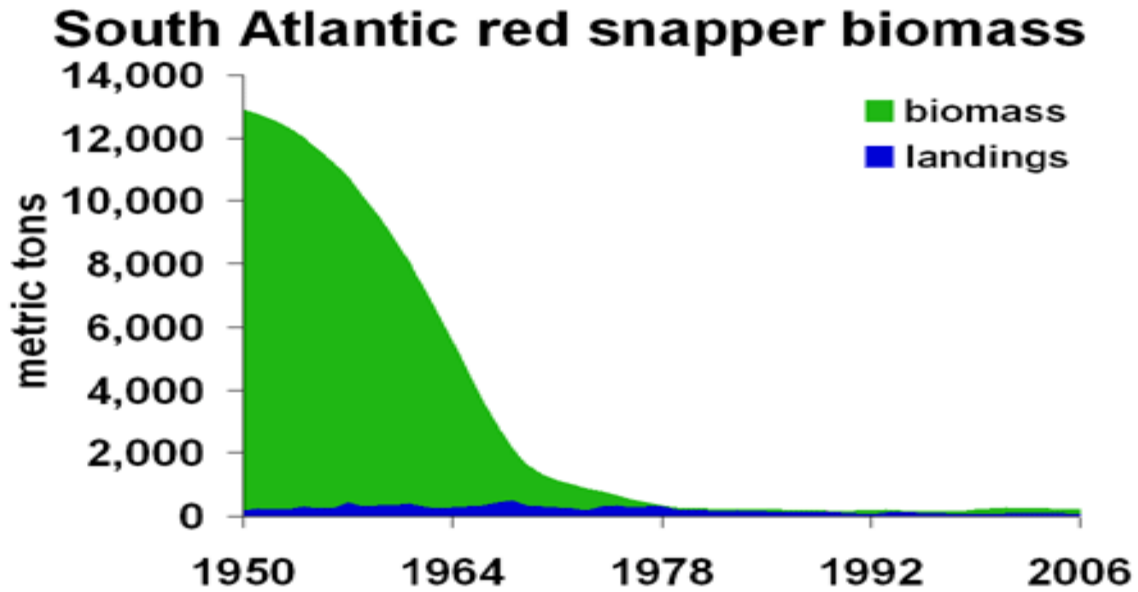


Public Comments on Snapper Grouper Regulatory Amendment 10

The Central Florida Offshore Anglers, Deep-Blue-Sea.org, and other clubs are opposed to implementation of any proposed area closures, or continued closures of Red Snapper. Our opposition is based on the following:

- **The closure of Red Snapper is unnecessary.** The previous regulation of 2 fish per person, 20" or more has led to a steady and of late explosive growth in the Red Snapper population. Recent sampling has shown at least two huge recruitment classes. 1000's of recreational anglers have stated in petitions and public hearings that Red Snapper stocks are healthy, and that closures are not currently warranted. These comments have been ignored by NMFS scientists and managers even though they represent ten's of thousands of years of first hand observations. The SAFMC had to invent the term "stably collapsed" to bridge the apparent abundance of fish with their 3% MSY estimate. The strongest voices supporting these closures are the professional K-Street lobbyist who have the least amount of firsthand experience but have the financial means and attentive ears of NOAA to implement an agenda of reducing public access to public resources. The best available science, which is the people with the most first knowledge and experience, has been ignored.
- **The quality and quantity of science and data used by NOAA/NMFS to enact such historic and devastating closures is not acceptable.** This system has failed independent peer reviews which described it as "fatally flawed" and led to a congressional mandate in MSRA to fix the system before enacting aggressive measures to end overfishing. NOAA/NMFS has chosen to actively pursue a path of draconian closures while failing to meet the congressional mandate to address severe deficiencies in its science and data collection. The cornerstone of any fisheries management system is accurate, timely data collection and sound science. NOAA/NMFS has failed to lay this cornerstone, and the stake holders in this fishery demand both accountability of those who manage these systems, and actions to remedy the deficiencies clearly laid out by the National Research Council review. In addition, to the items identified in the NRC review, we would encourage the following science/data actions:

- **Genetic truncation/diversity studies** - If the Red Snapper biomass is down to such critical levels, there should be an accompanying level of genetic truncation. Genetic diversity indices could help fill the large gaps in data measurements and give an unbiased leap in understanding population dynamics. With modest training, recreational and commercial stakeholders could help provide this type of data with minimal mortality.
- **Tagging and recapture program** – There has not been any large scale tagging and recapture programs of Red Snapper. The fishing clubs on the East Coast of Florida have made numerous offers to fund and facilitate tagging programs. This would provide accurate release mortality, migration, growth rates, population trends, and angler interaction data which are all poorly understood.
- **The target biomass is incorrect.** In addition to the “fatally flawed” actual measured science and data NOAA/NMFS used in determining current Red Snapper biomass, NOAA/NMFS has created data where none exists by picking and choosing historical records to extrapolate a mythical biomass model that did not exist before 1980. It would be hard to imagine an agency that can’t measure and model current data having the ability to accurately extrapolate historical data where little or no actual data exist. The NOAA chart below shows that landings have been constant, but biomass plunged between 1945 and 1972.



(source: NOAA Fishwatch January 2010)

This collapse coincides with the usage of extrapolated data previous to 1972. Curiously enough, there is NO catch at age data before 1972. In addition, it would be hard to explain how landings have stayed constant during that period if biomass decreased the reported 97%. Finally, if one were to add up all the landings, cumulatively, they would not even be 10% of the decrease in the biomass. If all these fish actually existed, where did they go? A 9th grade biology student could see that there is something fishy in these numbers. We demand that the reference data be moved from 1945 to 1980, when actually data collection began. Even though this system is flawed, a bias factor could be attributed to the data, and evenly applied across all years from 1980 till present. To use the 1945 reference point is scientifically and academically irresponsible.

- Fishing pressure has collapsed in the last 4 years.** It is hard to describe the magnitude of the collapse of the recreational fishing in Florida. More than half the boat manufactures in Florida have ceased boat production, or have closed their doors for good. More than half of the tournaments that brought anglers to our coast have been cancelled. At least half of the charter fishing fleet has gone out of business. Many bait and tackle shops, marinas, gas docks, repair

shops and the like have gone out of business. Institutions like Conchy Joe's in Key West have shut their doors. There was a gradual decline in recreational angling that started with the 4 hurricanes that hit Florida in 2004. This was accelerated by high fuel cost, and finally, the great recession of 2009 has devastated Florida economically. Fishing pressure offshore is 25% of what it was pre 2004. Anglers are not fishing for Red Snapper because there are none. They are not fishing because they cannot financially participate in offshore fishing. We have pleaded for NOAA/NMFS to survey marinas, gas docks, and bait stores to get a rough measure of this decline in fishing pressure, but have not seen any fishing pressure indices noted in any of these amendments.

- **NOAA/NMFS has been remiss in calculating economic impacts of this closure.** NOAA/NMFS failed to conduct any economic studies or assessment to determine the economic impact on the South Atlantic area communities from the proposed closures. The basis of the economic impact study that was presented for the interim closure rule was based on 2 charter operations in the panhandle of Florida. This is completely unacceptable and is in violation of National Standard 8.
- **NOAA/NMFS has unfairly penalized Florida by proposing closures that primarily affect Florida waters.** This is in direct violation of national standard 4 which creates a situation that is NOT fair or equitable to all such fishermen. The logic and process by which this has come about are troubling. The demarcation lines of the closure align closely with home ports of council members, and created gerrymandering which is a new low even for the SAFMC.
- **Diver access to closed areas.** Although sport diving offers access to targeted species with minimal by-catch, in the event that area closures are implemented, it is strongly recommended that both commercial and recreational divers be constrained to some type of slot limit to protect juvenile fish, and more importantly, the highly valued older fish. The entire Red Snapper stock assessment controversy revolves around age truncation, and it would be poor management policy to allow other snapper/grouper species to come to the same end of age truncation based on an under thought

management policy. In addition, there should be some thought to protecting large fish that become vulnerable during well documented cold water upwellings in the summer months. Once again, it would be unwise to orchestrate an age truncation through poorly thought out management measures.

- **By-catch considerations.** If Red Snapper are actually down to 3% MSY, it would be irresponsible to allow continued deep trawling of nets. We would oppose any net dragging outside of state waters. By catch mortality of Red Snapper by shrimp/rock shrimp trawling is not well understood in the Atlantic. What is understood is the huge by catch of forage fish Red Snapper may use as a food source, and the habitat destruction caused by this type of gear. Continuing to allow habitat destruction and by catch is in violation of National Standard 9.

Final Recommendations. NOAA currently has two paths it can choose between.

One path is to continue with draconian closures based on flawed incomplete data, poorly implemented science, and little support by the actual stakeholders in the fishery. This will lead to an adversarial relationship based on distrust and lack of confidence in NOAA's ability to manage fisheries. This will spill over into the other 70+ species and over 4000 sq miles of water. Once NOAA loses the voluntary compliance and support of recreational anglers, it will be impossible to manage these fisheries. This is a long way from the MSA stated purpose, "to promote domestic commercial and recreational fishing under sound conservation and management principles". The reason given for the existence of the regional councils is "to exercise sound judgment in the stewardship of fishery resources". The MSA has given NOAA/NMFS the responsibility to be stewards of the public's natural resources. It is ironic that MSA was set up to protect our natural resources from foreign interest, and now we have to rely on Congress and the Federal courts to protect our fisheries from NOAA and the K-Street lobbyist. It should not be this way.

A better path would be to inform congress that the task of rearchitecting the science and data systems used by NOAA/NMFS is larger than first thought, and that NOAA/NMFS is aggressively pursuing a plan to rebuild these systems. If NOAA/NMFS were to submit a rebuilding plan, with milestones, oversight, and peer review, the angling public would be much more willing to work with NOAA/NMFS on issues of education, compliance, data collection. SEDAR 15 exemplified the deficiencies and has destroyed the reputation of NOAA to measure or manage public resources. The issue has never been opposition to closure of the Red Snapper. The issue is NOAA/NMFS unwillingness or inability to fix its science and data systems before enacting any more Fishery Management Plans.