

## Summary of the Public Hearings on Coastal Migratory Pelagic Amendment 29

Tampa, Florida  
November 30, 2016

### Council/Staff

Tom Frazer – Council Member

Doug Gregory – Council Staff

Ryan Rindone – Council Staff

Emily Muehlstein – Council Staff

Bernadine Roy – Council Staff

Jessica Matos – Council Staff

Camilla Shireman – Council Staff

Matt Freeman – Council Staff

3 Members of the public attended.

2 Members of the public spoke.

**Gary Jennings-** American Sportfishing Association (ASA) and Keep Florida Fishing Generally, American Sportfishing Association doesn't oppose conditional transfers among sectors as long as they are fair and equitable over time between sectors. This Amendment must be carefully vetted and well thought out. The commercial and recreational sectors approach fishing very differently. ASA believes the Council may not recognize those differences and has not incorporated them into the Amendment. The commercial sector tries to harvest its entire allocation. This has led to the assumption that Optimum Yield is a requirement to harvest those fish and it should be set as close to Maximum Sustainable Yield. In contrast, the recreational sector fishes by encounter and isn't trying to reach their quota so, the idea of shared allocation may be a one way street from recreational sector to the commercial sector. Additionally, no analysis on the resulting economic or social impact has been conducted in this Amendment to allow for full evaluation of the issue.

The long term effect of the 3 fish bag limit has not been analyzed, so only the most conservative of the options presented in the document should be chosen.

The percentages presented in Action 1, Alternative 2 are arbitrary percentages. ASA would like to see rationale developed for selecting the range of percentage transfers and thresholds and how that relates to the potential of exceeding the total annual catch limit and recreational annual catch limit.

Action 1, Alternative 3 should be presented in much greater detail. It does place a greater burden on the SSC, but also provides an important check on the transfer amounts.

None of the accountability measures in Action 2 are supported. ASA has previously provided the Council language for an alternative that would be supported, but it has not been incorporated into the document. The recreational community should be held harmless for any shared allocation overages unless the sector exceeds its “pre-shared allocation.” Penalizing the recreational fishing sector for exceeding its remaining allocation is no a fair way to approach accountability measures under a shared allocation.

**Richard Sergent**- Commercial fisherman

Uncaught recreational fish should be shifted to the commercial sector.

The trip limit reduction to 500lbs that should occur when 75% of the quota is harvested should happen. This year, it didn't occur in the Florida West Coast Northern Subzone which led the sector to exceed their quota by 156.99%. The trip limit in the southern subzone should not increase. He suggests that an additional zone is created in central Florida because by the time the king fish are in the area the quota is usually harvested from both north and south.

Members of the public that attended but didn't speak:

**Stewart Hehenberger**- Commercial fisherman

**Key West, Florida  
December 1, 2016**

**Council/Staff:**

John Sanchez – Council Member

Ryan Rindone – Council Staff

16 Members of the public attended

9 Members of the public commented

**Brian Bennett** – Commercial Fisherman

Mr. Bennett fishes for king mackerel, and makes fishing trips just for kings. He favors the Council's current preferred alternatives for CMP 29 (Alternative 2, Options 2b and 2e in Action 1; Alternative 3 in Action 2). He usually doesn't get to fish beyond February or March, but maybe he could with a higher quota.

The price right now is about \$2.50 a pound, meaning that Mr. Bennett can clear close to \$3,000 with the 1,250 pound trip limit. A lot of people want higher trip limits, but the price will drop if folks start landing more fish all at once.

**George Niles** – Commercial Fisherman

The king mackerel stock is healthy and rebuilt, and the Magnuson Act says that the fish should be caught. There has been a surplus in the fishery for years, and this is the perfect fishery to try this new allocation sharing idea. Other potential candidates are red grouper in the Gulf, and yellowtail snapper and Mahi in the Atlantic. Mr. Niles favors the Council's current preferred alternatives in Action 1

(Alternative 2, Options 2b and 2e). For Action 2, he thinks if the recreational fishermen exceed their quota, they should be held accountable, just like the gillnetters are in the commercial sector. The net fleet has a payback provision. Mr. Niles thinks the bag limit should be reduced in Action 2, rather than closing the season.

With respect to the trip limit, king mackerel is among the oldest fisheries in the country. It simply costs too much to go fish for kingfish with hook and line right now- fishermen have to go too far to make no money. Most fishermen who want the 1,250 pound trip limit are not full-time commercial fishermen. Mr. Niles is a full-time fisherman, and needs those fish. All of the handline fish go into the same market, and a higher trip limit will help guys to profitably fish for kingfish.

**Billy Carter** – Commercial Fisherman

Mr. Carter says we all need to share the fish. If the recreational guys aren't catching them, then the commercial fishermen should be able to. The Mexicans aren't regulated like Gulf commercial fishermen in the US, and US fishermen compete with Mexican fishermen in the markets to sell kingfish. Mr. Carter fishes for many different species- not just kingfish- to stay profitable. Mr. Carter favors the Council's current preferred alternatives for CMP 29 (Alternative 2, Options 2b and 2e in Action 1; Alternative 3 in Action 2).

**Bill Kelly** – Florida Keys Commercial Fisherman's Association

The big issue here is allocation. There are large inequities in the current allocation for king mackerel. The Councils are directed to manage fisheries at OY, and fishermen are fishing well below that right now. The SSC tells the Council that underfishing can be just as bad as overfishing. Commercial fishermen don't want to see these reducing quotas. Fishermen have essentially been under a 30 year rebuilding plan, and king mackerel are still underused. Management needs to be more flexible, and fishermen are not catching what they should be.

The FKCFCA favors the Council's current preferred alternatives for CMP 29 (Alternative 2, Options 2b and 2e in Action 1; Alternative 3 in Action 2). The FKCFCA truly needs hard allocation changes though, rather than the shifting allocations proposed. The data support changing the allocations- the Council just needs to make the change.

On the trip limit issue, the FKCFCA requested an increase to 2,000 pounds for the handliners. Fuel and time costs make the current trip limit not profitable. Increasing the trip limit won't necessarily affect the price. Both Councils were on board with raising the limit, and at the final hearing, they suddenly changed their mind.

Lastly, the FKCFCA wants to see fishermen with gillnet permits be able to purchase and fish handline permits for king mackerel also. It isn't fair to these multi-fishery participants to prevent them from catching fish.

**Daniel Padron** – Commercial Fisherman

The current king mackerel allocations are from 1993, and are antiquated. The recreational sector is only catching about 40% of their quota, and changes to those allocations should have been looked at long ago. Ten percent is a good start, but commercial fishermen need hard changes to the allocations. More allocation needs to be shifted to the commercial sector. Bear and deer are managed by abundance-king mackerel are very abundant, and many more can be caught than are currently allowed. Mr. Padron favors the Council's current preferred alternatives in Action 1 (Alternative 2, Options 2b and 2e).

**Josh Nicholas** – Commercial Fisherman

Mr. Nicholas favors the Council's current preferred alternatives for Action 1 (Alternative 2, Options 2b and 2e), but is not opposed to sharing more with the commercial sector.

On the trip limit, Mr. Nicholas says maybe only 5% of the fishermen who catch king mackerel only fish for king mackerel. Everyone else fishes for multiple species. Increasing the trip limit to 2,000 pounds wouldn't hurt anyone.

**Billy Niles** – Commercial Fisherman

Mr. Niles has been fishing for 60+ years. The price of fish drops when the fish get to the Keys. Puerto Rico used to buy lots of fish from the Keys. Research the history of king mackerel fishing and one will see that the Keys were where the fishery was focused. Mr. Niles favors the Council's current preferred alternatives for Action 1 (Alternative 2, Options 2b and 2e).

**Bobby Pillar** – Commercial Fisherman

Mr. Pillar would rather see a hard allocation change than any allocation sharing. He likes the idea of allocation sharing, but a hard allocation change helps businessmen know what to expect from fishing. He hasn't landed real numbers of king mackerel in ages because it hasn't been profitable for him to do so. What happens if he doesn't have the landings to keep his permits? What if other fisheries are hurting and he has to go fish for king mackerel longer to make ends meet? Mr. Pillar doesn't want to lose my permit because he hasn't been able to afford to make the trips for king mackerel.

**Robert Palma** – Commercial Fisherman

Mr. Palma favors the Council's current preferred alternatives for Action 1 (Alternative 2, Options 2b and 2e).

**Corpus Christi, Texas**  
**December 5, 2016**

**Council/Staff**

Greg Stunz – Council Member

Emily Muehlstein – Council Staff

Jessica Matos – Council Staff

**Jay Carter** – Recreational Fisherman

He has been to a number of public hearings and continues to get the same gut feeling that what he says tonight means nothing to the Council because the decision has already been made. He doesn't have the technical expertise to back up his feelings on king mackerel, amberjack, and red snapper. He finds it very upsetting that what he says isn't considered.

**Mike Nugent** – Charter/ Port Aransas Boatman Association

He supports Alternative 1 – no action. It's a very bad idea to give liability of sharing allocation to the people sharing while the people you are sharing with inherit none of the liability. This idea and this amendment is not well thought out and it's not going to fly. The commercial fishermen don't see a huge benefit from allocation sharing, so if they want to move forward with this there should be some barter with amberjack. When it comes to allocation discussions on red snapper the lawyers show up.

**Brenda Ballard** – Recreational Angler

Recently, the Council said there was no accurate way to record the amount of recreational fish caught and this caused the red snapper allocation shift. If we can't say that whether we're catching our red snapper, how do we suddenly know if we're catching our king mackerel? Uncaught fish shouldn't be harvested because a healthy population makes for good fishing experiences.

**Maryanne Hyman** – (Charter?)

The Council won't listen to what the fishermen say. Why hasn't the Council worked to give more fishing to the recreational sector earlier if there are so many fish left over? The council is so fast to take away, but so slow to give back. The Council wants to take allocation away from the recreational fishermen and punish them giving away their allocation by shortening the king mackerel fishing year. There is already a short amberjack season and a short red snapper season for the recreational sector. Charter fishermen don't get subsidies. This amendment will lower the commercial price of king mackerel. Give the recreational sector a better chance to catch their fish. Recreational fishermen can decide whether or not they want to keep the increased bag limit of fish. Kingfish is worth much more as a recreationally caught fish. Increase the bag limit and allow the recreational sector to catch their share rather than giving it away. The king fish that are uncaught need to stay recreational fish, there is no reason to give it away.

**Troy Williamson-** Recreational fisherman / Coastal Conservation Association  
Everyone in the room, himself included, think that allocation is a bad idea. He supports Alternative 1. This whole concept points to the Council's lack of understanding in how to manage a recreational fishery in conjunction with the commercial fishery. The idea that the maximum yield needs to be harvested is a commercial concept and doesn't take into account the value of those fish as recreational fish. Recreational fishermen spend their money to travel to fish. They spend their money on the coast and yet we're considering giving this to commercial fishermen who will have to sell it for a cut rate price. There needs to be some type of examination of the economic value of this proposed shift before any action is taken. Allocation sharing is a bad idea and it points to the lack of understanding of the recreational sector as a whole.

**Claude Jennings-** Recreational fisherman  
He supports Alternative 1 – no action. Being a business man, the idea of taking these fish away from a sector that could produce as much economic value and \$10 to \$12 a pound vs. \$.75 a pound makes no sense. Plus, the Council shouldn't take fish away from a large number of individuals and give it to a few. The science by its own admission is faulty so, why are we even here making this consideration? This is something you would laugh about if someone was telling you about it in casual conversation. It makes bad economic sense and you're taking a resource from the majority and giving it to the few.

**Pascagoula, Mississippi  
December 5, 2016**

**Council/Staff:**

Leann Bosarge – Council Member

Ryan Rindone – Council Staff

Camilla Shireman – Council Staff

1 Member of the public attended

1 Member of the public commented

**FJ Eicke** – Private Recreational Fisherman – Coastal Conservation Association  
Mr. Eicke is opposed to any kind of allocation sharing or reallocation at this time. He remembers discussion of possibly shifting red grouper allocation to the recreational sector, and he was opposed to that as well. Allocation has been a popular topic in fisheries management throughout time, and many journalists and organizations have provided input on this topic. He thinks that reallocating in king mackerel may be premature. The proposed allocation sharing method appears to have many moving parts. Mr. Eicke says that greater amberjack is one species which has had allocation shifted from the recreational to the commercial sector, and a few years ago, it resulted in the first early recreational closure. King mackerel are not fished for in the same manner as reef fish, in that the larger animals are the ones kept

while the rest are released. Formal fisheries allocation policies need to be considered prior to any allocation sharing. Mr. Eicke is opposed to both Action 1 and Action 2.

Mr. Eicke noted that the Council is considering CMP 29 based on harvesting king mackerel at optimum yield. He says that leaving additional fish in the water beyond what the stock assessment suggests is acceptable is not necessarily a bad thing. He thinks fisheries managers are dealing with many unknowns with respect to managing king mackerel, and should proceed cautiously. He does not think that the Councils are necessarily managing sector allocations in the most appropriate way.

**Mobile, Alabama  
December 6, 2016**

**Council/Staff:**

Kevin Anson – Council Member

Ryan Rindone – Council Staff

Camilla Shireman – Council Staff

0 Members of the public attended

**Galveston, Texas  
December 6, 2016**

**Council/Staff**

Doug Boyd – Council Member

Emily Muehlstein – Council Staff

Jessica Matos – Council Staff

2 members of the public attended.

2 members of the public spoke.

**Shane Bonnot** – Coastal Conservation Association

Mr. Bonnot is opposed to any shift of allocation from the recreational to the commercial sector. There is limited data regarding targeted trips in Texas so, the resulting economic impacts of those trips are inaccurate. He supports Action 1, Alternative 1 and Action 2, Alternative 3.

**Scott Band** – Coastal Conservation Association

Scott supports the no action alternative for Action 1. He is opposed to any shift from the recreational sector to the commercial sector. For Action 2, he supports the Council's preferred alternative 3. He would like to see more economic analysis on the potential changes in this document before moving forward.

**Panama City, Florida  
December 7, 2016**

**Council/Staff:**

Dr. Pam Dana – Council Member

Ryan Rindone – Council Staff

Camilla Shireman – Council Staff

3 Members of the public attended

2 Members of the public commented

**Walter Akins** – Charter and Commercial Fisherman

Mr. Akins is a historical captain, and thinks that the historical captains should be allocated a specific allotment. Those historical captains were not allowed to get a permit originally, and don't want to pay a lot of money to get a permit now. Those captains should be individually allocated king mackerel to land when they can.

Mr. Akins went fishing recently, and had to fight against the Mahi to catch fish while bottom fishing. He thinks that the snapper limit for charter trips should be allowed to land three fish per person, regardless of size.

**Warner Foster** – Private Recreational Angler

Mr. Foster prefers no action (Alternative 1 in Action 1). He thinks that king mackerel are still rebuilding and need more time. He also thinks that once allocation is taken away from the recreational sector that they will never get it back.

Mr. Foster says that he has never been checked by fisheries law enforcement or biologists to see what he is catching. He thinks there should be some way for him to tell someone what he is catching.

**Houma, Louisiana  
December 7, 2016**

**Council/Staff**

Myron Fischer – Council Member

Emily Muehlstein – Council Staff

Jessica Matos – Council Staff

0 Members of the public attended.

**Webinar  
December 8, 2016**

**Council/Staff**

Emily Muehlstein – Council Staff

Bernie Roy – Council Staff

0 Members of the public attended.

**Summary of Written Comments Received  
November 1, 2016 – January 24, 2017**

**Coastal Migratory Pelagics Amendment 29 – Allocation  
Sharing and Accountability Measures for Gulf Group King  
Mackerel**

**Comments received on Action 1:**

Comments in support of no action:

- In recent years, king mackerel have become less prevalent in the northern Gulf, as a result there have been less tournaments and the recreational sector has been unable to harvest their allocation.
- Recreational seasons are already short enough.
- The population and average size of king mackerel is in decline so, the commercial sector should not harvest the uncaught recreational allocation.
- It's hard to find king mackerel off southern Florida already, allowing the commercial sector to harvest the excess will make it even harder.
- Left over fish should not be harvested so that they can continue to spawn.
- High fuel prices in recent years limited recreational fishermen from harvesting king mackerel to their full potential.
- Allowing the commercial industry to harvest the excess will deplete the stock and lower the overall quota in the long run.
- Allocation sharing sets the Council up for a permanent allocation shift in favor of the commercial sector.
- Consider the leftover fish as added insurance for a healthy fishery future.
- Fish harvested recreationally are more beneficial to the economy.

Comments in support of allocation sharing:

- If a quota isn't met by one of the user-group then it should be transferred to the other group for use as long as the total annual catch limit is not exceeded.
- The recreational sector should not be held accountable for going over the conditional allocation.

### Comments received on Action 2:

- If the conditional recreational annual catch limit is exceeded and the stock annual catch limit is exceeded then post-season adjustments should occur to the commercial sector.

### Other Comments Received

- There is not adequate social and economic analysis to show how a “soft” allocation shift will affect the fishery.
- Commercial permit holders should have to declare which zone they intend to fish in so that fishermen can fish in their local area.
- Recreational anglers should have a mechanism to report their harvest.
- The recreational bag limit for king mackerel should be increased.
- The southern zone commercial hook and line trip limit should be raised to 3000 pounds.
- The southern zone commercial hook and line trip limit is fine as is, if it were raised the quota would be met too quickly.
- The SSC should examine the models that provide for a declining yield stream.