



May 5, 2023

The Honorable Rodney Barreto  
Chairman  
Florida Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, Florida 32399

**Re: Rule 68B-3.051 – Goliath Spawning Aggregation Closure - OPPOSED**

Dear Chairman Barreto and Members of the Commission:

On behalf of the Congressional Sportsmen's Foundation, we are writing to express our continued opposition to the proposed rule to close three goliath grouper spawning aggregation sites in southeast Florida to all fishing from July 15 to October 15 each year. The rule lacks any science-based justification for closing these areas to fishing, including methods of take for other species, such as trolling in the water column above the areas that goliath groupers inhabit. While we recognize the difficult position in which the Commission often finds itself in trying to balance resource access between two or more user groups, this is clearly a social-based decision rather than one based on any biological evidence.

The Florida Fish and Wildlife Conservation Commission (FWC) has done an exceptional job with conserving the state's goliath grouper population and should be commended. From a status of overfished and undergoing overfishing decades ago, the FWC's conservation efforts have resulted in a rapidly rebuilding population that is now able to support a highly regulated, limited take of goliath grouper. The goliath grouper story is a testament to science-based natural resource management of a public trust resource.

However, proposed Rule 68B-3.051 strays from this "science-based" management and allows unfounded, subjective claims by the recreational diving community to unjustly deny access to these areas by Florida's anglers. The continued, positive trajectory in goliath grouper population abundance has been achieved with recreational fishing occurring at the proposed, and other, spawning aggregation sites. Conversely, it might be reasonable to assume that swarms of divers frequenting these popular reefs during this same timeframe might also disrupt goliath grouper behavior and negatively influence spawning outcomes. We should presume the areas should be closed to divers as well. Yet, there is no more science to support or deny this claim than there is for prohibiting recreational fishing during the goliath grouper spawning season. Therefore, in the absence of any data that recreational fishing or diving is having population-level effects at goliath grouper spawning aggregation areas, you must

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evaluate the need for this rule from a societal aspect, and specifically, whether one user group should be entitled to have exclusive access to these sites over another during a certain period of the year.

Artificial reefs provide important recreational fishing and diving destinations for Floridians, and the six artificial reefs within the proposed areas are especially important due to their proximity to the heavily populated southeast Florida region. Artificial reefs assist with overall marine habitat conservation by diverting some fishing and diving effort from more sensitive natural reefs. However, there is a significant discrepancy between the contributions to the FWC's marine conservation efforts between anglers and divers that should be considered.

Anglers, through their license fees and excise taxes paid on sportfishing equipment and marine fuels, have helped fund the establishment of artificial reefs in the state and largely pay for the FWC's management of these sites. There is no similar excise tax on diving equipment, nor a requirement that a diver purchase a fishing license, that provides a comparable level of financial support to the FWC for the construction and maintenance of Florida's artificial reefs. Prohibiting the more vested angler from using and enjoying the proposed areas during the most popular fishing months of the year in favor of divers, who have contributed less financial support to the establishment and ongoing management of these sites, seems unjustifiable.

The need for this rule has been considered under a veil of assumptions from a biological standpoint. However, with the absence of any quantitative data presented by FWC staff to consider this proposed rule from a science-based perspective, the rule should be rejected, or in the very least, tabled and reassessed through a stakeholder process that approaches the issue from a social aspect. For instance, it might be possible to reach a consensus between angler and diver representatives that partitions access to the sites between the groups over the course of a defined period of time. If that is the case, the diving community might support a permit fee to access these sites so that there is an equitable financial contribution to FWC's management of the resource. A facilitated exchange of ideas seems like a reasonable path to finding a common solution if this truly is an issue that warrants resolving.

Again, we understand and appreciate the Commission's difficult position of trying to balance resource use between user groups. However, there is no biological evidence to support the proposed rule. Science-based natural resource management has been the cornerstone of the highly successful North American Model of Wildlife Conservation, and through the excellent work of the FWC, Florida is blessed with abundant fish and wildlife resources as a result. We urge the Commission to deny the rule as written, and in so doing, prevent conflating science-based management with justifying a closure based on user conflict. Should the Commission decide to re-evaluate the rule from its social aspect of addressing user conflict, we would welcome the opportunity to be a part of those discussions.

Thank you for your time and all that you do for Florida's hunters, anglers, and the natural resources they cherish.

Sincerely,



Chris Horton  
Senior Director, Fisheries Policy

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