Reef Fish Amendment 50: State Management Program for Recreational Red Snapper

Public Hearings were held in the following locations:

Monday, December 3, 2018
Sanders Beach – Corrine Jones Center
913 South I Street
Pensacola, FL 35202

Tuesday, December 4, 2018
City of Destin Community Center
101 Stahlman Avenue
Destin, FL 32541

Wednesday, December 5, 2018
Renaissance Mobile Riverview Plaza Hotel
64 South Water Street
Mobile, AL 36602

Monday, December 10, 2018
Embassy Suites
4914 Constitution Avenue
Baton Rouge, LA 70808

Tuesday, December 11, 2018
Imperial Palace (IP) Casino and Resort
850 Bayview Avenue
Biloxi, MS 39530

Monday, January 7, 2019
Hyatt Place Fort Myers at the Forum
2600 Champion Ring Road
Ft. Myers, FL 33905

Tuesday, January 8, 2019
Hilton St. Petersburg Carillon Park
950 Lake Carillon Drive
St. Petersburg, FL 33716

Monday, January 14, 2019
Courtyard by Marriott Brownsville
3955 N. Expressway
Brownsville, TX 78520

Tuesday, January 15, 2019
Omni Hotels Corpus Christi
900 North Shoreline Blvd.
Corpus Christi, TX 78401

Wednesday, January 16, 2019
League City Civic Center and Recreation Center
300 West Walker Street
League City, TX 77573

Thursday, January 17, 2019
Via Webinar, 6:00 pm, EST

Summaries of Public Hearings

Pensacola, Florida
December 3, 2018

Council/Staff
Martha Bademan
Susan Boggs
Ava Lasseter
Camilla Shireman

16 members of the public attended.
Chris Phillips – Pensacola. He has always wanted state management and doesn't like what we see now, there are just too many rules. He does not want to give up the sunset under any circumstances and he thinks we have a long way to go.

Randy Sharp – Recreational fisherman. He asks that a slot limit not be used for red snapper, as they are killing a lot of red snapper now when they are not in season, and he doesn't want to kill the big ones. He would like to see NMFS and the states manage the reef, not just the individual fish, because in one month, they are killing triggerfish when trying to keep red snapper, then in the next, they are killing amberjack and it makes no sense at all.

Robert Turpin – Recreational angler. He doesn't see Magnuson as the problem, the problem is how it is implemented. As stakeholders, they are conservation minded, and it goes against their nature to waste the resource. He thinks it would be better to manage the reef fish population and eliminate regulatory discards. We know the mortality rate from barotrauma and we see the discard mortality from apex predators and those problems are only going to get worse. He sees recent management as pitting user groups against each other, and he would rather find ways to work together and make everyone's piece of the pie the largest.

For Action 1.1, he prefers Alternative 4. He feels the states should be the ones to ask for which component they want to manage. He supports Preferred Alternative 6 in Action 2, as he is fighting for the biggest allocation for Florida. For the state amendments, he supports Alternative 2 in Action 1; Alternative 2a in Action 2, and he has no preference for Action 3. He thinks FWC will begin to receive the criticism that NMFS gets now after they take over management. He is concerned that NMFS would shut down red snapper fishing affecting a state that has remaining quota, if it is determined that other states have overharvested their quota.

Destin, Florida
December 4, 2018

Council/Staff
Martha Bademan
Ava Lasseter
Camilla Shireman

26 members of the public attended.

Bruce Varner – He is concerned about the for-hire season starting before the private angling season in Florida, and he wants an equal starting date.

Cliff Cox – Charter operator. He wants to stay under Council management, but wants to find something better than what they have. Right now, the fleet is crunched up in the summer and he wants to be able to catch red snapper at other times throughout the year. He thinks private anglers need something better, too. He looks forward to using electronic logbooks and wants to accurately report landings.

Jeff Shoults – Charter operator. He supports sector separation and would like to see some type of pilot program for private anglers that requires them to report their fish when they come in the pass. The private angling component has no accountability measures, and he wants to see something like what Alabama has. He asks that the for-hire component be left alone; they are doing well. He is fine with the states managing in state waters rather than the federal government.

Tim Adams – Charter operator. He supports sector separation and says it is working well. For him, the biggest issue is accountability. He has friends running different boats and they don't have the togetherness to make management work. He did not think it was fair to not have the same start date for both recreational components in Florida. He supports Preferred Alternative 2, state management for private angling only.

Billy Archer – Dual-permitted charter and commercial. He supports Amendment 50 as long as the for-hire sector is left out of it. He agrees with all the preferred alternatives. He thinks that reporting for private anglers should be required when anglers buy their fishing license. He preferred the for-hire fleet having the jump start on the season before the private angling season began.

Jim Green – President, Destin Charter Boat Association. He supports Amendment 50 without the for-hire component in it. Sector separation has stabilized their fishery. They have been working on a long-term management plan for for-hire operators, and FWC has heard them and agreed to keep them out of state management. They have electronic logbooks coming and federal management is the way they want to go.

Mike Eller – Charter operator. He hears that private anglers want more access, but says they are held back by lack of data. They need management that requires them to report their landings.

He noted that when Florida changed the start date for the private anglers, it was a problem for people in Destin. He asks FWC to let people know at least 6 months in advance if it is going to set a different start date. He supports state management and hopes this is the first step toward improving access. But, he says the state has responsibility not to go over its quota and not to damage the resource.

Kyle Lowe – Charter operator. He supports Amendment 50 for private anglers only and said Amendment 40 has been critical for their industry. He supports whatever helps the private anglers, but asks that the for-hire operators be left out.

Gary Jarvis – Charter operator. Sector separation has delivered on everything they thought it would, including bringing stability to the fleet and being good for private anglers. He supports state management for private anglers, which makes them their own sector and also makes the states accountable. At the same time, he says he does not want federal for-hire vessels included in state management, because their management is working for them and the consumers. He thinks FWC staff is tremendous, but that can always change after another election if they are involved in state management. He says the federal process is arduous and frustrating, but with the diverse amount of different inputs on the Council, you are more assured of a good outcome. Plus, the MSA gives them a right to exist, which is something that FWC and Florida's constitution can't guarantee.

Mobile, Alabama
December 5, 2018

Council/Staff
Kevin Anson
Ava Lasseter
Camilla Shireman

12 members of the public attended.

Blakeley Ellis – Recreational angler. He supports state management and was happy with this past season. He thinks each state did a good job working together and praised his state's officials. He feels his state's managers can more efficiently manage the resource for their anglers. He encourages the state to move forward and make state management permanent.

Gary Bryant – Charter operator, President of Alabama Charter Fishing Association. He supports Amendment 50 for the private anglers. For charter boats, he asks to stay in the federal system and supports the current preferred alternatives. He says this is a good example of the public asking for something better and working to get it, and shows the flexibility provided by the MSA. He encourages the states to make it happen and hopes they can resolve the issues over a small amount of fish.

James Quint – Recreational angler. He thanks the state for the fishing season last year and notes that you have to fight through red snapper to get to other fish. He supports moving forward with state management.

Justin Fadalla – Recreational angler. He first learned about the Council when there was a 3-day federal season, which was too short. He thanks Alabama's resource managers for the many more opportunities with this year's season.

Edwin Lamberth – Recreational angler. He supports Amendment 50, but thinks it should include both the private and for-hire components and that the states should manage everything. He supports whichever alternatives give the states the most control. He says the states can count the fish better. He wants the Council to address red snapper reallocation between the commercial and recreational sectors.

Baton Rouge, Louisiana
December 10, 2018

Council/Staff
Patrick Banks
Jonathan "JD" Dugas
Ava Lasseter
Camilla Shireman

24 members of the public attended.

Gunner Waldmann – President, Louisiana chapter CCA. He supports Amendment 50 and asks that the Louisiana Council members vote on the best measures for Louisiana anglers concerning the red snapper season length, size, or bag limits.

Lucas Bissett – Recreational angler, charter for-hire state. He supports Amendment 50 and the current preferred alternatives for Louisiana's amendment.

Robert Allain III – CCA chapter president. He supports Amendment 50 and all preferreds.

Nick Rauber – He supports Amendment 50. When snapper season is shut down, it creates bad morale for the tournaments if they can't catch those fish. He wants everyone to work as a team, and to have this community or teamwork so all can enjoy. He is concerned about red snapper discard mortality when they are caught in the off-season. He appreciates everyone's efforts that have gone into doing this and doing what's best for Louisiana.

John Lombardo – Speaking on behalf of Congressman Garret Graves. He supports Amendment 50. For years, the federal government has restricted anglers' access to the public resource. However, over the past few years, with the help of the National Marine Fisheries Service, they have made significant steps towards ensuring that recreational fishers have a voice in the process. Our collective work with the states and NMFS has put the state in the driver's seat for managing the fishery and it's critical to continue this dialogue to strike a balance between recreational and commercial sectors.

Jim McDowell – Recreational angler. He supports Amendment 50 and the preferred alternatives. He appreciates the work that's been done on this.

Camp Matens – Former Council member and Gulf States Marine Fisheries Commission member. He thinks they have done a good job moving state management in a direction they can live with. On Action 1.1, he recommends Preferred Alternative 2. He would like the for-hire component to be included, but he thinks we need to move forward with this. For Action 2 for allocation, he supports 19% for Louisiana. For closures in federal waters, Action 3, he would like to see the Gulf be a free zone so it doesn't matter where you fish, but where you land the fish. For the authority structure, he supports delegation, which makes it so you don't have to go back every 2 years. Post-season quota adjustment, he supports that if you get one [payback] you should get the other [carryover]. He would like to see this move forward.

George Huye – Recreational fisherman and CCA volunteer. He thanks LDWF staff for initiating and pushing for state management. He would like to see the charter for-hire combined into state management. He would also like to see the preferred alternatives pass, so that they do not go back to the old way of doing things. He enjoyed this past season and wants LDWF to have as much control as possible.

Tommy Elkins – Chairman, CCA Mississippi. He appreciates the cooperativeness he is seeing across the states. He supports Amendment 50 and the preferred alternatives.

Rudy Valenciano – Recreational fisherman, Ad Hoc Private Angler Red Snapper AP member. He is pleased with the progress they have made, moving from the 3-day season to where they can now fish the whole summer. He supports Amendment 50, but would still like to bring the for-hire sector into state management. He doesn't want to leave any snapper in the water that belong to Louisiana.

Lawrence Marino – Speaking on behalf of Attorney General Jeff Landry. He supports state management and all the preferreds. He would have preferred that state management include the for-hire sector as well as the removal of the sunset on sector separation, but understands that ship has passed.

Joe Macaluso – Recreational angler. He knows that everyone in Louisiana supports state management. Louisiana's anglers are ready for state management. But, he wants the for-hire sector included. He doesn't like that states with the majority of the for-hire operations in the Gulf are dictating that they take Preferred Alternative 2. He says Louisiana needs to go to Alternative 3, because Louisiana can better manage a larger quota that includes both private angling and federal for-hire. He supports delegation to give their state maximum authority over a resource that is not overfished nor undergoing overfishing, adding that mangrove snapper and cobia have now come under fire. LA Creel demonstrates the willingness of Louisiana fishermen to support state management including the for-hire sector, and the state has demonstrated an ability beyond the other states to better manage red snapper, an abundant resource in the western Gulf.

Richard Fischer – Communications manager, Louisiana Charter Fishermen's Association. He is here on behalf of federal permit holders in Louisiana who are in favor of being a part of state management. The majority of federal permitholders in the state are in support of being managed by the state rather than the feds. He said that although there is a separate for-hire quota, there have been underages in all the recent years, and the for-hire operators are only landing 50% of their historical average. That's 50% of the for-hire quota that's not going to Louisiana anglers, and is going to Florida and Alabama. They want to stop the ACL migration and let their guys be able to fish those percentages. If they get a fair percentage, the season might last up to 10 months depending on how long it takes them to go out and catch the fish. He says it's important that Louisiana anglers catch those fish, as it's Louisiana anglers that pay taxes in Louisiana and go out to restaurants and go out to bait shops, etc., and that's what they want to fix with state management.

He thinks the logistical concerns with having the for-hire sector in state management can be easily addressed. HE says they have established that their for-hire operators can't reach half their quota, so clearly the season would be longer than the 50 or so days that the federal season is going to be. He says the seasons could be open on concurrent days. He also noted the for-hire endorsement could identify the state in which a for-hire vessel will land. Louisiana's for-hire industry wants to be in state management and they would like the preferred alternative to change back to Alternative 4. Alternative 3 would be fine, but they don't want to tell other states what to do.

Randy Pausina – He does not wish to speak, but supports Amendment 50.

Robert Barham – He does not wish to speak, but supports Amendment 50.

Biloxi, Mississippi
December 11, 2018

Council/Staff
Paul Mickle
Dale Diaz
Joe Spraggins
Ava Lasseter
Camilla Shireman

14 members of the public attended.

F.J. Eicke – CCA Mississippi. He also provided a comment letter from CCA. Speaking for CCA, he said that state management has really worked in Mississippi and congratulates the state for the work that has been done including Tails n' Scales. He feels that the charter for-hire sector should be under state management and opposes the proposed quota system for the charter fleet. He prefers Alternative 3 in Action 1.1, which includes the for-hire component. He added that everyone knows that red snapper has become the species of major concern in the Gulf, and he hopes that the Great Red Snapper Count will give some great information.

Ralph Humphrey – Recreational angler. He noted that everyone seems happy with state management and is grateful for the efforts by the state of Mississippi for laying the foundation for taking over a marine resource that the state should have been managing all along. He concurs with all the preferred alternatives.

Johnny Marquez – Recreational angler, Mississippi Wildlife Federation Member. He is happy to see red snapper management move to the states. He believes MDMR has done a great job in showing that they can manage the fishing season and monitor the catch. He would like to see a different alternative for the charter for-hire sector and prefers Alternative 4. He does not want a conflict between the private and for-hire sectors, but thinks the state can provide flexibility to both and he wants to see them managed together. He expressed concern that Mississippi's for-hire fleet could drop out of the snapper fishery because the number of fish that could be caught went down, and there may be a de facto transfer of allocation to other states. He likes the alternative that uses Mississippi's 10 best years for allocation. He said it is harder for their captains to get to the resource, whereas other states' fleets are closer and don't have to go as far out. He also prefers delegation to conservation equivalency, as it is more permanent and direct.

Clarence Seymour – Charter operator, Reef Fish AP member. He thanks the MDMR team for developing Tails n' Scales and for working with law enforcement. He prefers Preferred Alternative 2 in Action 1.1, and Preferred Alternative 6 in Action 2. He does not think the for-hire fleet is ready to be in state management. He understands why some people might prefer for the for-hire sector to be in it, but he thinks they could possibly fish year-round if they were allocated the right amount of fish. He noted that the previous year's season let recreational anglers get on the water 7-8 days before the for-hire fleet was allowed out. He stated the fishery needed stability of set opening dates and that his year, he had trips booked in advance. He stated

that a split season that includes October 1 -31 would only give him 2 red snapper fishing trips because of a decline in tourism due to football season, adding that "when the tailgates drop, fishing stops." He noted that Amendment 40 kept the June 1 season opening date that is popular because of school being out and people being on vacation. Many years ago there was a free for all fishery and nobody ever thought fishing would be reduced to 3 days. He added that Amendment 40 helped solve that problem, but that Amendment 39 was not what the states needed – Amendment 50 is what the states need and is the best thing that has ever happened to the private angling sector.

He said at a previous meeting he was asked about historical captain permits and that he wanted to take tonight's opportunity to state for the public record that he retracts what he previously said during public comment about supporting the conversion of historical captain permits. He originally said he was for it, but after consideration is now against it.

Steve Tomeny – Charter operator. He is very impressed with Tails n' Scales and thinks all five Gulf states should use it or some like it that uses hail-outs. He supports state management for private anglers, but does not want the charter for-hire sector included. He thinks including the for-hire sector would negate what they gained in Amendment 40. He added that putting charter-for-hire in Amendment 50 would make it very difficult to ensure that the for-hire component receives the 42% allocation of the recreational fish.

Fort Myers, Florida
January 7, 2019

Council/Staff
Martha Guyas
Carrie Simmons
Emily Muehlstein

4 members of the public attended.

Craig Blewett – Private angler. He believes that state management makes sense. Allowing the states more flexibility is a good idea and he supports the amendment.

He also mentioned that the goliath grouper stock has rebounded so much that they're a nuisance. They may be harming other species and he would like the Council and FWC to consider allowing limited harvest.

Duncan Russell – Private angler. He expressed concern about allowing other anglers to fish in federal waters off a state that is closed. He supports allowing the states to request closure of federal waters and believes that it shouldn't present an enforcement issue. There should be a way to enforce area closures since most everyone has a GPS unit onboard. If Florida wants to close its red snapper management zone, people from other states would be able to tell if they were in open or closed waters. GPS recordings could also be taken to show where anglers have been and where you're fishing.

He also asked that the Council and FWC consider a tag-based harvest for goliath grouper. He would like it to cost enough money (several hundred dollars) to prohibit everyone from getting one, but feels that one tag per angler should be allowed. He reiterated that goliath are a pest.

Saint Petersburg, Florida
January 8, 2019

Council/Staff
Martha Guyas
Carrie Simmons
Emily Muehlstein

19 members of the public attended.

Stephen Furman – Private angler, CCA. He thanks FWC for working to get more days for recreational fishermen and believes that the state is better equipped to manage red snapper. He doesn't think the federal government should manage reef fish at all. Instead, they should focus on highly migratory species and pelagics.

Dylan Hubbard – Federally permitted for-hire owner/operator. He is glad that the Council continues to work toward state management. As a for-hire operator, he thinks it's good to see progress in management for the private anglers. He thanked FWC for getting the most allocation for its anglers. He encourages the Council to take final action so state management can be in place when the EFPs expire in 2020.

He expressed support for Action 1, Alternative 2, adding that the federally permitted for-hire fleet should not be included in state management. Federal permits are a big investment; his business has spent over $300,000 on permits, and he doesn't want those permits to lose value under state management. The federally permitted for-hire vessels are going to have mandatory electronic reporting requirements and become accountable for everything they catch. He wants to remain under federal management and under the federal quota.

In Action 2, he supports Alternative 6 and believes that the allocations used in the EFPs should be adopted because they've already been agreed upon. He also expressed concern about using boundary lines to divide the Gulf of Mexico. He believes it would overcomplicate management and encourages the states to work together to avoid this at all costs.

John Shipman – Private angler. He has been fishing in the Gulf as a private angler for a long time and respects the for-hire industry and its wishes. He recognizes that the fishery is a finite resources and encourages the Council to listen to what the captains are asking for.

Dion Philipon – Private angler. He has fished across the Gulf and has noticed progress and better management of the fisheries lately. He supports state management. The last few years have been tough with short seasons. He is very happy to see more days from the EFPs and hopefully, through state management. He believes that each component of the recreational sector should be allowed to select whether or not they want to be managed by the states or remain under federal management.

Eric Mahoney – Federally permitted for-hire owner/operator. He supports Action 1, Alternative 2 and is happy that the Council is finally moving forward with doing something for the private

recreational anglers. The entire for-hire industry doesn't want to be a part of state management. State management is something that private recreational anglers need. All sectors support Alternative 2 and the for-hire captains are willing to help and support the private anglers in state management.

Fish have to be counted in the private angling component of the recreational sector. There must be a way through tags or stamps to get more accountability. It's important to find out what's being caught by the private anglers and he feels that is the only way they can get more fish.

Mike Colby – President Clearwater Marine Association, Gulf Seafood Institute, federally permitted for-hire owner/operator. Noting that state management has built-in challenges, he echoes the sentiment of federally permitted captains who support Action 1, Alternative 2. He does not want to include the federal for-hire component in state management. He wants red snapper to remain under the Magnuson-Stevens Act and he believes that moving forward with Amendment 50 will keep it there.

When electronic log books are added to the charter sector, it will add great accountability. He already reports on a voluntary basis. State management is a great step forward for the private anglers who have long been asking for more reliable management. He does anticipate some challenges from the multiple quota monitoring programs that will be used by the states under state management. He knows it will take lots of hard work and oversight from the states to pull this amendment off.

Lima Julio – Federal for-hire. He recently bought a federal for-hire permit. He sees that people around the room want to report. However, Pinellas County is one of the most populated counties in Florida and there are only 20 anglers in the room. With that said, it's not realistic to think that fishermen want to report. Also, expecting private anglers to report would require a huge budget and workload that would make it nearly impossible. Real people have to input the reported catches and take the data and figure things out. The for-hire captains have invested money and are more likely to report because it supports their business. However, it's not realistic to require private anglers to report.

Roger Makowski – Private angler. He has been recreational fishing for 30 years and this is the best red snapper fishery he has ever seen 50-80 miles offshore and red snapper are taking over his grouper spots. Last week he released 23 red snapper between 8 and 15 lbs; all of them were vented, and three didn't live. The population is expanding and overtaking other species. He can't catch red grouper or gag because of the red snapper. He mentioned that what he's reporting is a common perception among his peers who are all seeing the same problem. He believes that regulations should be loosened to allow more harvest, and suggests a weekends season, or a 1 fish at 20 inches per person to get them off some of the reefs. He supports Action 1, Alternative 2. He also encourages harvest reporting programs because they would allow for more fishing.

Brad Gorst – Federally permitted for-hire owner/operator. He says he is a bit cynical about state management. Back when there was a 3-day federal season, it was because of the states. The states opened state water seasons and forced the federal season to be shorter. He doesn't

want to be a part of that. He thinks state management is a good solution for private anglers, but not for-hire vessels. He supports Action 1, Alternative 2.

Brownsville, TX
January 14, 2019

Council/Staff
Lance Robinson
Ava Lasseter
Jessica Matos

2 members of the public attended.

Michael Walker – Charter operator. For allocation, he objects to Preferred Alternative 6, which would give Florida 45.78% and Alabama 25.34% of the private angling ACL, but Texas, with far more habitat and area than Alabama would only get 6%. He understands there may be more fishermen there and they've done a good job with their artificial reef system, but he feels Texas needs more than 6%. He supports Alternative 5d, using 25% of biomass. He says if there is more biomass in the west and effort in the east, then you need zones and you need to give Texas more allocation.

Mark Roberts – Recreational angler. He has enjoyed going into federal waters to fish for red snapper.

Corpus Christi, Texas
January 15, 2019

Council/Staff
Lance Robinson
Greg Stunz
Ava Lasseter
Jessica Matos

26 members of the public attended.

Charlie Alegria – Commercial dealer of red snapper. He supports the for-hire operators and wants to keep federal charter boats out of state management. He wants to keep it friendly, and notes that these guys work hard.

Michael Miglini – Commercial and charter boats. Unless federally permitted charter operators are given the option to be in state management, he feels they should be left out, because including them would be bad for conservation. In the last 4 years of sector separation, the federal for-hire fleet has harvested at or under its ACT, while private anglers has been exceeding their ACT. He says it would be poor conservation to put the group that does not meet its ACT in with the group that exceeds its ACT. The federal for-hire sector is beginning electronic data

reporting, and he hopes data collection is going to get better for private anglers. Right now, he doesn't understand the numbers. Compared to the 2017 season, recreational landings for Texas in 2018 are only 30% more than Mississippi, despite having a year-round state water season and 82-day federal water season. This is why he asks about data collection reporting and he hopes there is a consistent Gulf-wide system for reporting. He is concerned that if Texas gets only a small percent of the allocation, even with biomass added in, he is concerned that another state could shut down fishing in Texas. He speaks in favor of leaving the for-hire sector out of state management, or giving them the option to be included.

Troy Williamson – Recreational angler, CCA Government Affairs Committee Chairman, Reef Fish AP member. He is speaking for CCA Texas, and provides his statement for the written record as well. CCA appreciates the efforts to provide better access to citizens through Amendment 50 and the recognition that one-size-fits-all Gulf-wide management is unworkable. With the state directors taking on management in 2018-2019, the states have shown they could do a better job. State management works because management is local and flexible. Each state knows how to best manage the fishery for its anglers, whether they use private boats or the charter fleet. In Action 1.1, CCA supports Alternative 4, to let each state decide if it will manage both private anglers and the charter fleet. CCA believes the states will better deliver a season for all its anglers, regardless of the platform they fish from. CCA encourages the states to continually evaluate their management, taking into account evolving conditions and the health of the red snapper biomass off each state. Hands on management combined with the states' enhanced data collection programs will lead to timely, adaptable management regimes.

Ron Moser – Private angler. He notes the strong red snapper population even after the robust fishing season, which was great. In Action 1.1, he supports Alternative 4. In Action 2, he is unhappy with the allocation numbers for Texas. He questions putting 75% of the fish where most fish are not located, adding that Alternative 6 reeks of mismanagement. He thinks consideration of biomass is critical, and they shouldn't allocate using political numbers. He supports Alternative 2 for delegation.

Brenda Ballard – Recreational angler. She supports Amendment 50 and is thankful for the additional opportunities to fish. She trusts that TPWD will make the best decisions for them. In Action 1.1, she supports Alternative 4 and thinks Texas' Council members will be great advocates for Texas anglers.

William Bradley – Private angler. He has watched the red snapper stock dramatically increase, so someone is doing something right. With regard to private anglers versus charter for-hire, he used to go fishing on for-hire vessels. Even then, he considered himself to be a private angler and he would use for-hire vessels again if his boat breaks. Thus, he supports Alternative 4. He also wonders why Texas would get such a small amount of quota when they have so much biomass. He thinks it seems a bit stingy and they need to get Florida's stock size up rather than penalize Texas.

League City, Texas
January 16, 2019

Council/Staff
Lance Robinson
Ava Lasseter
Jessica Matos

53 members of the public attended.

Irby Basco – Former Council member, recreational angler. He thinks Preferred Alternative 2 will be their best bet and knows Texas will do a great job of managing red snapper. He thinks the overage/underage adjustment is good. He says a viable commercial and for-hire fishery are needed to let those not living on the Gulf coast have access to fish. He wants to show his support for this so far.

Scott Hickman – Charter operator. He thinks state management is a great idea for the private angler as it gives them flexibility. When he looks at the landings, biomass, and an economy with so many boats being sold, he is concerned about the Texas landings. He wants Texas to require the use of iSnapper, like Mississippi's Tales-n-Scales. He said the Texas system used to be good, but a lot of fish are not being counted. He asks that mandatory iSnapper be implemented, like other states have mandatory data reporting. He supports Preferred Alternative 2 and wants to keep the charter for-hire sector out of state management. He says they feel good about their allocation and are working toward electronic logbooks.

Johnny Williams – Charter operator. He supports Alternative 2 of Action 1.1, but for private anglers only and asks that the for-hire sector not be included in state management. In Action 2, he supports using the longer time series under Option 2a, but also thinks biomass should be taken into consideration. He says that over the years, Texas has suffered the burden of rebuilding the stock, noting that they have always had the fish in Texas. Now, the fish have expanded into other states. For Action 3, he agrees that states should be able to close waters off their coast to vessels from other states if biomass is taken into consideration. He reiterates that he doesn't want his boats to be in state management. He likes sector separation and wants a good fishery for anglers in Texas.

Michael Regan – Charter operator. He supports Alternative 2 for recreational anglers and wants the charter sector managed separately.

Shane Bonnot – CCA. He thinks one-size-fits-all management doesn't work and that a regional approach is needed. He said the states know best how to manage their own fisheries. In Action 1.1, he supports Alternative 4 to let states decide which components to manage. Whether or not it's done by delegation or conservation equivalency, he doesn't want to repeat the mistakes under federal management. He asks the states to keep evaluating their state management plans and the stock, and to adapt to changes in the fishery.

Bubba Cochrane – Recreational and commercial fisherman. He supports Preferred Alternative 2 and wants to keep charter boats out of state management. He said recent management has been good for private anglers and they are happier than they've been in a long time. He wants improvements in recreational data collection, such as implementing something mandatory and electronic.

Thomas Hilton – Private recreational angler. He says recreational fishermen are recreational regardless of what boat they are on, and he supports Alternative 4. The Texas charter fleet gave up almost 2 weeks of trips this year and would have gotten a longer season if they had been managed under the Texas EFP. It is in their customers' best interest for Texas charter boats to be under Texas management. Under federal management, they are managed the same as in Alabama and Florida, and says that Texas is subsidizing anglers in those states. He supports a data collection program similar to Mississippi's Tales n' Scales, and said voluntary reporting is useless. He supports Alternative 4, but says to maintain the separate management of the components, including separate quotas and paybacks. He supports the charter electronic logbook program, which is long overdue. He was glad to see the Charter AP vote to reject catch shares, which would severely restrict their seasons. He supports including biomass in the allocation, as that's in all their best interest and he feels it's an important part of the fishery equation. For Action 2, he supports Alternative 5b plus 5f, or 5c plus 5f, which would give Texas the most allocation. He supports using biomass because Texas has the most fish. He also supports the overage and underage adjustment to the state's quota.

Mike Jennings – Charter operator. He recognizes everyone's support of Amendment 50, but there is an issue of access by the two components of the fishery. He says that charter operators have to follow some laws that private anglers do not and with those laws, the charter fleet has lost access as their percentage has decreased. He supports state management for private anglers (Action 1.1, Alternative 2), to help with their access to a federal season. He says the charter fleet is not against state management, but against separate regulations. He is still looking at the 2022 end to sector separation and is worried that this amendment would result in losing that separation. He reiterates his support for Amendment 50, and Alternative 2 in Action 1.1, but asks that the charter fleet be left out of it.

Abby Webster – Charter operator. She supports Action 1, Preferred Alternative 2, and supports Amendment 50 if the charter fleet is left out of it.

David Angel – Private angler. He can't go offshore when he wants and appreciates the flexibility the state is considering. He supports Amendment 50, and in Action 1, supports Alternative 4, which gives the best chance for everyone. He would have more flexibility if he could choose to fish from his own boat or a for-hire boat, they could be managed separately but have the same fishing dates. He supports having both the overage and underage adjustment, either way, they would still use up all their allocation. He supports improving accountability and has iSnapper on his phone now. He thinks enforcement could be difficult, but he supports using hard facts.

Bill Platt – Charter operator, recreational fisherman. He supports Preferred Alternative 2 for Amendment 50. He supports the use of iSnapper. He has used other state apps for accounting

and that is what is needed here in Texas. He supports the quota overage and underage adjustment.

Greg Ball – Charter operator. He supports Amendment 50, but says the accountability is not there and a mandatory system is needed. He thinks iSnapper is great if you can get everyone to use it. He wants charter boats to stay out of Amendment 50 and supports Preferred Alternative 2.

Taylor Borel – Charter operator. In Action 1, he supports Alternative 2 and wants accountability for the private recreational sector.

John Cunningham – He supports Amendment 50 with Preferred Alternative 2. He asks to keep the sectors separated as it is working well. He says the accountability is there for the for-hire sector and the private anglers need to work on theirs.

Sepp Haukebo – Recreational angler, Environmental Defense Fund. He supports Amendment 50. At the last Council meeting, people spoke in favor of it and he wants to get this done and not argue over 1% or less of allocation. He fishes off headboats and says while it may seem good to lump the charter fleet in with the private anglers, for now he supports keeping the charter fleet separate. He supports Action 1.1, Alternative 2. They need to get better data in there; all states are going to ramp up their landings so it would be great to have Texas' landings reflected there. Even iSnapper data shows two times the landings of what Texas' creel survey shows.

Evan Harrington – Charter operator. He doesn't fully support Amendment 50; because they don't have good data collection yet. He would support state management if mandatory reporting was required for the recreational sector. He supports Alternative 2 in Action 1.1.

Shane Cantrell – Charter operator. He supports Alternative 2 in Action 1.1, adding that other alternatives would jeopardize his business. For Alternative 4, management of his sector would go into a black box, and he doesn't really understand how TPWD sets its season. There is only one day a year to speak to Texas' commission, while in other states, stakeholders have more opportunities to address their commissions. Based on past history, he has to compete with an uncapped sector. He doesn't have faith in being managed by the state right now, but he would love to see bridges built there. He feels this could be problematic down the road, as far as what other states are doing, if Texas is left behind. He is concerned that if accountability is not addressed, in 10 years Texas is going to have less quota than Mississippi.

Jason McRae – Charter operator. He supports Alternative 2 in Action 1.1.

Daniel Green – Charter operator for federal and state permitted boats. He supports Amendment 50 and Alternative 2. He participated in the iSnapper pilot program and thinks it would be a good tool to get recreational data.

David Conrad – Charter operator. He supports Alternative 2 and strongly supports iSnapper for mandatory data collection.

Donny O'Neal – Charter operator. He supports Alternative 2 and wants to keep the for-hire sector separate. Looking at the allocations by state, he is not sure how Texas ends up with 6% as a big state and Louisiana ends up with almost 20%. He says maybe it has to do with Texas' creel survey and suggests that it be ramped up to get more fish for Texas. He prefers federal management because it gives him some stability.

Greg Mitschke – Recreational fisherman. He fishes 60-70 miles from the central Texas coast, and this is his first public hearing. He thinks the regulations have worked for the fishermen, because there are plenty of red snapper. He can't think of any other fish they target for which everyone can get their limit in as short a time as 45 minutes, and maybe that's a problem. Looking at the table comparing the allocations, he thinks there is a disconnection between the landings and biomass given what he sees on the water. Right now, he says the fishery is fine.

Webinar
January 17, 2019

Council/Staff
Tom Frazer
Emily Muehlstein
Ava Lasseter
Carrie Simmons

16 members of the public attended.

No public testimony was provided.

Public Comment Summary
Reef Fish Amendment 50(a-e): State Management of Recreational Red Snapper

200 Written Comments were Received.

General Support

- Private anglers should have a chance to have a meaningful red snapper season based on science, rather than politics. Individual plans should be made to meet the needs of their fishermen.
- State or regional management provides a real and meaningful chance for private recreational fishermen to fish under regulatory conditions that cater directly to their local needs.
- State management will allow more flexibility in management.
- The states can be more nimble in their management.
- State management could enhance recreational catch opportunities.
- One-size-fits-all management has proven to be unworkable with seasons decreasing.
- The states know how to best manage their fishery to meet the needs of everyone in the state.
- Control of red snapper should be in the hands of the states, not the bureaucracy in Washington.
- Individual states have the most to gain or lose from the proper management of reef fish.
- The states can manage and monitor fish better than the federal government.
- State based management will support recreational and commercial harvesters in ways that are more economically sound and conservation-minded.
- Commercial and charter captains will not support state management out of greed and self-interest.
- Past regulations have appeared to favor those with the most money guiding longer seasons for profit. State management will allow for more equitable opportunities and better data-driven decisions.
- There are more fish than federal fishery managers claim and there is no reason for such restrictive regulations on recreational fishermen. The states should be given management control.
- The federal government has no business regulating state fisheries in state waters especially since red snapper are not migratory fish.
- The Council shouldn't manage red snapper because it didn't count them on artificial reefs and oil platforms, nor does it consider how well the population has rebounded since fish excluder devices were mandated on shrimp boats and the shrimp fleet declined.
- The states have worked hard to develop data collection systems to make them accountable.

    - The state of Louisiana is capable of monitoring recreational landings and is eager to do so under state management.
    - Mississippi's "Tales and Scales" program has proven to be successful in gathering data and the state is committed to responsible management.
    - Snapper Check in Alabama is very useful.
    - Texas has done well managing other species and has good systems in place to monitor catch rates.
- The Exempted Fishing Permits allowing state management have been successful and this type of management should continue.
    - The extended fishing seasons resulting from the EFP's reduced the urgency to fish and alleviated derby style fishing.
    - Under state management the fish size remained consistent throughout the season which shows that the fishery is healthy.
- The states should plan to continuously evaluate their management of the recreational sector, and take into account evolving conditions and the health of the snapper biomass off each state.
- Texas Parks and Wildlife has managed state fisheries whereby fish populations are at all-time highs, in spite of increasing pressure and declining habitat.
- Each area of the Gulf is its own ecosystem and one regulation cannot be applied across all sectors.

<u>General Dissent</u>

- State management in federal waters should not be considered.
    - The states don't care or are oblivious to the effects of longer state snapper seasons which have taken a toll on inshore snapper stocks.
    - States show a disregard for federal laws and seasons because they're interested in pleasing the people rather than protecting our fishery.
- Allowing individual states or regions to set regulations will lead to conflicts of interest. In areas dependent on commercial or recreational fishing for income, regions may make short sighted decisions that threaten the health of the fish stocks in the long term.
- Without stringent language in the Amendment, special interest groups may get worse under state management. There could be massive abuses of the fishery unless the amendment binds all states to the same uniform rules.
- Regulations should remain under control of NMFS to properly regulate species fairly across the recreational and for-hire boats fishing the same waters.

<u>Program Action 1 – Components of the Recreational Sector to Include in State Management</u>

- State management should be considered exclusively for the private angling component of the recreational sector. (*Preferred* Alternative 2)
    - Private anglers will benefit the most from state management.

    - Sector separation has been a success and federally permitted for-hire vessels should be allowed to continue developing their own solutions and strategies for their portion of the recreational fishery.
    - The federal for-hire fleet wants to remain under the protection of federal law.
    - The charter for-hire component is using logbooks and has not overfished its quota so, it should not be punished by being included in state management.
    - The states have not operated with engagement and transparency when considering the potential impacts to federally permitted businesses and coastal communities.
    - The sunset on sector separation should be removed.
    - The majority of the charter-for-hire vessels have expressed their desire to remain under federal management.
    - Including the for-hire sector in Amendment 50 would violate numerous provisions of the Magnuson-Stevens Act ("MSA") and other laws, and would raise of host of complications that would only further delay consideration and approval of this amendment. Forcing the for-hire sector into Amendment 50 would jeopardize state management by increasing complexity, controversy, and legal risk.
    - The Council adopted and extended Amendment 40, sector separation, to insulate the for-hire sector from losing fishing opportunities as the private angler component grew and utilized more of the quota. Including the for-hire component in this Amendment would nullify the benefits achieved by sector separation.
    - Including the for-hire vessels in state management would compromise their continued access to the fishery and violate MSA National Standard 8 that requires management measures to "provide for the sustained participation of fishing communities."
- Don't exclude charter vessels from state management. (Alternative 3)
    - Having a federal permit should not penalize companies from operating successful businesses in state management.
    - Mississippi was able to successfully manage its state for-hire vessels in the EFPs and vessels with federal reef fish permits should recognize that state management is the best course for them as well, and keeps them under the recreational sector that comprises their clients.
- States should decide whether to include for-hire fleets or not. (Alternative 4)
    - The states will deliver a more robust season for all recreational anglers, regardless of whether they fish from their own boats or on for-hire vessels.
    - This will allow average recreational anglers to be treated the same as anglers who can afford offshore boats.
    - Although sector separation has created more stability in the for-hire subcomponent in recent years, the success of the state-management EFP's has demonstrated that the states are more than capable of providing longer access to red snapper in the Gulf, while continuing to constrain harvest to

appropriate levels. Providing the for-hire fleet the opportunity to be managed by their state will likely result in more days on the water and more flexibility in choosing seasons than current federal regulations.

- Under Alternative 4 the prior Preferred Alternative, each Gulf state could choose to decide, after adoption of Amendment 50, whether to regulate the federally-permitted for-hire vessels located in that state. The result would be an unpredictable patchwork of conflicting regulations across the Gulf. Federal permit holders in one state might be regulated under one set of state regulations, while federal permit holders in another state might be regulated under another set of state regulations or under federal regulations.

<u>Program Action 2 – Apportioning the Recreational Annual Catch Limit</u>

- The Council needs to consider the National Allocation Policy while considering apportioning allocation to the states.
- Allocation should be apportioned based on biomass.
    - It differs from state to state.
    - Using biomass would be the best way to allow continued recovery and measure the results on any conservation effort.
    - Texas has 42% of the red snapper biomass so it should receive the same percentage of the quota.
- Scientists can make the biomass be whatever they want it to be through their political control, so allocation should not be apportioned based on biomass.
- While making allocation decisions, please do not get hung up on a half of a percentage point and get the deal done for recreational anglers.

<u>Program Action 3 – Procedure for Allowing a Gulf State to Request the Closure of Areas of Federal Waters</u>

- The states need to be able to coordinate to allow transit through state or federal waters when seasons are not the same for each region in the Gulf.

<u>State Action 1 – Authority Structure for State Management</u>

- No matter which authority structure is used, it's important that states are constrained to their quotas. A "reasonable expectation" as required by a CEP is not enough – managers have relied on a "reasonable expectation" that the recreational sector would stay within its historical quotas and that hasn't worked. There have been 22 overages in the last 26 years so, true in-seas accountability needs to be built in.
- Allowing states to develop CEPs that are customized to the unique fishing traits of private fishermen in their waters could ultimately result in more days on the water, greater accountability, and decreased likelihood that the recreational component exceeds its share of the quota.
- Slot limits for red snapper should be used to allow larger fish to spawn more.

Other Comments

- The states should be allowed to set their own quotas.
- The states should manage all species.
- The states should control the fishery out to 40 nautical miles. Federal funds and state colleges should be used develop season and catch limits on all species.
- Red snapper discards are a concern.
    - Management should be changed to allow angers to keep the fish captured.
    - Anglers would like to do something with the fish they are forced to release dead.
- Do whatever it takes to give anglers more fishing opportunities.
    - Consider managing with fish tags so people can choose when to fish.
    - Management should be accomplished with boat limits rather than individual bag limits. There should also be a boat limit when the season is closed to keep accidental dead discards.
    - Red snapper season should be open all year round with a 2-fish per vessel limit.
    - The red snapper bag limit should be 4 per person
- Commercial fishermen should not be able to fish during spawning.
- The commercial sector should not get such a large portion of the red snapper quota.
- Don't rely on the scientists for data, require anglers to report.
- The recreational sector should have to report their catch:
    - Private anglers could have to fill out cards for each trip.
    - Anglers should use iAngler
- Quotas should not be allocated to the different sectors, everyone should fish the same quota.
- For-hire operators want to see Amendment 41 and 42 move forward.
- For-hire operators and customers don't want weekend only seasons.
- The ecosystem in the gulf is totally messed up due to attempts to control harvest of certain species.
- Spread seasons so they're open on more weekends. Most people want to fish during the weekend.
- State waters in Texas are open year-round to private anglers who cross the line into federal waters and poach. This needs to be controlled better.
- Commercial and recreational anglers should not be treated differently.
- Recreational anglers are not significantly impacting our fishery resource.
- Red snapper are plentiful
    - They're in Mobile bay
    - They're more abundant than they've ever been
    - It's hard to catch other species because there are so many snapper.