doing this here since I was 18. I think in order for us to make some real sense of this like the gentleman before me who spoke, it's not going to make sense for you all to obviously single out a gear type. We went over that yesterday. We don't need to reiterate "oh, it's sustainable, there's no bycatch, it's selective, yada, yada, yada". You need to look at, I think is how your management, your Council, could treat this, not just a piece of the puzzle of gag grouper to fix but as a sum of its parts. When I say that, just like the gentleman before me said, you have to think that if you close gags, rumors have it that after this year's reductions, from what I have heard, you may close gags for 6-7 years, spearfishermen and recreationalists are not going to stop spearfishing. That pressure is going to the hogfish; the most sought after, local fish. They're going to go to the triggers; they're going to go to the amberjacks coming up. The schools of amberjacks that I use to see 10-15 years ago, one year I shot 15 amberjacks over 90 pounds. I sold them to the fish market. I also to fish off some of those grouper complex license boats and do the same. So, I have seen these schools of fish. They are not there. So, when you effect this change to the gags, you have to really be conscientious that it's going to affect everything really quickly. I also make a prediction that if we close off gags or we reduce it, the hogfish will be in trouble 3-4 years. I already think they are in trouble. I think the amberjacks, you're going to see just small barely legal amberjacks just like the grouper instead of 40, 50, 60 70-pound amberjack all over the place. You're not going to see those anymore. We're already not seeing those big ones anymore. The other part of it, is like I said, instead of finger pointing, we have to figure out a way that the recs and commercial fishermen make a better living with this. Their landings, just using an arbitrary figure, if you reduce their landings 50%, naturally the demand and supply will command that the grouper price will probably double for various reasons. It's too expensive to import grouper from everywhere else. Today's cost of shipping; it's too expensive. People will buy it any way so maybe they could put half the effort and fish naturally double in

price. I also remember working on those boats with snapper complex licenses where you get \$9 a pound gutted in the late 90s. So, naturally that's what will happen. The prices will go up incredibly by just halving the limits, the daily trip limits for commercial. But I really thing a better way to do this, and I don't know who you can suggest this to or what your powers may be, would be to change what you have going on with fish affecting this complex, outside of the complex. The shark thing is not a joke. It's not that there are more people going into the water and you are seeing more sharks in more of the same waters. That's not the case at all. There are more sharks now than I have ever seen in 25 years of spearfishing. If you look at my social media and my website, on Instagram, on videos on Maverick America, my wife and I have been free diving in a place we have been diving for gosh at least 15 years since they sunk this wreck. We saw great whites. Once? It was twice, this year. Never seen great whites. Sandbar sharks completely out of control. We would see 3 or 4. Get chased back to the boat by 10 or sandbars, and when they get into the mix, then the duskies show up. It's crazy. I went to the other side of Gulfstream to go diving and went out of Wanchese and crossed over the longline fleet and all I could hear them complaining and crying about all the sharks just destroying their whole tuna catch. It is completely out of control. Never seen so many sharks. Why not give fishermen a couple hundred thousand pounds of quota to call some sharks and make a living with that. Put some money in their pockets by commercial fishing for sharks. It's complete unbalanced. So, the sharks are affecting these fish in the grouper snapper complex—not just the gags. Those great whites, lots of them juveniles, are eating the amberjacks. I've seen it. I've watched them; I have watched the amberjack jumping out of the water.

Sorry, I'm taking so much time to do this, but just want to give you my observation of what I do see out there. You can't just try to fix the gags without addressing the other predators, the sharks and how they affect the complex. It's unbalanced. The second part of this imbalance that I've noticed at least in my 25 years that I've been out there, the lionfish, I mean. There's hundreds of thousands of these fish all over the place, and I know that the same small juvenile fish, these lionfish eat, are the same ones—little gags. I've seen it. I'm a breath hold diver, I'm not scuba diving and for me just holding my breath to go down 60-70 feet and see 6, 8, 10 lionfish on one rock. It's a problem. Why not create a fishery and subsidize that so fishermen can get paid even more than they're worth to get rid of them; they're invasive. They are taking away the food for all our juvenile predators out there. I could go on and on so I'm going to cut it short here. Just wanted to say I heard two great comments yesterday from Ron Somercy and Don Fish. I wrote their names down. Don Fish made an incredibly good point that today anybody with the right amount of money can buy the most incredible fishing machinery, so the technology is just, the fish have not evolved, the humans have, so have all of our toys, fishing, sounders and CMOR maps. The only way that I feel that you can fix it is by keeping the recreational where it is, 1 fish is 1 fish, and then addressing this entire complex and these predators that are attacking; the lionfish and the sharks. You've got to look at the whole picture, not just one part and some of its parts. Thank you very much.

**FEBRUARY 3, 2022**

**DAVID GARRETT:** I'm not a fisher of gag at a commercial level, but I do them recreational, and I know a few people that have that snapper grouper permit. I'm like the 297th comment of however many you got comments on the board up there, some 300 and something; probably maybe over 400 by now. I didn't check. When I look at the Scientific and Statistical Committee's notes from back in October, and they're developing all this, they're scientists, they've got great formulas, they're putting in a lot of numbers to try to figure out what groupers, gag groupers should be. The only problem is, they don't look at anything else. They're only looking at gag groupers. When they closed red snapper, the gag grouper community couldn't catch any red snapper other than the ones they were catching when they were trying to catch grouper. So, a lot of red snapper got killed, you all said you couldn't fish for them because of mortality rates. You got to look at the red snapper fishery. It should be reopened, the commercial guys would go back to the red snapper, gags will decrease; the pressure on the gags. Also, the comments that the guys made on lionfish, you're not doing any studies. You're not taking any account in the lionfish. Lionfish are out there; between 2010 and 2016 when Florida first did their lionfish competition, and there were thousands, hundreds of thousands, of lionfish. They've been killing hundreds of thousands of lionfish since then. But, we're only doing it in recreational depth limits; we're not talking about where lionfish live down to a thousand feet and if you have breeding gags that are growing up and the males down in the thousand feet or beyond 220 feet basically, scuba divers aren't shooting those fish. Your hook-and-line guys probably are, and they're probably pulling them up with electric reels and having a big mortality rate if they aren't the right size limit. So, you got to look at the big picture. Get the Statistical Committee to go back, look at the lionfish, reopen red snapper. Any-way, that's my comments, and you can read them on the 297 comments.

**BRYAN ANDERSON:** Thank you for your staff for setting up these meetings. I'm Bryan Anderson, 22 years recreational spearfisherman, in the Gulf of Mexico and the Atlantic. With respect to Amendment 53, I recognize the gag population needs additional restrictions to rebuild the stock, but I'm against the proposed restriction on spearfishing gear for harvesting gag in the Atlantic. It's clear to anyone who could think logically and without bias that spearfishing is very targeted, sustainable methods of harvest, and doesn't involve the dead discard and mortality associated with hook-and-line fishing. I'm disappointed in the South Atlantic Council leaders who would even consider having an option of restricting the removing spearing gear as an alternative to this problem. The people seeing those leaders in our fishing community. As folks who we should look up to make sound decisions and conclusions based on experience, science, and the incredibly smart staff surrounding them. But when we see alternatives like this being thrown out for discussion, you lose all credibility and you put our backs up against the wall. And for some reason, it's always the spearfishing community who seems to take it on the chin. We're tired of being the punching bags for the recreational and the commercial sectors. When you consistently put our backs against the wall, we're going to strike back.



Let's talk about spearfishing gear. How spearing gear is least harmful to the essential fish habitat like no hooks, no monofilament, no braided line, virtually no bycatch, no dead sea birds, no dead sea turtles. I don't see news articles highlighting spearfishermen using firearms to shoot marine animals to protect their catch. You mentioned efficiency with spearfishing. Harvest by spearing gear is limited by training and largely by personal comfort. It's limited by time whether it be dive tank or a press hold; it's limited by visibility. Efficiency when spearfishing is highly variable. Contrary to what many believe, spearfishing does not have a higher catch rate than other gear types and, in fact, far lesser catch per time in the water. In management terms, a lower catch per unit of effort. Those are all facts. Now let's talk about hook-and-line gear; their fishing gear. Monofilament and braided fishing line and other fishing tackle and our coastal system when anglers when anglers snag vegetation, marine debris, coastal animals including sea birds, sea turtles and marine mammals. Monofilament and fishing tackle in the marine environment creates potential traps for unsuspecting wildlife to become entangle or snared leaning to injury and death. Talking about gear efficiency; fishermen have unlimited time on the water day or night not limited by visibility or training. Hook- and-line trips have a much higher catch rate per time on the water or a higher sea catch per unit rate. Let's talk about longlines and bycatch; let's talk about dead discards; let's talk about electric bandit gear; now that something to be proud of – pushing that button on their electric reel. We have some amazing engineers in the state so when we start adding gear restrictions discussions, I'm think we should start having some discussions while introducing special break-away hooks that allow the breeders to swim away to safety. I'm thinking we should start having discussions about allowing limits on monofilament and braided test lines. When you put your non-biased hat on, it's pretty clear as to which gear type is more detrimental to the environment and the gag fishery. We are no longer the silent sector. If you want to take us down, we're going to take you with us. So jump in and hold on. Thank you.

**BILL D'ANTONIO:** Hello, my name is Captain Bill D'Antonio. I own a federal for hire reef fish permit in the South Atlantic zone. I also own a restricted species license. I spearfish commercially and recreational in the South Atlantic zone. My motion to remove to remove the proposal to restriction the use of spearfishing based on zero reliable data, according to available data, the Council should be encouraging spearfishing as the method to take. This proposal goes against the entire Council's process in the Magnuson-Stevens Act. Council can't pick and choose which parts of the Magnuson-Stevens Act they want to abide by. Spearfishing has near zero bycatch and discards and is the most sustainable method to take. Spearfishermen have very limited bottom time as opposed to other methods that think they can just sit on a spot all night, bad visibility; it doesn't matter. Spearfishermen targeting grouper have zero red snapper bycatch. One could argue that limiting spearfishing would increase red snapper discard. There are also far less fish loss due to sharks while spearfishing. One could also argue hook-and-line loses breeder gag grouper 10 to 1 over spearfishing. Sharks are weary of divers and are trained to follow hook-and-line boats. Spearfishermen represent a small fraction of the amount of harvesters especially diving deep enough that can target the brood stock which takes many years to master to diver over 130 feet, and it's very risky. Not many people want to take that risk. The only study that I've seen done spearfishing gag grouper showed that most the fish

harvested were under 36 inches. Finally, if you want to truly fix the fishery, take the shark predation issues, open a red snapper, law enforcement should be increased

as approaches in the legal harvesting is the major issue in all waters. Thank you.

**LISA ROLLINS:** Thank you to everyone present for opening this for comments. I appreciate being given the opportunity to speak. I'm commenting this evening because I have serious concerns regarding Snapper Grouper Amendment 53. I'm a conservationist, an ocean lover, small business owner, tax paying, law-abiding Floridian. I believe it's crucial that we protect the snapper grouper fishery for future generations, but it's also important to find a balance in these protection efforts along with the ability to enjoy this natural resource in the present day. As part of the objectives of Amendment 53, it has been discussed that specific protection of large breeding gags is an important aspect with which I completely agree. It's widely accepted science that gag grouper are born female and transition to male as they grow larger. As such, implanting slot limit regulations would achieve the goal of helping to protect the deepwater, male-breeding gag. However, any plan to restrict, remove or limit spearfishing as an acceptable method of harvest is severely flawed. I fail to comprehend the logic of removing spearfishing as an acceptable method of harvest given the fact that other types of fishing gear such as fishing lines and nets wreak havoc on our local environment and marine life. Harvest by spearing gear is the least harmful and most environmentally friendly method of catching fish and is also a natural safeguard to essential fish habitats and marine environment. With spearfishing, there are no hooks, no mono, virtually no bycatch, no dead sea turtles, no dead birds, and no marine mammal interaction. This is not the case with hooks, lines and nets, and as a side, I also feel that all nets and longlines should be outlawed and completely banned because of their arbitrary and complete devastation and destruction to marine habitat. Obviously in-shore shrimping with a dip net should be an exception. With regard to the gag grouper slot limit proposal, please understand that experienced, law-abiding commercial fishermen have the skill and experience to be extremely selective while working under water. Estimating and evaluating the sizes of fish under water prior to harvesting them is exactly what they are trained to do. Approximating the slot size, the 40 plus inch fish would be no different than gaging the size of a minimum slot sized fish. In the spearing community, there is a rule of thumb that if the fish appear borderline on the legal size, you refrain from harvesting it, period. Obviously this guideline would apply to a slot limitation of the maximum or minimum size. Due to my extensive underwater experience and local knowledge, I know it is extremely rare to see a gag grouper over 40 inches in the diveable depth of the Florida Atlantic waters. So, as you can see, compliance with suggested slot limits would not be an issue for commercial spearing. Rather, a bigger and more concerning issue for all commercial fishermen but more specifically hook-and-line fishermen, are the rapidly increasing hungry shark population that decimate many attempted fish landings. As an aside, all divers must abide by a time and depth life safety limitation that further limits their interaction and contact with deepwater gag. It is thought that most male gags live deeper

than depths divers typically descend to. Typical gag spawning takes place in 225 to 450 feet of salt water, with 250 being the most common. Further, it is estimated by some experienced commercial captains that at least 95% of speared sellable gag are female. Restricting the use of spear guns for gag grouper would also cause a detrimental economic impact to local, commercial spearfishermen as well as significantly reduce the amount of our local grouper available to our fish markets, restaurants and the thousands of tourists that visit our community. As I stated earlier, I support a slot limit implementation in order to help protect the gag population, but vehemently disagree with any attempt to remove, restrict or limit commercial spearfishermen from continuing to harvest gags or snapper because it is the most ecologically sound and environmentally, friendly method of fishing available to date. Thank you for allowing me to comment.

**NICOLE BURKO:** My name is Nicole Burko, and I live in Rockledge, Florida and have lived in Florida most of my life. I was a member of the USA Women's Spearfishing Team in 2021 and have spearfished here for the last 15 year recreationally and sometimes commercially. I care about keeping our fishery healthy. That said, spearfishing is one of the most selective and sustainable ways to harvest fish. There is no bycatch and spearfishing accounts for only 4% of all fish harvested in Florida. I am not in support of restricting or moving spear gear. I feel earlier arguments against spearfishing were not based on scientific data but in a bias against spearfishing. The large gag are deeper than a diver can go. I support reduced trip limits and the fishing seasons that align with similar species. I am not in support of a slot limit or maximum size for gags. If gag populations continue to decline despite these efforts, I would support a temporary closure until our gag populations are healthy. Thank you for your time.

**JEFF MARISHO:** I'm written comment #247 just in case you want to go back and look at that. I'm the owner/operator of Selena Grace (?) which is a 100% full-time commercial spearfishing vessel. We do not catch b-liners, we do not do any other fishing except spearfishing. Our range is Jacksonville to Morehead City. I'm in Georgetown, South Carolina, but I fish all that water and whenever I'm home and there's little day windows; I jump on day boats in Florida all the time which is where I live. So, I'm all up and down the South Atlantic all the time. I see a lot of stuff. With that in mind, gag groupers are a huge part of our income obviously. That's what we do. Trophy hunting is not the commercial way. You just cannot make a living trophy hunting; it's a poundage trip limit right so, every fish counts. You can't chase a big fish; we see plenty of them, but we don't chase after them. We just have to choose what's in front of us. If there was a head count fishery like the recreational sector is, perhaps you would trophy hunt a little bit more, but that is just not what commercial is about so that's an absolute crazy statement. There is zero accountability for the recreational sector, and I think there really needs to be. I feel like if we get a decrease of 50%, somehow they need to get a decrease as a vessel limit or something else. I mean, until there is some kind of accountability, that's how I feel. It's not one smoking gun as has been mentioned before. It's technology, it's pollution, it's loss of habitat, it's humans in general; it's predators. Every commercial guy I've heard talk pretty

much is in unison here that gags need help, and I'm no different. I feel the same way. That is why I moved my operation out of Florida years ago into the Carolinas. I have a big boat; built a big boat just for this; traveling where the fish are and it's, unfortunately, not in Florida anymore for me. I encourage you to listen to the guys with the landings as we are invested; we want the fishery to last. We averaged around 700 pounds of gag per trip this year. These are five-day trips, week-long trips, and based on what we see, there's no need for a full closure. A trip limit under 500 would pretty much be devastating to us. Day boats are completely a different thing; I'm sure we'll touch on that later. Scamps are in a lot of trouble, in my opinion, more trouble than gags. But still, zero trip on scamps is wide open. Go out there and get them. And, of course, I've got to mention the sharks; they're horrible. Sand bars, silkies; plenty of makos(?) and lots of great whites this year and the last few years and, of course, I've got to mention the docile sand tigers I haven't heard anybody mention. I actually have one of my mates; he's been bit twice now in two years. He's got sand tiger teeth lodged in his spear gun. He's got a fin that's been bit in half. We've had to drive off a fish many times because of sand tigers. They're anything but docile. I want to be involved in this amendment until the end, and I hope I can help on some level and we can move with a good outcome. Thank you.

**STEVE TREXLER:** Good evening. My name is Steve Trexler. I'm a retired US Fish and Wildlife biologist that worked on Everglades restoration, climate change, and conservation planning for the State of Florida. I fish and dive now about 50 days a year, mostly out of Sebastian/Fort Pierce. To start with, I believe we all want our fishery stocks to be sustainable. The data shows overfishing has been occurring since the 80s. Much of this is probably tied to the large population increase of people in the Southeastern US Florida population in 1980 was 9.7 million; now it's 22 million. I'm sure NOAA has the information of how many boats that increase is, but it has more than doubled probably. The gag grouper is a poster child for sought after fish that appears to have significantly depleted numbers. I applaud the agencies for looking into the issues that may be causing this depletion. I hope the agency staff, scientists and public fishermen can come to an understanding to increase the gag grouper stocks as well as many of our other fisheries. The proposed Amendment 53 Magnuson (?) actions appear to cover a wide range of actions which would have huge effects on the fisheries; some of them. The other actions appear to target some areas that would have little or no effect on the fishery. It's almost a shotgun approach to management actions. I wanted to have a couple of comments on the webpage, and then I'll get into my recommendations. Some of the issues on the webpage; I'm a big fan of story maps; they're a great way to display information to the public. This one needs some modifications. Story maps should tell a cohesive story as to the grouper stock issue. It could link some complicated modeling information, but what it really does is just provides links to a couple of presentations and then provides recommendations. Fisheries population modeling is complicated, and the story map could be this great way to show the public where these complications arise. I hope that you guys could provide more information in the story map on the modeling assumptions and limitation of the modeling, and the sensitivity of some of the different parameters. It appears in reading a little bit of

SEDAR 71 and the presentations that recruitment and discard mortality may be the most important model parameters affecting the stock. I highly support anything you guys can do increase your getting more information to increase these parameters.

I have just a couple of recommendations I want to make. My colleagues have done a really good job on the spearfishing issue. I'm just going to highlight real quick that I would support removing that recommendation. Spearfishing is the one fishing method that has no bycatch and a tiny amount of mortality on harvested fish. There really wasn't any information tied to and anything I could find on the website as to how many spearfishermen there are, but I bet the amount in tiny compared to the amount of hook-and-line fishermen. So, if nothing else in the future, if you guys could make some of those linkages to what effect spearfishermen have, that would be great. I support the recommendation to adjust catch levels. Acceptable biological catch and annual catch limits, and revise the annual optimum yields based on the best available science. I recommend reviewing the allocations and make modifications. SEDAR 71 states on Page 10 "the gag commercial AM has only been triggered once since it was implemented in 2009 which resulted in a closure of shallow water groupers in 2012. The commercial ACL was also exceeded by 21% in 2011 but did not trigger the AM as the coverage was not realized until after the fishing year ended." If that's true and the catch allocation for the commercial sector and the recreational sector are rarely met, then how can a population be in decline unless the allocations are set too high? I really appreciate these public comment workshops, however, one way to get maybe more ideas or management actions would be to host some facilitated workshops. It would probably get you a better list of actions. Hold a number of facilitated stakeholder-based scenario planning workshops to focus on future gag stock levels, for developing a much larger suite of recommendations for increasing gag population levels. The recommendation on the website appear to be a very small number of possible management actions and, like I said before, some of these will have tiniest effects. I also recommend using an adaptive management approach for each management action that you guys decide on. Make the clear linkage from your evaluation models to the assessment methods that you are using to determine when to make the changes that you make. Some of the best examples I know of adaptive management currently being utilized is to set wildlife goals during duck hunting. There are a few in the Everglades restoration. Remove the increasing the minimum size recommendations. The discussion of story map in SEDAR 71 spoke on discard mortality and increasing recruitment of gag population. If these are the most important factors to increasing the stocks, then the recommendation should focus on significantly reducing discard mortality and increasing recruitment. We spent the last two years with a number of modifications to the hook-and-line fishery, what type of hooks they can use, having to use descending devices for barotrauma, that kind of thing. So, if you could somewhat in the next workshops provide some information as to the effectiveness of these and if they're not working, why? Those hopefully will help out in the gag fishery too. Increasing the recruitment should focus on making sure the habitats for all life history stages are sufficient or approved and the number of mature females is increased. From the data provided, this could be accomplished to a slot size rather than a minimum

size. I think you say in SEDAR 71, 29% of the females are mature at age 4, they're an average length of 28 and 63% of females are mature at age 5 and an average length of 30.7. This data, I think, definitely lends itself to developing a slot size. You talk about missing some data points on what anglers are catching; one recommendation would be to set up checkpoints at heavily used ramps, like they do on duck and deer hunting to help determine numbers being caught and mortality. This should work well, at least in my area; there's only a couple of ramps that are utilized heavily in the Sebastian/Ft. Pierce area. You could easily set up checkpoints there and get a good idea of what fishermen have caught and what they have discarded. The story map states the current observer coverage for headboats may not be representative of the fleets. I recommend increasing headboat observers. Include some type of monitoring or accountability for each management action taken so we can determine what the positive and negative effects are. You mentioned not allowing spearfishing for gag grouper, but you provide no information on how many spearfishermen there are. Please try and gather that information on what's out there. You also mentioned powerheads, and I think that's somewhat of bang sticks; I think that's an obsolete term, and powerheads are the more acceptable term, there is no bycatch for powerheads. Please do not increase the number of closed months; rather modify the existing months if the data shows the need to make the change. The first story map presentation mentions the AP recommended expanding the spawning season closure, extended through May. It was noted though that not much difference has been observed after the spawning season closure was enacted. So, if you have a management action that really isn't showing much, I don't know why you would extend that action. Provide some modeling or research results to define the impact to other species such as snappers and triggers from the gag grouper closure. I truly do worry about mangrove snappers and triggers getting the brunt of switches from recreational fishermen. I recommend acoustic tagging more gag grouper and increasing the existing hydrofoil rays off the east coast of the United States to better define some of your modeling parameters. There is a lot that has been raised out there. It really lends itself to some good data collection. There's a recommendation to consider modifying the current recreational bag limit of one fish per person per day to include a vessel limit between 1 to 6 fish per vessel per day, whichever is more restrictive. Then please don't separate out any specific stakeholder group such as for-hire vessels from the proposed vessel limits. Rather just implement that as much as you can evenly. I highly support whatever research and funding is needed to better define the SEDAR 71 modeling parameters especially for discard mortality recruitment for developing better management tools. I think increasing stakeholder involvement and helping reduce some uncertainty in the modeling mortality will increase trust between the public and the agency, staff and scientists. I want to thank you for the opportunity to provide public comment.

**JASON WESTMORE:** Hello; thank you everybody. I don't know if that many of you know that I up in the recent years switched most of my operations over to hook-and-line and longlining and really no diving anymore. I own and manage multiple vessels so I have been speaking with my captains and crew. Most of them, for one reason or another, can't attend this webinar; either they're offshore working or the technology or the knowledge is

beyond their abilities. So, after speaking with all the boats and coming to some agreements about all the amendments, I have some of their comments. For Amendment 51, snowy grouper, we do not support reducing the commercial trip limit for snowies. Basically, all of my boats would choose not to participate in a targeted snowy fishery with less than a 200-pound trip limit. Economically, it's just not feasible and there's not other types of fishing they are trying to do at the same time to really justify it. Maybe some of the boats that are using buoy gear to go after tile would still catch some snowies and stuff, but they're not going to go snowy fishing if it's less than 200 pounds. But, they would be open to modifying the seasons, especially to correspond with similar deepwater species. and that requires the shorter seasons to still keep the trip limit at 200 pounds, they would support that. More importantly, all of them mentioned we need to work on stopping poaching and have some form of accountability for the recreational sector when it comes to all forms of deepwater fishing. For most of the region, deepwater grouper and tilefishing has really been out of reach of your average recreational angler. But now with modern advancements, pretty much everybody as the high-end equipment and the technology to go harvest or attempt to harvest these fish. There needs to be a way to significantly limit the season. Have some type of accountability and then just follow up on what the recreational sector does when it's coming to deep water. Once again, minimize those dead discards from the recreational sector.

For Amendment 52, my boats out fishing right now; I didn't go this trip. We support increasing the total allowable catch on golden tilefish for sure. We would like to make sure that any increase of the ACL retains the current allocation among user groups. Once again, I mentioned this the other day, but I do believe that all users of the longline group should get together to discuss this fishery. We need to work on improving the economic value of the fish we harvest, and we also need to work on improving the safety for our fishermen. I believe there needs to be a very limited season and accountability measures for the recreational sector and Amendment 52 as well. You've got to take all those deepwater species into account.

For Amendment 53, we all pretty much even my boats that bandit fish and do all kinds of other fishery, agree with all of these points here. We need to support in creating ways to protect these fish; they're not doing well. We definitely got to protect the spawning aggregations, but we're not in support of creating a slot limit or maximum size for gag groupers. We feel that would lead to too many dead discards. We're not in support of restricting or removing spear gear during the rebuilding plan or at all in the future. We are in support of possibly reducing trip limits and possibly reducing the fishing season as long as the changes to the fishing season align with similar species because everything we do we want to reduce discard mortality and just minimize waste and maximum economic benefits for the commercial sector. I went back and reviewed my personal records from when I was pretty much full-time spearfishing and hook-and-line fishing mostly out of Georgetown and Murrells Inlet. All of the trips, that I unloaded, our fish were pretty much all measured by the biologists; they took ear bone samples every time we landed. I can't remember one time

they didn't show up. The same thing in Mayport; maybe they don't come up every trip, but most of the time we have somebody in Mayport. So, when using spear gear, we typically harvested 12 to 18 pounds gag grouper out of Carolina and when I run bandit trips today or in the past, I'd say we fish a little bit deeper, typically beyond 200 foot; sometimes significantly deeper. Our average gag is well over 20 pounds, sometimes in the 30 pounds. You can go back inshore and fish for them but when we bandit fished, we would typically fish deeper because we're gag fishing as a targeted species at that time. If we're trying to catch them while we are red snapper fishing or beeline fishing, we might be back inshore but gag fishing, we'll go deeper if the current allows. I rig all my boats, no matter the fishery, for maximum efficiency and reduced bycatch. I think any fisherman that's been doing this for a long time and truly understands the patterns and habits of these fish can and will harvest that fish. So, if you invest in the right equipment and you modernize your vessel and you're dedicated to the fishery, you're not going not harvest the fish that's out in that ocean. If that hook-and-line fishermen asked to push out to 500 or do whatever he has to do, he's going to go do it. You're going to see bandit boats that have been bandit fishing for years fishing with buoy gear now because they figured out how to use buoy gear, and now they're out deeper than they were going with their bandits and that kind of stuff. The problems that we see in the gag fishery we think the Council should address, the biggest one, is depredation across all fisheries and then habitat loss and competition due to lionfish and red snapper we think are huge. What we're significantly concerned with, as fishermen that rely on this for our income, is the low recruitment numbers and the poor survival of early juvenile gags in our estuaries and in our nearshore habitats. We're mostly concerned about the high discard mortality, and that comes in part due to the low knowledge and a lack of effort from many fishermen. I'll be honest, including some of my own, to properly release bottom fish. I think the recreational sector is even worse. Everybody who you tell to take your descending device in your boat, might pack it in your boat, but I bet less than 5% of the people are using it and, if they are using it, I bet they're using it improperly. The ones that do try to use it, I bet half the fish they send back get eaten by a shark. That's been our experience. We try really hard; and we get very upset if a fish doesn't make it. We do need to manage the gag fishery by protecting the spawning fish and reducing the overall fishing effort. I think everybody agrees with that. It's a tough, tough job for the Council to do. I think it's really important to figure out to effectively reduce the recreational sector's fishing efforts so that when they're fishing, they're not killing species. You've got to shorten the seasons, maybe less overall fish per vessel, close all related species at the same time. I don't know what the right way to do it is, but if they go fishing 12 months a year and for a month here, a month there, they can keep a fish and kill all of the other fish, it just doesn't work. They've got to have directed targeted trips that reduce their overall effort because there are just too many recreational people joining for what our stocks can sustain. You can't take all the commercial fish away and give them to the recreational cuz then how's everybody going to eat? How are people going to go to work? We've been managed in the commercial sector for years; we've done everything we've been told especially like with snowies. My boats could go out there and put 10,000 pounds of snowies on board



right now if you said you'd let me. I know where they're at, and we can go get them, but we're not allowed to. We've got 200 pounds, that's it. So, something's got to be done to monitor and control the recreational sector and minimize poaching and waste. I think we just have to do that to minimize release mortality and bycatch, especially what we saw with red snappers going to happen if we don't take that into account. If we put some bigger closures on gag and don't figure out how to reduce the effort, then we're going to kill so many gags by letting them go that nobody's going to be able to go fishing, and it's not going to work. So, my final point we would we should probably set aside some funds and a lot of Council time to educate fishermen, all fishermen; commercial fishermen, recreational fishermen on how to effectively release fish affected by barotrauma and then ways to minimize depredation. If you're anchored up on a spot, and you're catching fish after fish and the sharks are circling your boat and you drop that same fish back in the water, he's not making it down. Sometimes if you keep a 50-gallon live well on the back of the boat, sometimes you can throw a fish in there for a few minutes; maybe vent him first, move off the spot later and then throw them in the water. They get a better chance of making it. I'm not saying they're going to make it, but a better a chance. If you'll indulge me another minute, I spent many, many years chasing lionfish from the first time they showed up. I remember when there were none. I remember when I saw my first one. I remember when I got stung by my first one. I remember when I got stung by my tenth one. They're going about as strong as they ever were. The people that say they're not seeing as many, those would be in like nearshore areas off the coastal shelf of Florida where you have a really high effort by the FWC to try and manage and control these fish. They've done an amazing job reducing lionfish in those habitats. If you go and look carefully, you're still going to see pretty heavy recruitment; lots of little babies, just microscopic little babies. Then if you take your boat and get up there in near Morehead or Virginia or something like that, there's basketball size lionfish everywhere you want to go. Then if you get out there in deeper water, if you can figure out a way to harvest them, there's as many as you ever want. So, lionfish are a real, real problem. Their something we never talk about but, for years, I would gut anywhere from 1,200 to 2,000 pounds of lionfish per trip. The last couple of years I did it, we didn't gut them anymore. But, when I was gutting them, you would not believe what was inside. Each and every lionfish might have 5-6 beliners, little baby cleaner fish; the stuff that they eat is unbelievable. It's the thing we never talk about that's probably the biggest problem. Myself, for one, I'll never be able to help catch them again. That's how I got bent real bad but there is plenty of guys out there doing it, and they need our support not us fighting against taking away of their livelihood when they're out there catching a 1,000 pounds of lionfish a trip, trying to keep the rest of us from losing our fishery to those invasive species. Thank you everybody for listening to me and thanks for everything you guys do. I know you're in a really tough spot, and I'd love to contribute more.

**ROBERT FLEURY:** First of all, you know, I will try again reiterating the difference between recreational spearfishermen and anyone else, including commercial but also free diving versus scuba. You will never hear a free diver who spearfishes or talk about

anything related to barotrauma. You'll never hear a free diver who spearfishes talk about anything related to 700 pounds of fish, but all that is really kind of unnecessary because I think this whole discussion brings into play the APA, the administrative procedure act. I think this is a really good day for marine biologists because this Council needs to really employ them because otherwise if you make a decision based on spearfishing as just the "spearfishing", there's so many different variables and differences, in that, the method of catching fish. Any regulation you would put on it would be arbitrary and capricious, and I think that is really important for the Council to consider because in our country, any administrative agency that makes a decision not based on solid facts, science, is doing so in an arbitrary and capricious way and that's unconstitutional. So, I just want to really make sure that this Council considers that because that's our standards in America, and it should be. All these comments are so varied. Everybody has a different perspective, and everybody has their own point of view. It just really illustrates how important it is to go to the serious science to really research this, come up with really good information related to the whole comprehensive view of shark predation, barotrauma, catch limits. I mean, I hear someone talk about they have fleets of boats that get 700 pounds of grouper a trip. That's only 11% of the whole fishery, I mean; can you imagine the poundage that just gets wasted to sharks and all this other stuff that really has not been studied. To just say, hey, we have a problem right now, let's deal with it by a limited spearfishing, grouper, or anything else, it's just silly; it makes no sense. This decision cannot be made in an arbitrary and capricious way because that in America is unconstitutional. Thank you.

**DEWEY HEMILRIGHT:** It's been really interesting hearing everybody's comments tonight. I don't know much about gag grouper; I don't know nothing about spearfishing, but it's been very good to hear from folks that have experience on the water. My comments tonight are going to focus on blueline tilefish and finally the actions that the Council is taking that are long overdue. It has economically hurt particularly the commercial fishermen north of Cape Hatteras by their harvest of the recreational industry not being held to their catch of 50%. Also, I believe in and would hope in the future that we would also look at some way from the comments here that there will have to be a counting of the recreational catch. Until that happens, and it's not with MREP, until that happens, we are kind of failing at accounting for the catch, particularly to the deepwater species of the groupers, tile fish and different things like that because when I look at the opportunity here that might have to take place to reduce the snowy grouper bag limit, 200 pounds, I look at the four-month season that's allowed to be caught by the recreational industry and the size fish that are being caught. I believe hopefully the outcome of this amendment, particularly the blueline, will be that there will be a reduced, either bag limit or season, to constrain the catch and harvest of blueline tilefish; constrain that catch to hold them under their ACL and so they don't get a chance to fish the scientific uncertainty placed by the SSC. The next stock assessment is not until 2024 and probably any management decisions out of that will be at the earliest, late 2025 or 2026. Folks, fishermen north of Cape Hatteras, particularly commercials, don't have and have demonstrated with not only research but also with EFPs, that we don't catch the magnitude of other species, particularly blueline tilefish, are

nothing. Also, there is no bycatch. After a season, you don't go to these areas to catch any other species so don't cohabitate or concurrent with snowy grouper. It would be very interesting for the Council or SERO to demonstrate where they think these cocurrent of species are. Just because fishermen go somewhere to catch a snowy grouper and go somewhere to catch a tilefish does not necessarily mean you catch them together. There are some places up and down the coast where you do catch them together, and I know the data shows that. I'm thankful that the Council finally has started since about April 15, 2020, of looking at doing something to make this a fair and equitable fishery. The 50 allocation has been long coming, it's well deserved and hopefully it will get done. Thank you.

**RON SURRENCY:** Thank you all for letting me talk here for a few minutes. I just want to kind of hit on; I don't want to talk about spearfishing. I think everybody who knows me knows it's been my livelihood my whole life; for 40 years. I want to kind of hit on what Dewey was talking about as far accountability measures for people who actually count the fish. I was talking with some friends of mine over the last couple of days and even last week, and they're net fishermen for Spanish mackerel. By North Carolina when we were over a 100% on the allocation and now, we're fishing on a 500- trip limit and if we go over by 1 pound, we get tagged by an FWC Officer down here. He wants to write us a ticket; it depends on how bad the officer that we have and the attitude he has on the day, or whatever, but we're facing a fine of some kind. Especially me as the owner/operator, I have a valuable permit. We are facing a hefty fine being in the commercial industry, but there is no accountability; I mean, what happens to the people if you count the fish and let this happen. I mean, there is nothing happens to them. That's another part of the process. I think there should be some type of accountability; is there a way to count the fish to prevent this from going over especially drastic like that or you know, cutting it short. I was listening to Dewey's comments. I remember talking to a couple of my friends, and it was a hot topic of the day. Also, I was also taking to the owner of my fish house at Safe Harbor Seafood today about Amendment 53 and the gag grouper, and his main comment was he's been there through fishing organizations fighting for fish that we can have, and he's like all they have done is take, take take for 50 plus years that he's been involved. We've never gotten anything back, so he wasn't in support, even though he admits that the grouper population along with everybody else believes, is in trouble. But, he's not in support of doing any kind of reduction on gag grouper; the trip limit or anything else. Then, on the snowies is the same thing. We're not in supporting any reduction on snowy grouper. I think a 200-pound trip limit is barely worth going to fish on that and really, you're out there trying to harvest fish, and you're having to step offshore in that deeper water just to catch those couple boxes to add to the trip to make the trip worthwhile, especially on longlines. That's all. Thank you all for your time and thank you for letting me make my comments.

**CHASE FREEMAN:** I just wanted to comment on what some of the gentlemen said earlier about their reduction in the trip limit. I think one gentleman misunderstood and you explained it is currently 1,000 pounds in reduced to 500 at the 75% catch, but I don't think that is what you are suggesting. Obviously, that's what is in effect today but that's what the

Council is considering is to reducing those trip limits below obviously what they are today. I think that gentleman may have misunderstood what the prerogative was here. Commenting what Jeff mentioned earlier is reduced trip limits are drastically going to affect those that make this their living in multi-day trips. The day boat fishermen are most likely rarely attaining these trip limits and what we're going to force multi-day fishermen to do is bring down the economics of what they are able to do on multi-day trips. As Jeff mentioned, catching 700 pounds in a 3 to 5-day trip is nowhere near the impact someone catching; if we were to reduce that to a 500-pound day trip for a single day boat making multi-trips in that same timeframe, so I would be in favor of keeping the limits to what they are today and protect those who primarily do this for their livelihood. I'm also didn't quite understand from the talks I've heard is really just a vindictive fisherman targeting spearfishermen cuz I don't quite understand what the impact is in harvesting larger specimens through selective spearfishing in that most of those larger specimens are, in fact, male as we all know. And, the breeder males, the science says it doesn't take nearly as many males obviously to breed, and then produce as it does the females so what is exactly the direction behind the motive of targeting this fishery. Can you elaborate any more on why you would come after the most highly effective unbiased fishing method there is? My question really is, is what has the Council set up to this point. What is the science behind it? It's been brought up multiple times. I really haven't seen any factual scientific data on this is what has been brought to the Council up until this point. Is there any or is it just off the wall comments of any angry fisherman taking a stab at the spearfishing community, I guess is what many people. Beating around the bush, in other words, today but not really directly asked. What exactly is the data behind their motive? Okay, that's all I had.

**MARK LABOCCETTA:** Thanks for your time these last few days and reading through all of our comments. I think there are things you have barely seen in spearfishers of all types, commercial, recreational, free divers, spear guns, we're very passionate about what they do. We feel very strongly that we've been wronged with this one with the spearfishing gear so I think we made that clear. I'm not going to make any comments on that. What I want to do is elaborate and make comments on after the third day listening to the comments and meetings. The first day everybody talked about the efficiency of spearfishing gear. Yesterday we talked and we heard from commercials in respect to issues like sharks and lionfish and then finally I had a chance to review this and how they impact the complex. And finally, I had a chance to review this white paper is the document that I haven't seen in all of these years in regard to spearfishing. To the best of my understanding, these commercial landings, at least for what it pertains to my state, North Carolina, there were amounts of 0 to 2.9% of commercial harvest between 2007 to 2017. The average was 1.3% so even that data is really is really skewed and there are a lot more divers that we think of that must be out there if you consider removing spearfishing gear, or there are very few and the impact is minimal. I seem to think the later, it may be increasing but still it didn't increase to 2.4% whereas I think in Florida its two or three times that. So, the impact I think in our waters is fairly low and that can't be argued with according to your Table 1 on that last page. Also having reviewed this white paper I seem to agree with most of the,

particularly, their concerns about how it would affect other species in the complex. The complex is something that I think the Council should make a strong recommendation to use to change the methodology on how you guys are proposing change in this fishery. Again, I think that just addressing gag grouper is not going to fix the problem, like somebody else said. You close gags and the net thing you now, hog fish are going to be depleted in two-three years. Triggers; you closed red snapper for the last 4-10 years actually, and look what happened there. There are red snapper everywhere. You closed pinkies and grey snappers and they're everywhere. So, if you want to go on to reduce or consider a reduction of gags which we all know I think, that's the one thing all these user groups can all agree. The gag stocks beat up. To this point, beside the point, how that happened or why the stock is beat up, but why not increase the red snapper quota; maybe draw the gag, maybe significantly for 50% of the commercial, why not increase? Have red snapper at 100%. I don't know. 500 pounds to make up the difference. How about with spearfishing recreational? I mean. 1 fish. I recommend that we have at least 1 red snapper per person per trip. That would be helping the stock, where I've seen it in the last 10 years diving from South Carolina to North Carolina, down to 110 feet. I see more red grouper, I mean red snapper, than I do gag grouper. I've got a lot of videos; it's impressive. Some big basic math here, I'm not a math genius so I think everyone relate to that. A thousand fish looking at these averages, of these quotas and landings, particularly for the divers that are not accounting for the big fish, 1,000 10-pound fish is 10,000 pounds. That's 10 commercial limits. That's 10 boats, making 10 limits. I'm sure that happens every 7 years. That saying, those 1,000 fish at 10-pounds are each on average, that's 100 divers. That's 100 divers going out there contributing to the economy. 10,000 pound, that's 1,000 divers; 1,000 divers going diving, how many boats is that? 200, 300, 400, 500, how many boats does it take? That's a lot of boats, that's a lot of sales of everything – fuel, equipment, bait, tackle; I'm not just talking about divers; I'm talking about recreational and in our best years, and I speak to spearfishers and recreational free divers and spearfishing every day. The best divers that I know free diving every year have done maybe 10 good trips this year and got their limit. 10 fish. So, I definitely don't think we're part of the problem. I think you need to figure out a way to find some balance with the shark populations to keep those in check that there weren't too many sharks. Like I said yesterday, relative to the food source and fish; There is way it's many lion fish. We need to figure out how to turn that into a viable commercial fishery for commercial fishermen. I think that the way that you are addressing this or considering this by just reduction in gags is not the right method. It needs to be addressed with the whole complex. As soon as you reduce gags, the pressure is going to go to hogfish, it's going to go to amberjacks, it's going to go to the triggers, it's going to the other snappers so why not adopt a cap-and-trade technique, or size where you decrease the red snapper if you're going to reduce the grouper. You base that on the amount of those fish that are out there. The last thing about looking at this white paper is there's an endorsement for commercial spearfishermen for spearfishing. I don't think an endorsement for recreational divers is a problem either on fishing licenses. Depending on any kind of hook-and-line, sorry, hunting that you do you got to a different tag endorsement for

whatever hunting you're doing. If you want to keep track and have the science and the data on recreational spearfishermen/recreational free divers/recreational scuba divers who are spear fishing, why not add that to endorsement to a North Carolina fishing license? Then now you have an idea because right now you're just grasping at straws at how many divers are actually out there who have a North Carolina license. If you have a spearfishing license, that should be free; it shouldn't be an added endorsement because if you want to get the data, that needs to be a free endorsement that just adds onto your recreational fishing license. Within a few years, you would know exactly how many divers are out there. The pressure that we are putting on it, it's not something I worry about because I know the pressure from our side is very low. Contrary to how a couple of commercial divers think, I think it's very low. I think an endorsement would be good. I think within a couple of years, two or three years, people could actually pay to get tags using that same endorsement. Why not fix the problem here. Get tags, endorsement for sharks. Like I said earlier, it's shark week out there. I'm not scared of the sharks, but I should be considering the sharks, the great whites, the duskies and everything that I have seen when I've speared. So, its jawless out there. As this goes on, you can actually help fix the problem; get some tags, shoot some sharks, they could be sold or whatever else or eaten. Just for recreational use. There's a lot we could do; get tags as well for lionfish to help fix that problem since it doesn't seem an issue. So, again my point here all being that I think you need to change the method to really address the entire complex not just one fish in the complex. Thank you.

**DEWEY HEMILRIGHT:** I had one follow up. Given that, and I tried it in the chat, given that everybody is asking about recreational reporting and different things, I believe that the recreational reporting meeting is the last of sometime this month. I was wondering if that open to the public. Folks, if they're interested might want to be in that meeting just to see how it works and what the outcome because clearly there needs to be recreational reporting because given some of the comments tonight, I wonder how many folks really encounter MREP boats. How many divers recreational ever get their catch accounted for or just to the magnitude. I think it would be a good thing if folks had a chance to weigh in on that meeting and just listen to it. Thank you.

**CHRIS BROWNFIELD:** For the interest of this meeting and those watching their watch, I'm your friend but I wanted to make a couple of comments really just surrounding what seems to be maybe illusive in what I've heard so far in the meetings. Who is the average recreational spearfisherman? So, I've been a spearfisherman on scuba for about 19 years and free diving for about 12 years. I live by Wrightsville Beach. I'm exceptionally mindful of limits, of course. About 6 or 7 years ago I won the lionfish division in the Wrightsville Beach Spearfishing Tournament which is obviously a very conscious tournament. I would just like to make a comment about who the average diver is and what they take back in terms of spearfishing. I would consider myself and some of my friends above average, myself maybe a little less. If I had to guess the average diver who goes spearfishing off the North Carolina coast, they might take 1 to 2 fish per day. Per day, per trip average. Not to say there aren't better spearfishermen, but if I had to guess in almost 20 years of diving

with new people and the average person, that's probably a decent average. In that time, just for reference, the largest grouper I've ever taken is a 25-pound grouper, excuse me, red grouper. I have never taken a gag bigger than 22 pounds. I've heard a lot of references to size, capping size limits, slot sizes; I'm not adverse to a slot but I wanted to paint a picture of maybe who the average diver is in the area that's even above average in what their harvest is like. Thank you.

**ALEX WAZLAK** You all are in a very tough predicament trying to solve an interesting dilemma here. Just a few things that I wanted to add was anytime you are going to limit gag grouper, there will be a deficit on the species, and I think you guys need to take a look at what species is going to ticket deficit if gag grouper is completely eliminate because people will want to go out and recreational harvest something; so there will be species that's going to get hit really hard if the gag grouper is completely eliminated. I think the commercial guys should definitely get paid a stipend for taking lionfish. I think they're a huge problem. I've been noticing them the last 10 years. I dive anywhere from Virginia down to Hatteras, and the population of lionfish is starting to get out of control, as well as the shark population. I'm seeing a lot more duskies; I've never seen great whites before, and the last two years great whites have been showing up in many of the wrecks off of Hatteras. I've been diving for 25 years down there, and the shark population that I've noticed, is definitely starting to increase. Why that is, I don't know. That's up for you guys and there is probably a lot of debate up that can be said. One more comment that I just want to add real quick is that the recreational spearfishing take, especially for free divers, is very. Very minimal. A couple fish per person per trip and maybe these guys are getting out once or twice every couple weeks. Very, very minimal take on a lot of these species any time somebody goes out recreational spearfishing. I appreciate you all's time; thank you very much; you all have a good evening.