

**PUBLIC COMMENT SESSION
WEBINAR
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MS. MUSOLINO: My name is Annabelle Musolino. I'm from North Carolina, but me and my family commercially fish off the Florida Keys. I thoroughly disagree with the mahi-mahi regulations that you guys are talking about and how you're going to try and do ten per person, or thirty to sixty max, because I have friends that go out, a husband and wife, and they will go out, and they will spend three days trying to catch a fish, just a mahi, and the third day they get there, and they can't have more than twenty, or ten apiece. I also would hope, at the next meeting, that you go more into the king mackerel. There is an awful lot of them down in the Keys, and I would hope to see the max per boat limit go up, and that is all. Thank you.

MR. MINOTTI: My name is Robert, or you can call me Bobby, Minotti. I live in Florida, and I fish out of Ponce Inlet recreationally in Atlantic federal waters, and so I have a serious issue going on with the warsaw grouper. Whenever I'm fishing for a snowy, or a yellowedge, or an amberjack, there are a ton of warsaw grouper on these deepwater wrecks in Atlantic federal waters, and, every single time I catch one, man, I've got to float it off.

I don't care what venting method you use, and I don't care what you use. Once you catch a warsaw, the decompression sickness, they're done. They're going to float off, and they're going to be slowly eaten by sharks, and it's a shame to see a 300-pound warsaw grouper float off for no reason, when I could feed an entire neighborhood with it, and there's no shortage of them.

You guys say they're overfished, but how in the world are they overfished when, one, nobody has kept one for ten years, because it's been prohibited, and, two, how many people do you know that catch warsaw? How many people do you know that even know what a warsaw is? You need the right boat, the right equipment, and just a huge amount of time and money goes into being able to catch a warsaw.

When I finally do catch one, even if it's not on purpose, because I'm fishing for snowy or yellowedge or amberjack or queen snapper or various other things, and I can't control what bites my hook, it's a total waste for that thing to float off, and, if I don't float it off, my ass is going to jail, you know, and it's totally -- The thing that really frustrates me is you guys let us keep one in state waters, and it's no deeper than sixty foot in state waters, and I could freakin' make out with a mermaid before I caught a warsaw in state waters, and so that's kind of a slap in the face.

I know you guys think that's funny, that we can keep a warsaw in state waters, but not in federal, but not in a billion years would you ever think of catching a warsaw in state waters. It's messed up, man, and I really hope to see, one day, you guys actually do the case study on it and see how much warsaw grouper real estate there is, and it's just a shame that you guys have just neglected it and assumed that it's not an issue, but it's a huge issue. Wasting 300-pound fish is just not cool, and it's either that or risk going to jail, which is really a shame.

Back in the day, when it was one per person, when me and my pops just figured out how many of them there were, we would take five guys out with us, and seven guys were coming home with a hundred-plus-pound warsaw, and it's incredible how many there are, and they're not overfished. Nobody fishes for them, and I don't even fish for them anymore, but it's inevitable

that I will hook one and catch one when I'm fishing these deep wrecks or rock piles or deep ocean steeples, the few that are left today.

They are loaded, and they are breeding on these wrecks, and they're everywhere, and it's really a shame just to float them off, when I know that, if you let us keep one per vessel per day, that won't do a damn thing to the population off them, and -- Even if you guys opened a permit for purchase, and I would pay money for permit to be able to keep one, because it's just such a waste. That's my frustration, and I really hope you guys open a case study about it. They can keep it in the Gulf federal waters, and so why can't --

MS. RHODES: Robert, I think we lost you there.

MR. BELL: I think we got the gist of what he was getting at though, but he seems to have gone away.

MS. RHODES: I think we lost him, as far as his internet goes, but I can always follow-up with him, if there's something else that he wanted to add. I think it's probably best to go ahead and transition to Kellie now.

MS. RALSTON: Mr. Chair and council members, I'm Kellie Ralston, representing the American Sportfishing Association. I am just kind of thinking back to this meeting last year, when we were all in person in Jekyll Island and how much I miss seeing you guys in person, and I'm really looking forward to being together again soon, and hopefully June, but hopefully definitely by September.

A few things that I wanted to touch on today. First, red snapper, I really appreciated the committee discussion today, and I had a few things to follow-up on. I thought Jessica's comments about the council giving some proactive kind of comments to the SSC in advance of their April meeting to look at short-term management advice, based on abundance and recruitment estimates, which are really high over the last several years for this stock, and I also thought that Art had a great point about kind of what we're seeing as far as natural mortality and the overall biological characteristics of this stock reflected in the abundance and recruitment estimates was relevant.

For June, I'm grateful to Andy for him starting to think about management options that will account for kind of the tremendous growth that we've seen in this stock, but still keep us within our Magnuson guidelines, and to Monica for doing the legal due diligence in advance on options that will put ACLs and allocations in place in the timeliest way.

I think, specific to that issue, our position has typically been to keep ACL and allocation linked together in amendments, when you're looking at the MRIP-FES updates, to avoid de facto allocation shifts that are difficult to revise after the fact. However, in this case, because of the potential increase in ACL and what that would mean for recreational folks in general, I think, depending on what those ACL adjustments might be, it may make sense for the council to move forward with a framework action to adjust the ACL specifically and then concurrently begin work on a plan amendment to assess the allocation shifts, if there are any.

Just as an FYI, the Gulf Council is doing something similar, under similar circumstances, and they also have an interim analysis that they're expecting, with similar timelines, for red snapper, and they have taken just that approach, with a framework and a plan amendment, and they have also held interim council meetings since the onset of COVID to address issues that come up outside of their regularly-scheduled council meetings.

I do think it's important to get the IPT and council groundwork in place in advance of the June meeting, so that decisions can be made quickly. For long-term, I do think we still need to get a real understanding of the effects of the best fishing practices regulations that we have in place, and then, also, better estimates of recreational harvest in this pulse fishery, which brings me to the workgroup from two weeks ago on improving private recreational catch estimates. I thought it was a really great group, and I think you've got a great plan there, and know that we're here to help you in any way that we can there.

For dolphin wahoo, we support the council preferences, in general, with a few caveats. I think that keeping commercial allocations the same in pounds, to avoid impacting that sector, is important, while sending the rest to recreational is a good option, and I think looking at -- Supporting the council's desire to avoid in-season management and closures and use post-season accountability measures with the greatest flexibility, with multiyear triggers preferred, and we also support the council's continued consideration of regional reductions in recreational vessel limits.

A couple other quick things, and I just wanted to say how much we appreciate the ABC Control Rule that you're looking at modifications on to increase your flexibility and management decisions, as well as the leadership that you're showing in developing your allocation tool, and I think that's going to be a really cool thing, and I really appreciate that process to help you make allocation decisions in a guided and consistent way. Thank you very much.

MR. ENGLISH: First of all, I would like to let the council know that I appreciate the hard work of your staff at the last public comment we had, where they accommodated eight or ten of us fishermen that have a hard time on this computer, and they went out of their way, and I just want to commend them for that, and you should, too. They are very helpful.

I guess the first thing that I will speak of is I see you have a proposal for the AP and the ASMFC to work together on Spanish mackerel, and I've been saying this for four or five years, that it won't work without that. It's a state thing, and then, if you don't have the states involved in it, and all get on the same page, we're just defeating our purpose, and rules mean nothing, and so, without that, it won't do any good for trying to work with Spanish mackerel, and so that's a good thing. From what I see of it so far, Option 3 seems to be probably your best idea that I see on paper right now for accommodating that.

The second thing that I wanted to speak about is, when we do these mackerel rules, we have to enforce them. Right now, our mackerel rules, there's no enforcement on them whatsoever, hardly. It's so inconsistent that, after a while, most fishermen look and go, well, the other guy is not being enforced, and he's making five-times what I'm making, and so I have to do what he is doing, and now you end up with a nightmare program, and we're getting close to that state right now, and I think there's some things we can do to get that done. Once again, that will have to be with the states, and I believe there's some things we can do to correct that.

If we're not going to do enforcement, we need to eliminate the rules. Just put a number out there and let it get caught any way it can get caught, and take away the trip limits and this and that, and let's just go back to an unlimited wild fishery, and I don't think any of us really want to do that.

One thing I will say is that, over the last three to five years, the dynamics of the Spanish mackerel fishery have totally changed, and they're on their head. It was there for about fifteen or twenty years, and it was pretty consistent, as to how the mackerel would act and where they would go and where they would end up and how you would catch them, and now everything changed, with the shark population getting out of control and the porpoise population getting out of control and the number of fishermen getting out of control, and the changing fishery and the new fishermen getting involved in the fishery, and so we have a total new dynamic in the Spanish mackerel fishery, and we've got a lot of work to address it and try and get it back on an even keel. That's kind of what we want to do, I think, is get Spanish mackerel back on an even keel, or at least that's what I would like to see. I would like to see it be kind of fair to everybody.

The last thing is, and, of course, this is the thing that I have worked on for the longest time, is I think we need limited entry in the gillnet fishery off the Cape section of southeast Florida. That is the only fishery in Spanish mackerel right now that it's consistent, and it's established. It fits a niche whenever the mackerel come down, and it's that niche between the transition between the Northern Zone and showing up in the state waters of Florida, and we fill that market niche with that gillnet fishery.

Here's the problem with it, is it's only got about twenty guys doing it right now. If you put forth in it, now we're not filling that market niche, and we've killed the market niche, because we're overfilled the market again, and the price has went to nothing. We're catching the fish ahead of time for the freezer market, and you've got a bunch of people out there that don't know what they're doing, and they're creating problems where they can create a big problem with the gillnets. I see I'm out of time, but please consider the limited entry on the mackerel fishery, and, for that, I thank you.

MR. WAMER: I'm Dave Wamer, and I live in South Carolina, but, now that I'm retired, I'm fortunate to be able to spend about six weeks a year in the Keys fishing, and, of course, dolphin is one of our primary targets down there during the summer. As has already been mentioned pretty prominently in these comments, the public comments, one item that a lot of folks would like to be considered is a modification in the size limitation, and also prominently mentioned has been maybe some regulations on the use of non-offset circle hooks in the dolphin fishery.

I think what this says, for Amendment 10, is, for it to be complete, that these two items should be given consideration as actions. If Amendment 10 moves forward without these items being given consideration at this time, it's going to be a while until you come back around and are able to do anything in these areas, if it's appropriate.

In fact, I think size may be a more important conservation measure to be included and discussed than vessel limits even, since more restrictive size limitations could lead to the conservation, which I think we're trying to drive relative to the feedback that's been received from Florida. As has been mentioned, 65 percent of the dolphin caught are in Florida, and that's where the comments are coming from that the stock has been reduced, both in terms of number and in

terms of size, and I have been listening earlier to the discussion that took place, has been taking place, on Action 11.

Again, without saying, it's obviously a contentious issue. When you've got a situation like that, maybe some type of compromise is needed to be able to move forward, and maybe that compromise lies in size restrictions rather than vessel limits. Putting a size limitation in place for North Carolina of twenty inches and increasing the Florida size limit to twenty-two to twenty-four possibly will accomplish as much, or more, than changing vessel limits will, and it will get beyond the contention that's there now in trying to decide what to do on that amendment.

On the issue of non-offset circle hooks, that is, of course, then recognized as a highly effective conservation measure across numerous fisheries, with some rules and regulations in place there, and bailing of dolphin is a scenario where non-offset circle hooks are as much, or more, appropriate, as a conservation measure, than some of those other fisheries. Also, this might be almost a free -- In terms of putting a conservation measure in place, I don't think you will have very much legitimate pushback on this type of a proposal.

The last item I would like to mention is another one that is fairly prominent in the comments, and that's extending the management of dolphin beyond the current U.S. Atlantic coast, and at least extending the Dolphin Wahoo FMP to include the Gulf of Mexico Council, also. As most of you folks know, the framework is already in place there for this kind of work to take place, with some of the workgroups that are in place, and, in particular, the workgroup for Section 102 and those that are working on yellowtail and coastal pelagics, and so I would encourage you to come out of this meeting with some kind of plan to move forward in that area, also. Thank you very much, and that's what I have for today.

MR. REYNOLDS: I am Jon Reynolds, and I'm a full-time charter boat fisherman, a hook-and-line commercial fisherman for dolphin, and I'm President of South Atlantic Fishery Environmentalists. I have dedicated my entire life to taking notes and observing the movements and patterns of fish, and I've been doing this my whole life, and dolphin, primarily more than any, I have paid attention to.

Although, to a lot of people, some of this might be new, and you even hear fishermen just figuring out the way these fish have been moving, and, I mean, me and a few of my friends have been paying attention to this for many, many years, and it's become apparent, without a doubt, that we have a problem with dolphin and this stock, and I really appreciate the council's hard work. I think there's some really good stuff in the amendment, and I'm hearing a lack of responsibility for part of this though from members of the council, in some ways.

We know that something needs to be done, and we also know, for a fact, that the fish that are in Florida -- It's undeniable that those are the same fish that go up the coast now. I mean, we have the tagging data, and we have all of this, and so how could it possibly be that Florida is experiencing shortened seasons, greatly reduced abundance, missing age classes, an absence of regularity of large fish, but there's no problem above us, but they're the same fish that go up there?

It's just not possible. We know about all the new efforts, and we've been in this a long time, and we know the players, and we see it out there. We know guys in all different sectors, and we've

seen the increased effort. What could the CPUE possibly be, and what are the -- What are the dockside surveys, the tournament data, the historical photos, the experienced testimony, and compared to current social media posts and the evidence that we're being shown, and how could we possibly say that we do not already have a problem with dolphin?

I mean, with the growth rates of a fish like this, if there are not large fish everywhere, we already have a problem, and, growing up, any guy could go out there with his son in a boat and just go trolling with a skirted ballyhoo on a b-chain and catch a slammer. I mean, that's the way it was, and, now, you can have an exerted amount of effort from highly-trained professionals and barely catch a large fish or have a just largely-reduced abundance.

As far as wahoo goes, in contrast to that, because of the pelagic food web and the absence of larger dolphin, we're seeing all different spikes and different fishes, which are probably going to cause a bigger problem on all weed lines, and there's no change in any of the migration of any of the other species. Everything else is on time, and we're seeing the sails, and we're seeing bluefins, and we're seeing yellowfins sometimes even, and the swords. You know, everything else, king mackerel and wahoo and everything else, is coming. We've probably even seen a spike in our wahoo stock, just because of the imbalance in the pelagic food web with the absence of large dolphin.

Almaco jack and triggerfish and everything else that's in the weeds, they're all spiking. There is tons of yellow jacks and everything else, which could further escalate the problem, really, because then all those smaller dolphin are spawning and creating less stock, and they're going to have more predators eating their eggs, and so we really urge the council to implement a coastwide size limit of twenty inches, reduce the recreational vessel limit to forty fish, and implement a commercial trip limit of 2,000 pounds and to make this in more than just this region, but the Gulf and as far as we can expand this. Thank you.

MR. HUDSON: Rusty Hudson, Director of Sustainable Fisheries, and a consultant for many, many years, and also a saltwater fisherman, recreational, for-hire, and commercial, throughout my life of sixty-six years, starting at the age of five. Anyway, that being said, we have an April 6 AP meeting for the Cobia Mackerel AP, and, essentially, this former framework amendment, now to become a full amendment, and supposedly the timeline stays pretty much the same, and there's a lot of stuff that needs to be vetted before the AP with regard to this particular six actions.

I would recommend that we look at the thoughts that come from that, but, as I'm looking at some of the confusion and some of the concerns, the ACL chooses, the percentage changes, the MRIP increases, and I'm wondering if any of those years with the MRIP recalibration exceeded the allowable catch in those past years, when, historically, they normally never caught their full quota, here on the Florida east coast in particular.

Back to trying to get the State of Florida's compliance with the three per person on the recreational, versus the two, going to three is a simple move, because the captain and the customers can decide if they just want to keep two, one, or none, and so, that being said, we also have a twenty-four-inch minimum, with a 5 percent allowance just under that, and there seems to be an idea, amongst the commercial, to keep that and not go with anything lower, because some

of the dealers are a little fearful of some of the stuff that occurred in North Carolina with the small king mackerels mixing with the Spanish mackerels and causing some value problems.

The next thing is the Action 6 and the shark depredation. Nearshore, you've got the bulls and the blacktip, and those populations are doing very well. The blacktip stock assessment has just come through, and you can fish it forty years, at millions of pounds above whatever the allocations are, but that's not going to -- It's just not going to happen, because state waters doesn't allow stuff off of Florida, but the bull shark is another problem. Offshore, we have sandbar and dusky, and those stock assessments do not seem to measure up.

Jumping to the next thing, we have SEDAR 78 coming up for Spanish mackerel, and some of that recent issue of going for 4,000, 1,500, and 500 almost all in the same day after the election, was a problem.

Snowy grouper, it seemed like, from what I listened to yesterday, there was a problem. The problem was they don't know where to find the big ones, and those snowy wrecks and stuff that I fished and everything for a lot of years, there is a lot of fine-motor fishing that has to occur in order to catch them there, and that means that a longline will not work, in most cases, for getting those bigger, older animals, the big females in transition into being males, et cetera.

The red snapper issues, I would recommend that the pictures in FISHstory -- You can at least measure the smaller animals and age them all the way up to probably the animals that are six years old or eight years old, but, once they get to that eight to twelve bigger, as far as older, they get bigger, and then you have a thirty or forty-year period where they seem to be the same size.

I won't talk about the red porgy too much out in the Oculina that's been overfished also, but it's a reality out there, and, the mahi, we saw a great presentation about the IUU fleets out there in the international waters causing us lots of problems. I could ramble on more, but my time is up. Thank you very much.

MR. COLBY: Good afternoon. My name is Barrett Colby, and I'm a seafood harvester for the non-fishing public, and I want to thank you for all the work you guys have done, and I have watched these webinars, and it's incredible how much work you guys do.

Rusty touched on some of the stuff that I was going to talk about, but it was this new Amendment 34, where it came out of the framework of Amendment 10, and I just think that the allocation portion of all this -- When you get into allocation, and, as a fisherman, as a commercial fisherman, I represent the non-fishing public, and so does all the other commercial fishermen, and so you will get to a point where you will take it to where we won't be fishing, and you just can't keep taking.

I mean, I know that there is a way you're talking about keeping the fishery the same amount of quota for the commercial fishermen and still giving us less participation by -- I'm not sure how that all works, and I listened to it, but I just think that you shouldn't take that beginning allocation away, and I think it should stay at the 37 percent with the kingfish, and, when you do the ABCs and all that, and if the biomass and all the fish have gotten bigger and bigger, and you reallocate more fish, it needs to be allocated on that same basis and not change it to where we don't give up to 21 percent, and that's what it sounds like. If we don't give it up, then you will

give the recreational those extra fish, and we won't get those extra fish, but, if we give it up, then we'll get the extra fish. I don't know if I've got all that right, but that's what it sounded like to me.

As far as size limit goes, I think we need to still be on a twenty-four-inch size limit, and I don't think we need to be reducing the size limit of the fish. In all the fisheries, the first thing you do to rebuild a stock is implement a size limit. I mean, you did it with the pink porgies, and you did it with the red snapper, and those fish are abundant. I know you don't believe the pink porgy is abundant, but I don't know that you're actually fishing in the right places for them, but, anyway, maybe North Carolina and those guys that fish in the b-liner fleet and the triggerfish -- They're catching less fish, and I'm not sure -- We don't really have a commercial fishery off the Cape Canaveral here, and so it went by, and people just don't do it anymore. The value of the fish and the effort is not worth it, and so maybe it is a bycatch fish.

The other thing is I don't know that -- I may be way ahead of myself on all of this, on the king mackerel and Amendment 34, but I just felt like, since I watched this webinar, I would make those comments, and, of course, we'll all make comments when it comes down to addressing it, but I thought I would try to get ahead of everything here, and I thank you very much, and I know you guys work hard, and the whole dolphin thing is amazing. I don't know how to address that.

I think climate change and what's going on in the ocean has a lot to do with the movement of the fish and where the fish are, I mean the temperatures and all that, and we've talked about this in the king mackerel fishery way back, when we got our allocations and all that. Anyway, I want to thank you again, and I'm done.

MR. BARRY: I have enjoyed today, by the way, and thanks for all the work you all have done. I've been with you all all week, and you all are about to wear me out, and so thanks for all the work you do. I do want to follow the gentleman that was originally from South Carolina that mentioned about the size limit on dolphin.

I know there was some really good discussion before the public hearing started, and you all were really getting down with it, but I feel like that gentleman did, that I really would like to see the council really, really consider a minimum size limit size for the dolphinfish. It just seems to have so many positive reasons to consider that as a management tool, because I know, from some of the other stuff that we've been discussing and listening to, they're pretty complex, and a minimum size is done quite often, and it just seems that it would have a tremendous amount of benefit.

As a recreational fisherman from South Carolina, and sorry that I didn't introduce myself, and I'm recreational from Wilmington to Charleston, and I've been fishing since the late 1970s, and charter boat as well, many years ago, but I have seen a decline in the fishery myself, and, when I read all the public comments, it just seems like the majority of people want more fish and bigger fish, and I hope the council will consider possibly adding a size limit to Amendment 10 for the dolphin. Thank you very much.

(Whereupon, the public comment session was adjourned.)

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