

Summary of Comments on the Amendment 15B SDEIS

Actions contained within the Draft Environmental Impact Statement (DEIS) for Amendment 15B include: Define allocations for snowy grouper and red porgy; update management reference points for golden tilefish; implement a plan to monitor and assess bycatch; implement measures to minimize the impacts of incidental take on sea turtles and smalltooth sawfish; modify permit renewal and transferability requirements; and modify sales restrictions for snapper grouper species caught under the bag limit. The Notice of Availability (NOA) for the DEIS was published on November 9, 2007, with a comment period ending January 11, 2008.

Following the publication of the DEIS, it came to the attention of Council and NMFS staff that additional data were available that could be used to analyze the effects of the bag limit sales provision. The no action **Alternative 1** for the bag limit sales action would allow the continued sale of snapper grouper species from the South Atlantic EEZ without a Federal snapper grouper permit. The Council's **Preferred Alternative 2** would require a valid Federal commercial permit to sell South Atlantic snapper and groupers; whereas, **Alternative 3** would require a Federal charter/headboat snapper grouper permit to sell bag limit harvested species from the South Atlantic EEZ.

An update of the economic analysis on bag limit sales was conducted during early 2008 and results were made available to the public for comment through a Supplement to the DEIS (SDEIS). The SDEIS published in the Federal Register on April 25, 2008 with a comment period ending June 9, 2008.

Comments

Twenty-three comment letters were submitted on the SDEIS for Amendment 15B.

Four comment letters supported the proposed action which would require a valid Federal commercial permit to sell South Atlantic snapper and groupers. One comment indicated support for the Council's preferred alternative 2, which would require a valid Federal commercial permit to sell South Atlantic snapper and groupers. One individual felt that allowing bag limit sales would serve as an incentive for some individuals to catch more fish than they normally would; therefore, prohibition of bag limit sales could have some conservation benefits. Two individuals felt federally permitted snapper grouper fishermen have much more invested than the others and were concerned that fishermen, whose interests are purely recreational, should not be able to sell fish and have that go against the commercial quota. One commenter felt sales should be restricted to federally permitted snapper grouper fishermen because they have more invested in the fishery in terms of the cost of the permits, requirements to vessels, etc. than those who do not possess snapper grouper permits.

Six of the comment letters neither opposed nor supported the bag limit sales action. Two of these letters focused on actions proposed in Amendment 16, one commenter was concerned his 225 lb limit permit would be retired due to inactivity, a fourth letter made comments about the magnitude of recreational catch, and last letters indicated a lack of objections to the SDEIS.

The remaining comment letters opposed the proposed action for the reasons summarized below:

- Eight comments indicated that prohibiting bag limit sales would likely have a large economic impact on individuals catching the fish as well as connected entities.
- Six of the comments were from individuals who indicated they were commercial fishermen who did not possess a federal snapper grouper permit but still wanted the ability to sell their bag limit through a state license.
- Three comments indicated the proposed action would allow those with federal snapper grouper permits to monopolize the market and fisheries.
- Two comments indicated that action would have little conservation benefits since recreational fishermen would catch the same amount as they did previously but it would not be counted against a quota. Instead, the commercial sector would be able to catch more fish.
- Two comments noted the proposed action was not fair and equitable as it would only benefit commercial fishermen with snapper grouper permits.
- Two comments stated there was a conflict of interest since some Council member voting on the action have federal snapper grouper commercial permits.
- Two comments stated that catch would continue, would have no law enforcement benefit, and would create a black market at the expense of licensed dealers.
- One individual stated the action would put him out of business.
- One individual stated the action would benefit the 1,200 federal snapper grouper permit holders but would have negative economic impacts on 10,000 other commercial fishermen putting many of them out of business;
- One comment stated lawsuits would be expected.
- One fisherman indicated he had a federal mackerel permit but not a federal snapper grouper permit. He felt that fishermen with any federal permits should be allowed to sell their bag limit of snapper grouper species.
- One comment indicated there would be substantial social effects due to the large number of individuals affected and paths of participation.
- Another individual stated that if Amendment 15B is implemented the Council or NMFS should purchase his state issued license and provide him the opportunity to purchase a snapper grouper federal commercial permit at a reasonable price.
- One individual indicated that recreational tracking of data is poor but pretty good for commercial data. Since recreational catch will not decrease, bag limit sale should be allowed so that one can track landings better.
- One comment indicated that the action would have little biological benefit.
- One individual stressed that anyone selling fish was a commercial fishermen since they had a valid commercial license and were selling to a licensed dealer. The bag limit is essentially their trip limit.

Summary from individual comments

1. Branco – opposed
 - Would put him out of business
 - Would have deleterious effect on economy
 - Those with federal permits would monopolize the market
 - Conflict of interest because some Council members have federal snapper grouper permits
2. Captain Ed – Neither
 - Comments labeled for Amendment 15B but pertained to Amendment 16
3. Clark Carlton – opposed
 - Would have deleterious effect on economy
 - Those with federal permits would monopolize the market
 - Would create black markets for selling fish and dealers would suffer
 - Conflict of interest because some Council members have federal snapper grouper permits
4. Clark Carlton – opposed
 - Conflict of interest because some Council members have federal snapper grouper permits
 - There will be lawsuits
 - Rec fishermen will continue catch the same amount of fish that will not be counted towards the quotas and will not achieve conservation goals since commercial fishermen will be allowed to catch more fish.
5. Mark – opposed
 - Recreational fishermen will continue to catch the same amount of fish that will not be counted towards the quota. Instead commercial guys will be allowed to catch more fish than they did previously.
 - Will have big economic impact and effort will decrease anyway due to fuel costs.
6. Dave Everhart – opposed
 - Commercial fishermen with commercial permits for king mackerel dolphin/wahoo but no snapper grouper permit. 20% of income from snapper grouper.
 - Wants to allow those with federal king mackerel permits to sell bag limit of snapper grouper.
7. Robert Harrison – Support
 - Supports preferred alternative 2.
8. John Haslet – Neither
 - Comment directed towards Amendment 16

9. Islamorada Charter – Opposed
 - Eliminating bag limit commercial sales targets the for-hire sector.
 - Would have a 19% decrease in the charter operator’s income and would have large effect on connected entities.
 - Sale of fish is not the exclusive domain of the commercial fishing sector
 - Allocating sales exclusively to the commercial sector would not be fair and equitable.
 - There is no substantive evidence that eliminating bag limit sales would benefit anyone other than the commercial sector.
 - The action would have adverse social effect due to the large number of participants and paths of participation change.

10. Marc Maus – Opposed
 - If Amendment 15B passes he should be offered a fair market value by SAFMC or NMFS for his state license
 - Should be provided opportunity to purchase a snapper grouper permit at a reasonable price

11. Jeff Oden – Neither
 - Comment on fish being caught by recreational sector

12. Jeff Oden – Support
 - Supports prohibition of bag limits sales and ensuring sales of snapper grouper species is restricted to individuals holding a federal snapper grouper permit.
 - Comments on allocation alternatives for snowy grouper and how recreational sector will exceed it.

13. John Preece – Neither
 - Concerned his 225 lb permit will be taken away because he has not fished much.

14. Steve Proctor – Support
 - If recreational fishermen can sell fish they will fish beyond their needs.
 - Ability to sell fish would serve as incentive for dishonest fishermen to keep more than their limit.
 - Allowing bag limit sales puts more pressure on the resource.

15. Tyson Rutledge – Opposed
 - Would have large economic impact.
 - Will allow large commercial operations to have full control of the resource.

16. Eric Swain – Opposed
 - Recreational tracking of data is poor. If allow bag limit sales then get better record of the catch.

- Let the rec sector sell their catch because they are going to catch it anyway and will at least be able to track and account for it.
- Would not be fair and equitable action between snapper grouper federal permitted fishermen and others.

17. Kelly Schoolcraft – Support

- Unacceptable for recreational fishermen to sell fish and have that go against the commercial quota. It is not for offsetting the cost of play.
- Federally permitted snapper grouper fishermen have much more invested than the others.

18. Charles West – Opposed

- Has state license to sell, is a commercial fishermen, and sells his catch to a licensed dealer. Therefore, catch is counted towards commercial catch. Fishes from a headboat.

19. Anthony Taverna – Opposed

- Elimination of bag limit sales will have extreme financial impact on charter boat operators and little positive impact on fish populations.

20. Jim Atack - Opposed

- Would benefit the 1,200 snapper grouper fishermen with Federal permits and put undue hardships on 10,000 other commercial fishermen putting thousands out of business.
- Won't improve law enforcement because will create black market sales.

21. Jim Atack - Opposed

- Not recreationally caught fish since fish are caught by fishermen who have commercial fishing licenses and are sold to dealers with Federal permits. These are fish caught by commercial fishermen who operate with a trip limit quota that is the bag limit.
- Would have large economic impacts on a large number of people.

22. EPA – Neither

23. DOI - Neither