

## 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.

#### General Dissent

- 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.

#### Program Action 1 – Components of the Recreational Sector to Include in State Management

- 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 a 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.

#### Program Action 2 – Apportioning the Recreational Annual Catch Limit

- 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.

#### Program Action 3 – Procedure for Allowing a Gulf State to Request the Closure of Areas of Federal Waters

- 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.

#### State Action 1 – Authority Structure for State Management

- 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 anglers 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.