

**Snapper Grouper Regulatory Amendment 29 (Best Fishing Practices and Powerheads)
Scoping Comment Summary**
(Comments received through August 17, 2018)

This summary includes comments submitted online and comments received during the two scoping webinars held on August 7th and 8th. Comments provided during the webinars (n=5) are included in this attachment. Online comments (n=61) are available to view in full at: <https://safmc.wufoo.com/reports/snapper-grouper-regulatory-amendment-29-report/>

Respondent Characteristics:

	Number of Respondents^{1,2}	State	Number of Respondents
Private Recreational	58	North Carolina	7
Commercial	9	South Carolina	8
For-Hire	6	Georgia	4
Wholesale/Dealer/Retail	4	Florida	44
Non-Gov. Organization	6	Other	2
Other	2	Unknown	1

¹Some respondents identify with more than one group.

²Includes online respondents only.

Overall, majority of commenters acknowledged that dead discards were a significant problem for snapper grouper species and supported the Council's efforts to improve the survivorship of released fish.

Major Themes:

1. Twenty-six commenters believe the Council should put together an extensive outreach plan to educate anglers on best fishing practices, especially the use of venting and descending devices.
 - a. One commenter suggested the citizen science program as an avenue for outreach. Another suggested the Council's newsletter.
2. Eighteen commenters believe the Council should discuss how the required use of best fishing practices can be monitored and how a change in regulation would be considered in future stock assessments to improve discard mortality rates.

Other Discussion:

1. Four commenters felt that, while best fishing practices were important, they should not be required. Rewarding those who use best fishing practices would be better than punishing those who are not using them. Alternatively, two commenters felt that enforcement and penalties would be important for regulations that require best fishing practices.
2. Majority of commenters support the use of venting devices and descending devices. Six commenters specifically expressed a preference for descending device due to concerns that venting devices, especially when used incorrectly, cause more harm to the fish.

3. Ten commenters supported allowing the use of powerheads in federal waters off South Carolina citing the gear's high level of selectivity and low discard rate. One commenter did discuss stricter trip limits for divers, another discussed concerns about user conflict.
4. Two commenters expressed support for requiring circle hooks. Two other commenters did not support the use of circle hooks because they do not work for all species.
5. One commenter discussed the need to focus on management measures that would decrease the likelihood of regulatory discards in addition to best fishing practices considerations.

Form Letter Submitted by Twenty Commenters

“As a recreational angler who cares about conservation, I support increasing awareness and use of tools and techniques that improve the survival of caught-and-released fish. Recreational anglers have been at the forefront of conservation efforts for decades and are continually educating ourselves and evolving our gear and strategies to ensure healthy fisheries for future generations. I encourage the Council to move forward with implementing reasonable, science-based measures related to fishing practices that will help to reduce discard mortality and ultimately lead to great fishing opportunities in the future.”

Unrelated Comments:

1. Additional comments provided were related to the red snapper season, permits for private recreational snapper grouper fishermen (Snapper Grouper Amendment 46), for-hire modifications (Snapper Grouper Amendment 47), and hogfish trip limits.

**SNAPPER GROUPEL REGULATORY AMENDMENT 29 SCOPING
WEBINAR**

AUGUST 7, 2018

MR. MERSHON: I'm Wayne Mershon, I'm president for The Council for Sustainable Fishing, and I thank y'all for hearing our comments. We support the purpose for the Snapper Grouper Amendment 29, the best practices and power heads, particularly the effort to reduce the dead discards occurring as a result of the barotrauma and the by catch situation. And I know y'all didn't really talk much of actions and all that stuff, but my comments are going to follow with them, you know with the amendment. And we support the following action alternatives in the amendment. In Action 1, we believe Alternative 4 would be the best one requiring a venting device or descending device to be on board a vessel possessing species in the snapper grouper fishery management unit. Also, feel having training provided for these tools especially the venting tool device should be necessary so that using the tools don't hurt the fish more while you're trying to save it. I mean because a venting tool is, that's a pretty good trait, jabbing something in the side of the fish and knowing where to do it. And then on Action 2, we believe that Alternative 1, no action, which is requiring the use of a non-stainless still hook, circle hook excuse me, when fishing for and possessing the species in snapper grouper fishery management. With hook and line gear and natural baits north of 28 degrees north latitude. And on Action 3, Alternative 1, no action again, and that's the, to not to prohibit the use of a multiple hook rig or leader for the recreation folks. And on Action 4, I believe Alternative 2, allowing the use of power heads off the coast of South Carolina for the snapper grouper species and exclusive economical zones off of South Carolina, it needs to be, you know that need to be corrected. That was done years ago by, you know, I won't really go into how it happened, but it was just because somebody was pissed off, but the divers was killing amberjack and so, that was many years ago and I believe that could be changed. The council has a lot of problems making rules up for certain states, like making one state do this, and one state do that, but yet this seems to have stuck in, stuck in the gut right there, it's never been changed for the South Carolina people and it's, the diving, I personally don't do it, but I've got a lot of friends who do and it's a great, they're very selective about bring up by catch and they are basically targeting the species that they are allowed to target. And also, with the over regulation of the sharks, it has made the sharks unbearable to where them boys need to carry them just for protection down there. But that's again, that's a bylaw limit and I ask the South Atlantic Fishery Management Council to approve the actions that we have suggested and the alternatives in Amendment 29 and thank you for your consideration and sitting here listening to me.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Kimberly Cole
August 20, 2018

**SNAPPER GROUPEL REGULATORY AMENDMENT 29 SCOPING
WEBINAR**

AUGUST 8, 2018

MR. MOSS: Ok thank you. A couple of comments. Number one: Going back in relation to my question, I do think they defiantly need to consider so kind of, give a little, take a little aspect if you going to make these requirements and there has to be some sort of accounting for that when stock assessments are done and so on and so forth, because I know when this go to, well I guess it's already going out to the public, but when you start hearing more and more public comment, people are going to ask, well if we are required to do this to save more fish, then we should be seeing more fish come back to us, which I certainly agree with. So that was my first comment. My second comment, in regard to the requirement for single hook rigs and at depth and stuff like that, I kind of go two ways with requiring single hook rigs. I don't know that I like requiring a depth, and again this is kind of just speaking from the South Florida bubble because it's very easy for me fishing down here off of Palm Beach or Fort Lauderdale, to start in 300 feet and drift into 90, very quickly. And I know that, that Buddy on the commercial side was talking about the same thing when he was long line fishing, you know with the bottom long lines, he got the same issues, that when you start in one depth, he'd kind of drift into another depth, especially down in this neck of the woods. That can go very quickly and then you can put yourself into some trouble so I definitely wouldn't, I would not like to see anything as far as a depth requirement goes with that. And to be honest with you, with the descending devices or venting tools its, if you're going to require it, you're going to have to require it across the board. Because it's, down here, it's very easy to go from one dept to the other very quickly. And then that rolls right into the descending devices vs. venting tools, and I agree with Jim's comment that wasn't officially a comment yet, that I do think that if we are going to do this I would much rather see descending devices as opposed to venting tools. There's just too many issues with venting tools of people not doing it properly and I think it going to kind of, in the long run do more harm than good. So, I do think that descending devices are probably the way to go moving forward. And then the last thing I wanted to comment on was just, I think that and I'm probably going to get a little flack for this, that I might not be a bad idea to require some sort of best management practices quiz, course, something when getting a fishing licenses. I know that they require like a hunter's safety course every time you have to get a hunting license, especially with all the regulations that are out there currently and with making certain things like this out to the general public, you know if this does come to (not audible on the record) it's probably not a bad idea to start developing something like that because outreach from the Council, and I know that you guys work very hard but, just as an example, I was talking to a couple charter captains about going out for red snapper season this weekend, and there were quite a few that still didn't even realize red snapper were open. Which blows my mind, but for charter captains, I know that that means we still have kind of an outreach problem, and I know that it is through no fault to you guys because you guy work very hard on this stuff, I think it speaks to the need for something like that. that was all I got, thank you very much guys.

MR. FIGUEREDO: Yes, Xavier Figueredo, I fish in the Florida Keys in Florida, and I just think it's important for the Council to develop a science plan to research and monitor the use of descending devices to incorporate the effectiveness of these devices in future fish stock assessments. Thank you.

MR. ATACK Hello, this is Jim Atack. I have a couple comments. One is I think we should be careful about what laws we write, they need to be enforceable and they should be enforced. If making things mandatory and there is no enforcing it, and it's not enforced, then really, the rule doesn't really benefit the fishery. If we want to go to single hooks, I mean, that's going to be a regulation, that's going to be very hard to enforce, and wouldn't be regulated. I think that descending devices are a great idea and I completely encourage that, but venting devices, I don't think we should be encouraging those, because I think you're going to have more discard mortality than you would with descending devices and then you get into stock assessments. What percentage of fisherman were doing this and what parentage were doing that, therefor what kind of benefit do we get from the descending devices to reduce the mortality. So I think we should try to keep it simple, but then also go with the best practices. The other thing is that on the power heads, I believe part of the reason, the big anti power head years ago, was what these commercial fishermen will do is say they will get on a wreck site or somewhere and they'll have two guys spear fishing and one guy'll have one amberjack on a line and they start power heading amberjack after amberjack after amberjack and next thing you know, you go out the wreck and there are no amberjacks left on the wreck. You know, so I believe that was part of the reason with the big power head years ago, so these bodies commercial spear fisherman do not use powerheads and maybe it should really be regulated to where power heads are illegal in all four states vs. making it legal in all four states. That's what comes out of it sometimes. And I do think we need to have a good effective plan for outreach and education, if we don't do that then you know all this really won't mount up to much at all, we won't get much benefit from it. Just like the person said a little while ago, some people don't even know we have a red snapper season this weekend. So with the outreach and the education and the communication, it'd really have to be improved, in order for these measure to be effective and be helpful. I think that's it. Thank you.

MR. MORING: This is Jim Moring from Charleston, I just want to also reiterate that the Council should develop fund for fisherman outreach plan to, for the South Atlantic Region to educate commercial and Recreational fishermen on best fishing practices including the use of descending devices and you know I encourage the Council to continue to investigate and implement additional measures to reduce discard mortality and obtain better data. Thank you.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Kimberly Cole
August 20, 2018



August 6, 2018

Charlie Phillips, Chair
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dear Mr. Charlie,

We support the purpose of Snapper-Grouper Amendment 29 (Best Practices and Powerheads), particularly the effort to reduce dead-discards occurring as a result of barotrauma.

We support the following action alternatives in the amendment:

Action 1

Alternative 4. Require a venting device or a descending device be onboard a vessel possessing species in the snapper grouper fishery management unit.

Action 2

Alternative 1 (No Action). Require the use of non-stainless-steel circle hooks when fishing for and/or possessing species in the snapper grouper fishery management unit with hook-and-line gear and natural baits north of 28 degrees north latitude.

Action 3

Alternative 1 (No Action). Do not prohibit the use of multiple hook or multiple leader rigs.

Action 4

Alternative 2. Allow the use of a powerhead to harvest South Atlantic snapper grouper species in the exclusive economic zone off South Carolina.

I ask the South Atlantic Fishery Management Council to approve these action alternatives in Amendment 29. Thank you for your consideration.

Respectfully,

Wayne Mershon
President

OPTIMIZATION AND SUSTAINABILITY
FOR THE RECREATIONAL AND COMMERCIAL FISHING INDUSTRY



August 15, 2018

Mr. Gregg Waugh
Executive Director, South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
Charleston, SC 29405

Re: Scoping for Snapper Grouper Regulatory Amendment 29 (Best Fishing Practices)

Dear South Atlantic Fishery Management Council Members,

On behalf of The Pew Charitable Trusts, please accept these comments during the scoping phase of Regulatory Amendment 29 to the Snapper Grouper Fishery Management Plan. We are encouraged to see the South Atlantic Fishery Management Council (Council) develop management actions to reduce discard mortality, which are needed to ensure that the region's recreational and commercial fisheries are sustainable. Dead discards are wasted fish and a serious problem for fish populations, fishing communities, and the South Atlantic marine ecosystem. We support the direction of this amendment to address the problem and offer the following recommendations:

Recommendation 1: Require the possession of descending devices in commercial and recreational snapper and grouper fisheries.

Recommendation 2: Form a technical working group to develop a plan to quantify changes in overall discard mortality rates that incorporates both the effectiveness of any required descending device and compliance rates by recreational and commercial fishermen.

Recommendation 3: Develop and implement an outreach plan to educate recreational and commercial fishermen on the effectiveness and proper use of descending devices.

Recommendation 4: Continue to pursue other ways to reduce discards, improve discard mortality, and obtain better discard data.

Background

Discard mortality is a significant concern in the South Atlantic region. During capture, fish are often brought to the surface quickly from deep depths resulting in barotrauma, including ruptured swim bladders, bloating and protrusions of stomachs, intestines and eyes.¹ The impacts can be

¹ Drumhiller et al (2014). Venting or Rapid Recompression Increase Survival and Improve Recovery of Red Snapper with Barotrauma. *Marine and Coastal Fisheries*, 6(1): 190-199.

lethal. A recent red snapper stock assessment estimates that 28.5% of recreationally discarded red snapper and 38% of commercially discarded die.² In fact, the high number of discards is driving overfishing of South Atlantic red snapper.² Discard mortality for other species is even worse. For vermilion snapper, 38% of recreationally and 41% commercially discarded fish are estimated to die and deepwater species, such as snowy grouper, are estimated to have 100% discard mortality.³

These numbers are especially concerning when you consider the volume of fish that are being discarded annually. According to the revised Marine Recreational Information Program (MRIP) data for 2012 – 2016 in the South Atlantic, 94% of the total recreational catch of black sea bass, 81% of the total recreational catch of red grouper, 68% of the total recreational catch of gray triggerfish, 59% of the total recreational catch of vermilion snapper, and 57% of the total recreational catch of greater amberjack was discarded.

Recommendation 1: Require possession of descending devices in commercial and recreational snapper and grouper fisheries.

Several research studies have demonstrated the effectiveness of descending devices in improving the survival of released fish.⁴ Laboratory experiments using red snapper indicated that rapidly recompressed fish had 100% survival from 30 meters and 83% survival from 60 meters.⁵ Another study examining Gulf of Mexico red snapper showed that surface released fish (nonvented) were three times more likely to die than rapidly descended fish. Results also showed that mortality varied according to depth and season.⁶ Current research at North Carolina State University indicates that use of a SeaQualizer™ resulted in 60-90% survival rates for snowy grouper, scamp grouper, and speckled hind.⁷ These studies all show promising results and suggest that descending devices are a useful tool for decreasing discard mortality. Unlike other tools, such as venting devices, there is less risk of using them incorrectly and causing unintentional harm to the released fish.⁸ Based on this research, we support an action to require the possession of descending devices in Regulatory Amendment 29, including that they be rigged up and ready for use on snapper grouper trips. Because of the risk associated with misuse of a venting tool, we do not support a requirement to possess or use a venting tool.

² SEDAR (2016). SEDAR 41 – South Atlantic Red Snapper Assessment Report. SEDAR, North Charleston SC. 660 pp. available online at: <http://sedarweb.org/sedar-41>.

³ SEDAR (2014). SEDAR 36 – South Atlantic Snowy Grouper Stock Assessment Report. SEDAR, North Charleston, SC 116 pp. available online at:

⁴ SAFMC (2016). Literature Review of Red Snapper Discard Mortality. Attachment A04b in March 2017 SAFMC Briefing Book. Found online at:
http://safmc.net/download/Briefing%20Book%20March%202017/TAB%2007%20Snapper%20Grouper%20Committee/A04b_LitRev_RedSnapperDiscardMortality.pdf

⁵ Drumhiller et al (2014). Venting or Rapid Recompression Increase Survival and Improve Recovery of Red Snapper with Barotrauma. *Marine and Coastal Fisheries*, 6(1): 190-199.

⁶ Curtis, J.M., M.W. Johnson, S.L. Diamond, and G.W. Stunz. 2015. Quantifying Delayed Mortality from Barotrauma Impairment in Discarded Red Snapper Using Acoustic Telemetry. *Marine and Coastal Fisheries: Dynamics, Management, and Ecosystem Science* 7: 434-449.

⁷ SAFMC (2016). Online briefing book for the December 5-9, 2016 meeting of the SAFMC: Snapper Grouper Committee, Attachment A03.

⁸ Wilde, G.R. (2009). Does venting promote survival of released fish? *American Fisheries Society, Fisheries* 34(1):20-28.

Given the variety of descending devices that exist today, we also encourage the Council to include a definition of a descending device in the amendment. This could be similar to the definition included in the Gulf of Mexico Fishery Management Council's "Policy on the Use of Venting Tools and Descending Devices"⁹:

A descending device is an instrument that will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma, generally 33 feet (twice the atmospheric pressure at the surface) or greater. The device can be a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth. The device should be capable of releasing the fish automatically, releasing the fish by actions of the operator of the device, or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices should be rigged and ready for use while fishing is occurring.

Recommendation 2: Form a technical working group to develop a plan to quantify changes in overall discard mortality rates that incorporates both the effectiveness of any required descending device and compliance rates by recreational and commercial fishermen.

As a complement to Regulatory Amendment 29, the Council should work with stock assessment scientists and other known experts to develop a plan to quantify changes in overall discard mortality rates that incorporates both the effectiveness of any required descending device and compliance rates by recreational and commercial fishermen. Research on compliance rates should also be done concurrently with the development of this amendment to allow for this information to be factored into future discard mortality rates used in stock assessments. The plan should also consider how to best monitor discard mortality and how the use of descending devices could be included in fishery-dependent monitoring programs. More reliable data on discard mortality rates would greatly improve catch accounting and future assessments of snapper and grouper species.

This information is necessary to measurably and effectively reduce mortality associated with discarding snapper and grouper species and incorporate the reduced mortality rates into stock assessments. The research and monitoring plan could be incorporated directly into this amendment or into the Council's research priorities for inclusion in future requests for proposals by NOAA or other funding agencies.

Recommendation 3: Develop and implement an outreach plan to educate recreational and commercial fishermen on the effectiveness and proper use of descending devices.

Successful implementation of this Amendment depends on support from the recreational and commercial sector. We appreciate the South Atlantic Council's outreach efforts to increase understanding of how descending devices can benefit the South Atlantic fishing community and contribute to better managed fisheries in the region. We recommend this outreach be expanded

⁹ GMFMC (2018). Policy on the Use of Venting Tools and Descending Devices. Found online at: <http://gulfcouncil.org/wp-content/uploads/Gulf-Council-Policy-on-the-Use-of-Venting-Tools-and-DescendingDevices.pdf>

and continue throughout the development and implementation phases of this amendment. It should include training anglers on effective use of descending devices and best practices for releasing snapper and grouper under a range of conditions (depth, season, method, etc.).

Recommendation 4: Continue to pursue other ways to reduce discard mortality and obtain better discard data.

Over the past three years the Council has considered a variety of long term management solutions to reduce the number of dead discards and improve discard data. While some of these options, such as a snapper grouper permit, private recreational reporting, depth-based management strategies, and a snapper grouper season, will take more time to fully analyze, we urge the Council to continue to pursue each of these potential solutions and determine whether they would be viable management tools in the South Atlantic. There are several potential strategies that are worth further Council evaluation and analysis. While the best practices included in Regulatory Amendment 29 are a great first step, these practices alone are unlikely to solve the discard problem. We urge managers to continue to explore long-term solutions and potential actions in Snapper Grouper Amendment 46 to reduce discard mortality and improve discard data.

Conclusion

We appreciate the Council's efforts to develop solutions to reduce discard mortality and support Regulatory Amendment 29. We look forward to continuing to work with you on this and other measures to promote healthy South Atlantic fisheries.

Sincerely,



Leda A. Cunningham
Manager, U.S. Oceans, Southeast