

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL ADVISORY PANEL**

**Hilton Garden Inn  
North Charleston, South Carolina**

**APRIL 22 – 23, 2013**

**April 22, 2013**

**MONDAY MORNING SESSION**

### **SUMMARY MINUTES**

#### **King & Spanish Mackerel Advisory Panel Members:**

Robert Pelosi, Chairman  
Dick Brame  
Bill Hickman  
Edward Holder  
Tom Ogle

Zack Bowen  
Jodie Gay  
Andy High  
Bill Kelly  
Stephen Swann

#### **Council Members:**

David Cupka  
Anna Beckwith

Ben Hartig

#### **Council Staff:**

Bob Mahood  
Dr. Kari MacLauchlin

Gregg Waugh  
Julie O'Dell

#### **Observers/Participants:**

Rusty Hudson

The King & Spanish Mackerel Advisory Panel of the South Atlantic Fishery Management Council convened in the Hilton Garden Inn, North Charleston, South Carolina, Monday morning, April 22, 2012, and was called to order at 9:00 o'clock a.m. by Chairman Robert Pelosi.

MR. PELOSI: (Recording starts here) As discussions go, as long as I feel the discussion is productive, whether I agree or not, I will let it go; but as soon as I think we are being redundant or going over the point again and again, I will call the question. We have to approve the agenda.

DR. MacLAUHLIN: Maybe we could go around and do an introduction.

MR. PELOSI: Yes, we should do that; introductions; let's start over here please.

MR. HIGH: Andy High; North Carolina.

MR. HICKMAN: Bill Hickman; Southport, North Carolina.

MR. HOLDER: Ed Holder from Georgetown, South Carolina.

MR. BOWEN: Zack Bowen; Savannah, Georgia.

MR. KELLY: Bill Kelly; Florida Keys.

MR. PELOSI: Bob Pelosi; Stuart, Florida.

DR. MacLAUHLIN: Kari MacLauchlin; council staff.

MR. SWANN: Steve Swann; Atlantic Beach, Florida.

MR. WICKERS: Bill Wickers; Key West, Florida.

MR. PELOSI: Okay Kari go ahead.

DR. MacLAUHLIN: When you speak, try to remember to say your name when you are giving a comment; so when they transcribe they will know who was saying what when they do the minutes.

MR. PELOSI: We need to approve the agenda. Does anybody have any suggestions where things could be approved? Okay, I hear no additions, corrections and so forth so let's just go ahead and we'll approve the agenda. The next is the approval of the minutes from last April. Does anybody have any corrections? I have two corrections. Page 45, third paragraph from the bottom; I am speaking, third sentence. The minutes say that when the quota gets clear; that should be when the quota gets near. The second correction would be Page 65, Paragraph 6. I believe I am speaking and I say a handy dehooker, it should be just a hand unhooker. Does anybody else have any corrections?

MR. WICKERS: I wasn't here last year but I read over the minutes. I didn't have the second day's minutes. I don't know whether they were on there. I copied them off when they sent them

to me on the little disc. I was just wondering if you all had the second day's copy just for my records.

DR. MacLAUHLIN: Let me check into that and get back to you.

MR. WICKERS: I don't know; I thought I copied them all. I just hit print minutes, but I didn't get the second day. I was reading everything last night and realized, well, what happened to the second day. Anyway; if you could get that I would like it, thanks.

MR. PELOSI: Okay do I hear a motion to approve the minutes.

DR. MacLAUHLIN: You can just have approval. You don't need a new motion.

MR. PELOSI: I am going to turn it over to Kari to do this overview of what we're up against here this morning.

DR. MacLAUHLIN: Good morning, everybody. I am going to go through Joint Amendment 19. This is one that you guys have seen a couple of times. The actions have been in the works. It just has three actions now. This is Attachment 2 in your briefing book. This is just kind of a summary document, because the big document that has all the background and everything is still being put together.

What we wanted to do was just provide you the information with the actions and alternatives and then some of the analysis that has been completed. There are three actions. One is the bag limit sales of king and Spanish mackerel, elimination of inactive king mackerel permits, and then modify or eliminate the income requirement for the CMP permit.

The expected schedule, which has been revised a few times, is that there was a joint meeting in March where the Gulf and South Atlantic Committees came together and they were going to go through Amendment 19 and 20, but they only made it through 19. Then you guys are reviewing it now; and then in June both councils at their separate meetings will approve for public hearings, which we'll have in August. Then either in August or October the Gulf Council will give final approval and the South Atlantic will give final approval in September. This will I think be the last time that you will have an opportunity, besides the public hearing, as an advisory panel to make recommendations to the council.

The first one is the bag limit sales action for king and Spanish mackerel. We have Alternative 1, no action. There would be no federal permit requirement and king mackerel and Spanish mackerel bag limits could continue under any kind of state permit. Then Alternative 2 would prohibit the sale of king and Spanish mackerel caught under the bag limit, with the exception of for-hire trips in which the vessel also has the commercial permit for king of Spanish mackerel.

Then Alternative 3 would prohibit all bag limit sales including those caught on a for-hire trip even if the vessel does have the appropriate commercial permit. That was the Gulf preferred. David. did the Gulf change their preferred alternative for the bag limit sales?

(Answer not given on the record)

DR. MacLAUCHLIN: That is the Gulf's preferred is to prohibit bag limit sales across the board. In March the South Atlantic added Alternative 4, and this would prohibit bag limit sales, including on for-hire trips with the exception of state-permitted tournaments. The South Atlantic Council was interested in allowing tournament sales to continue in the states that allowed theirs. They've put this provision in and we are going to flesh that out a little bit about what it means for state permitted; is there a license required, reporting requirements would be in place.

We have a little more of how it would work – it would have to be a licensed wholesale dealer would handle the fish, and then all the donations would go to charity – and all those provisions in there. Basically, the difference is Alternative 2 was to prohibit bag limit sales except for those caught on a for-hire trip with a vessel with a commercial permit.

Alternative 3 would prohibit all the bag limit sales of king and Spanish. Alternative 4 is the same as Alternative 3, but it allows the sales from the tournament. We do have some information here in these tables, if you scroll down in your document; Table 1 and Table 2. This just breaks down over the past five years or so they total pounds and value and trips and vessels that caught king mackerel with the federal commercial permit.

This is the percent that this would not affect because there was a federal king mackerel commercial permit involved. This doesn't really capture how many for-hire trips this happened on. It was just the vessel had the commercial permit; and so when they sold it, they sold the king mackerel, they were able to just sell it and record it as under that commercial permit.

That is just information that we don't have, because when there is a sale it is just reported as a commercial sale. We don't know how many of these came from the for-hire trip. But, you can see calculate what is left over as either not documented or from like a private angler making a sale.

We have east coast of Florida and Georgia put together and South Carolina and North Carolina. Then we also have the same information for Spanish mackerel as well. It is the same thing; it is just that there was a commercial permit in place. I can answer any questions or we can take a moment to look over some of this.

MR. PELOSI: How do you track the fish caught under a Spanish mackerel permit when like in Florida most of the people harvesting them do not have a federal Spanish mackerel permit, because the fish are caught in state waters?

DR. MacLAUCHLIN: Well, this information is only the pounds value, trip and vessels with a federal Spanish mackerel permit. It also doesn't include anybody who is fishing in state waters but has an FDL to sell.

MR. PELOSI: Okay, so they are included then.

MR. WICKERS: I don't know what is going on down in Key West, but it started back in 2011 that might have been, but the fish houses down there won't buy charterboat bag limit fish anymore because of the interpretation of the federal law enforcement down there are going around and telling them that they can't buy them.

I am there trying to explain that this is just a proposal, it hasn't even passed, but they have somebody in the deal there that keeps telling them, no, it is not allowed. I had to call the state of Florida and they said, yes, we have the same memo that they can't purchase the bag limit fish. I think he said, I'll check into it. He called me back and apologized and said that whoever had sent out the memo was in error.

Now this was after the whole season was about screwed up before we got it settled; but then this year it is the same thing all over again. We have effectively been stopped doing something that we historically have done for years. I don't know, it is just the system is just something is really askew down there. But, historically we have always sold our bag limit fish.

It is not that the customers aren't allowed to keep their fish; it is just the situation is you are on an island out in the middle of the ocean, and they traditionally have always left them with the crews. Our boats that do sell them, we have the commercial licenses. For some reason our fish houses have always required that you have the federal permit, anyway.

Maybe this is just a total misinformation down there, but you have to have them on file along with your restricted species-endorsed SPL from the state. We have all those licenses, but it has just got to the point like they are saying, well, that only covers if you have – they are telling the state, well, if you have the restricted species endorsement or whatever, that only covers like the bag limit of your two, not anybody on your boat. It is just insane.

You feel like you're arguing all the time and the fish houses just kind of wash their hands of it. They don't even want to buy them, because they don't want to get in the middle of it. It is like people are jumping ahead of the law. I know that the law has changed already for grouper and snapper, and they changed it for dolphin.

We knew this one was going to be a check off, but somebody is running way ahead of the ballpark on this one and putting out false information. It hasn't been way ahead. I am telling my guys down there, well, this is all still under discussion so it is okay and they go no, no, no, we can't buy. This is what has been going on down there now. This is going into the second year. We've effectively been shut down, anyway.

MR. PELOSI: Bill, you're not the only ones. The fish houses up on East Central, the two big ones that have buying locations up and down the coast will not buy the bag limit kingfish. I don't know; if there was a memo sent out, well, that explains why they probably quit.

MR. WICKERS: Yes, they sent something to the state. I called the head guy in the state a year ago and I thought it was all straightened out. He called back, which is very rare. He actually called back and apologized because they assumed that the memo from the feds was correct.

MR. PELOSI: Okay, thank you for that information. Let's go on and discuss these alternatives and see if we can come up with something.

MR. BOWEN: Listening to the discussion, to me it doesn't matter whether we sell them or don't; that can be decided at a later date. But one thing I would like to keep in mind; to keep the confusion down, I am all for getting one thing and keep doing it throughout the fishery. Snapper

grouper, dolphin wahoo; I know there has been talk about selling different species, this, that and the other.

I am under the opinion it would be a lot less confusing if we either allowed the sale of all the species that we catch in the South Atlantic or none. Personally, it doesn't matter if we sell them or not to me; but just to keep the confusion down, and it seems like there is a lot of confusion there; I would be of the opinion we just need to do one thing across the board; just my view.

DR. MacLAUCHLIN: Just really quickly; I got some information that under Florida law to possess king mackerel over the bag limit; you have to have SPLRS and the federal king mackerel, and that is a Florida law.

MR. WICKERS: Well, the fish houses got that part right then.

MR. PELOSI: Okay, does anybody want to make a motion on any of these alternatives so we can discuss them in detail? Zack, you might look at what was up there. That Alternative 4 looks pretty good. Your suggestion that we do sale or no sale over the broad range; I can never see us allowing recreational sale the bag limit of snapper grouper because of the situation in those fisheries.

MR. BOWEN: Well, if I'm not mistaken they are talking about it now. Maybe that was dolphin and wahoo or something, but, anyway, whatever the point is, whatever they want to do, I would just like to say keep it across the board. I don't know if the council has come up with prohibiting the sale of wahoo or not; but keep it in the same category. To me I don't care if you sell them or not; it doesn't affect me either way. Maybe you should get a motion from somebody else.

MR. KELLY: Over the years we had consistently supported bag limit sales, but all this got started here with the South Atlantic Council in 15B banning snapper grouper sales by the for-hire sector. We see this motion now or a pending motion to prohibit sales of king mackerel, pending regulations that would prohibit the sale of dolphin and wahoo and eventually cobia.

I think that Zack really hit a very good point there in that we've got to be consistent across the board in what is going to happen here. You can't prohibit the sale of snapper and grouper and then allow the sale of bag limit caught kingfish. A couple of things, though; I could not support Amendment 4. I am certainly not going to prohibit fishermen that are properly licensed from selling their catch and then allow tournaments to do it. If they adjust the rules and regulations, they can take those fish, weigh them and donate them to appropriate charities, but I can't justify them making income on those fish when legitimate fishermen cannot.

**For those reasons and others, I would make a motion to support the Gulf preferred Alternative 3 that would prohibit bag limit commercial sales and tournament sales of any kind and prohibit sale of kingfish by anyone other than licensed commercial fishermen on commercial vessels.**

MR. PELOSI: Okay, a motion has been made; is there a second?

MR. BOWEN: Excuse me, did the council approve or disapprove the sale of dolphin and wahoo; do you know?

MR. CUPKA: Well, we haven't finalized it, but at this point they are looking at prohibiting; but the AP has recommended otherwise.

DR. MacLAUHLIN: Currently dolphin and wahoo bag limit sales are prohibited.

MR. BOWEN: Okay, I would second the motion then.

MR. PELOSI: Okay, we have a second. Bill.

MR. WICKERS: The sad part about this whole deal is that this thing has been worked out for a number of years. If there is going to be no bag limit sales, they need to go back and transfer the 3 percent that they took many years ago to cover the bag limit sales. They took a percentage of the recreational catch and gave to the commercial side specifically to cover bag limit sales because they said that was supposedly – and they figured it up so they transferred about 3 percent of the total allowable catch to cover that. That seemed to make everybody happy.

Now here we are many years later; the fishery is still supposedly not overfished and yet you still want to take and close down – not a huge amount of money, but to especially the mates on charterboats; because usually what we do with the charterboat sales was we give the mates 50 percent. By the time the end of the year, you are talking about a pretty good chunk of their money that they've earned.

It has always kind of burned me that charterboats are supposedly looked at like; oh, my God; all you do is you all go off and have fun all day. Now I look at it that charterboats, as far as I'm concerned we make our living off the sea. We have to work those boats just as hard. If there is anything, we're commercial in everything except for – instead of us pulling in them fish, we've got some customers on our boat that is doing it. It is just like in the Keys; we don't fit in a little box.

Down in the Keys it has always been a really tough way to make a living down there. You've got guys that, yes, we run charterboats. We also have commercial permits. It is just like the stone crabbers, a lot of them have lobster permits, they've got snapper grouper permits, they've got king mackerel permits and they don't use them all the time; but they've got them the same way that we've got them. You get hard times, you go out and do what you've got to do. We just don't fit in that little box that everybody is supposed to be, no, you've got to be either recreational or you've got to be just commercial, but you can't be both.

Well, you can be both. You can be a charterboat captain and still have all your permits and make money off of both. To say that just because you've got some people on your boat and you're out fishing, then you come in and you've got all the commercial permits, but, oh, my gosh; because that guy, he caught it under the bag limit, but for some reason no, no, no, you can't sell those fish even though you've got all the permits.

You've met the state the federal laws, you have met every law, and over the years that has been looked at and said, oh, yes, we don't really have a problem but we're going to take to cover that – so it doesn't hurt the commercial guys, we're going to give a big hunk of this.

If you take 3 percent of several million pounds, that is a pretty hunk of fish; so if we're going to get to the point where, well, we're not going to allow this; they need to go back and then take that hunk then, I guess, and give it back to the recreational guys. I honestly believe, especially when you look at this whole picture, that this has been blown way out of proportion. In Florida, when you sell a king mackerel and go to the fish house, they have a little box in there and you check it off if you caught it under charter.

Now they have had this now for 15 or 20 years. It is not like something that they are trying to reinvent the wheel. They can tell you how many fish were caught on the charter and which were caught if you went out commercial fishing. You could go back and look at fish tickets and figure that out.

If there are fish in the area and one boat comes in with 1,250 pounds and another boat comes in and he sold 12 fish; obviously he was under charter. Somewhere along the line a few years ago there was a shift, probably one or two votes on the mate, and all of a sudden now these charterboats that for years and years were able to sell fish and have extra money for their crews, and have extra money.

I'm telling you these last several years under this recession, there have been more boats go out of business than you have ever seen. Every little penny counts. Yet we're asked constantly and constantly; we have just been browbeaten and browbeat. We lost the snapper grouper, then they took the dolphin. Now we're down to one fish left. Basically, we have lost this because of misinformation. It is just horrendous when you have people that have been put in place to enforce the law that don't even know the law.

MR. PELOSI: Okay, Bill, let's see if anybody else has any discussion. Jodie.

MR. GAY: I have always supported for – I guess, Bill, you have been fighting this thing 20 years or more.

MR. WICKERS: Since 1986.

MR. GAY: I have always supported Bill's position. Not necessarily to be supporting Bill, but I simply agreed with that position that essentially no action has always been my preferred. Now certainly in this case, Alternative 4 would certainly be my second choice. I don't know; how much government do you want? You're telling people where to fish, when to fish, what size hook to use and everything else and then what to do when you get back to the dock.

That has always been my opinion that that was overboard; but with that being said, going back to something Bill Kelly said, where he said the tournaments should just be donating them to charity, well, that is essentially what they're doing. If you look at Alternative 4, it says the money has to go back to the charity, I believe. That was my initial reading of it. These tournament fish are dead. They are just as dead as any fish can get.

A lot of this money is going to build artificial reefs, to different children's charities, to various things. I can certainly support a tournament not being able to keep the money, to go back into the prize pool or just for operational purposes. The state of North Carolina for a while has

required in order to get the permit for the tournament and to be able to sell the fish that there be a charity named that the proceeds of those sales were going to.

I see absolutely no reason we would want to stop that or to support stopping that. For that reason if we are voting – and I don't know if we are on this motion – or if we are just going to get everybody's opinion and move on; I will certainly not be supporting it. My preference is still Alternative 1, with Alternative 4 certainly being a second choice. Thank you.

MR. PELOSI: Everybody is familiar with the wording in Alternative 4; is that correct?

DR. MacLAUHLIN: I have some hard copies if anybody wants them.

MR. PELOSI: Yes, give a hard copy to Bill and maybe he could quickly read that.

MR. CUPKA: I just wanted to clarify something that was said earlier. Kari asked me if the Gulf had changed their position on this issue. They didn't, but you will recall that Alternative 3 and Alternative 4 both have two options under there. One is for the Gulf and one is for the South Atlantic. They did pass a motion at full council to clarify that the no sale provision that they approved was for the Gulf area.

They did approve our Alternative 4, but only for the South Atlantic area so that there wouldn't be any confusion on what their stand was on it. They didn't change their preferred, but they made sure they clarified it to indicate that alternative that they preferred applied to the Gulf area, and the one that we preferred on tournament sales just applied to the South Atlantic area.

MR. PELOSI: Did they have any opinion on what to be done with the tournament fish; was that discussed?

MR. CUPKA: Well, they discussed it a fair amount, but they went ahead and approved our preferred at least to go out to public hearing, because both councils are getting ready to take them out to public hearing. It will be discussed again, I'm sure, before the document is finalized; but they did not want to allow even tournament sales, and they clearly went with Alternative 3 for their area.

MR. WICKERS: Yes, I just wanted to make sure. Under this action here, if we support – obviously, I can't support this motion; but if this actually were to pass, then actually we couldn't go back and say, well, we would like the status quo or Number 2? In other words, if this one passes, we don't have a second choice.

MR. PELOSI: That is pretty much it as I understand Roberts Rules of Orders, unless it is pulled back.

MR. WICKERS: I know sometimes you can pick more than one. There are so many options and there is so much stuff here, A and B and all of this stuff. I would just like to speak against the motion.

MR. PELOSI: Is there anymore discussion, otherwise – okay Zack.

MR. BOWEN: Just to a couple of points that Bill made; he mentioned about the 3 percent ACL transfer. If I'm not mistaken, and maybe Ben can clarify, I don't think the ACL has been met recently with the recreational caught, king or Spanish mackerel. I don't think the 3 percent would really come into play.

You kind of made some similarities to the commercial fishermen and you being a commercial fisherman with just paying customers on the boat, but you also wanted to sell the fish. I'm a charterboat guy; I have been for 18 years. Again my opinion is, sir you were paid for the fish before you even caught them. Getting paid for the fish like a commercial fisherman, you just got paid in advance and I got paid in advance. Again, I will second the motion not to sell these fish.

MR. KELLY: To a couple of points; Bill Wickers, you have been at this game much longer than me, but I would certainly like to get a clarification. I believe that 3 percent that was allocated to the for-hire sector for sale of fish came from the commercial side; that it was not taken from the recreational anglers and charged over the commercial.

MR. WICKERS: I would say that is incorrect. It was specifically taken from the recreational side and transferred over and made the commercial quota larger to cover those sales. At that time, they said that any sales actually counted against the commercial, so therefore to make up for it they transferred whatever percentage they thought would cover it, which I believe was 3 percent.

DR. MacLAUCHLIN: That is correct; and just so everybody knows that was on the Gulf; it wasn't the South Atlantic.

MR. KELLY: Okay; then with regard to annual sales here, Dr. MacLauchlin pointed out at the March meeting of the South Atlantic Council we're talking an average of \$436.32 a year to a for-hire boat for the sale of bag limit caught mackerel. In North Carolina it comes out to \$173.10 a boat. In South Carolina it comes out to \$305.24 a boat. We are not talking astronomical numbers. That is per year.

I have been to all the scoping meetings in Key West. As I mentioned, our organization, the commercial fishing organization supported bag limit sales as a traditional way of life in a very seasonal business. Regrettably from Key Largo to Key West, though, I believe I saw at the Key Largo meeting one for-hire captain there supporting bag limit sales when in fact our organization had as many as five of our board of directors members get up and testify and make public comments supporting it.

But if the for-hire group is not going to be there to represent their own best interest, I don't see why we're sitting here working so hard to defend their interest. Again, I think we need consistency. With regard to tournaments, if they're taking fish and they are trading them for dollars, I don't care what charity it is going to if they are trading them for dollars.

There are halfway houses, there are homeless places, and there are mental institutions and so forth that could benefit from the donation of those fish; but if we are not going to allow licensed fishermen to make money on them, we certainly can't condone tournaments doing that.

MR. GAY: No, I think Kari covered what I was going to say, because I thought we had some clarification on that 3 percent at one of our last meetings. I know when I was on the council, we were operating under the assumption that that 3 percent had been taken from the South Atlantic as well. We were wrong we've just learned about a year ago.

MR. BRAME: I think commercial and recreational activities are two fundamentally different activities. One is for the sale of fish to make a living and the other is for recreation. In that sense I think Alternative 3 would be my choice; although the language in Alternative 4, where the money does not go back to the tournament at all makes it more acceptable than the current practices where some of the money does go back to the tournament. I know that for a fact. But I would certainly rather see Alternative 3.

MR. WICKERS: Just for clarification; those low ball figures that you threw out there about the sale of the fish, Bill; I can remember when you represented the charterboat association the figures that used back then were much higher in the Keys, as high as 19 percent of some of the boats. Also that was an annual income.

Just to give you an example; before the stuff started coming down, our average sales per year of fish were about \$16,000. That is because we have all the permits and we do work hard at what we do. That is not anything to sneeze at; \$16,000 is about 10 percent, 12 percent of your gross after you take everything. But to a mate who is getting half of that, that is about eight grand. That is a lot. What is happening down in the Keys is it is really hard to keep help anymore, because that is one of their biggest parts.

The other deal is like – and he should know also – is that we've had to deal with trip prices because of the recession. We're just finally starting to get back to where we had to drop our rates way back to pre-recession prices. We had a rough five years, four years, whatever it's been, six years. Everything has kind of stood still. All the overhead has gone through the roof, and believe me those sales do count.

MR. BOWEN: Is your \$16,000 that you were talking about; is that when the effort was at the fullest? Do you still have that many trips? Aren't your trips down because of the recession as well?

MR. WICKERS: It was; but that \$16,000, the last good year was the year before last, which was \$16,000, and that is during the recession, still the tail end. But we have effectively, when they have been cut out because of the misinformation; we have been losing most of that. Basically it is just like you say; it is the same with the snapper grouper deal you know. The closures in the Keys just didn't fit into the system right; but it is a big deal to the Keys. I just don't see what the big problem is. If the fishery was overfished; most of the years my understanding is we don't even fill the quotas. I don't see it.

MR. PELOSI: Okay, we have got a motion on the floor. Jodie, do you want to say something and then maybe we will go ahead and vote on this.

**MR. GAY: I would like to offer a substitute or amend the motion that Alternative 4 be what we recommend to the council as our preference.**

DR. MacLAUHLIN: Well, the original motion maker would have to okay that.

MR. GAY: Call it whatever.

MR. PELOSI: Okay, that takes the approval of the person who made the motion, correct?

MR. GAY: No, it doesn't. I think it does need a second, however.

MR. HICKMAN: I would second Jodie's amendment to the motion. Yes, 4.

MR. WICKERS: I'm confused.

MR. GAY: I just wanted to speak to my motion. I still prefer Alternative 1, to be honest, but I think it is pretty clear that is not going to make it out of here. For the record, I would like to indicate that I still prefer Alternative 1 and would encourage the council to go in that direction. I would also speak exactly to the motion to clarify that my intent would be that there would be a charity named that any proceeds from this would be going to; be it whatever justifiable charity that is, if it is an artificial reef association, which it often is in North Carolina; if it is a children's charity; if it is a half-way house; if it is an old folks home. I might be eating some of them soon. Wherever it may go, but not in the tournament director's pocket would be my intent.

MR. PELOSI: Okay, let's call the question on the substitute motion, which is Alternative 4, which will allow the sale of the tournament-caught fish to designated charities and the other language that is in that. **All those in favor – yes, sir.**

MR. BRAME: There is a substitute motion that has not been – and you are certainly with your purview to call the question and have a vote. That is up to you, but I think there are a couple of people who might want to have their say. I think a few more minutes of discussion would not be untoward on the substitute motion only.

MR. PELOSI: I certainly agree to that. I thought we had to hurry, we talked about that enough.

MR. SWANN: Regarding any of these alternatives, the fish is dead at the dock regardless. These are not going to affect the number of fish being caught. I don't really see why anything other than Alternative 1 would make any sense unless it affects the price of fish for the commercial guys. I don't know; I am not a commercial fisherman. But it doesn't make any sense, if the fish is dead at the dock; why not put it to good use?

MR. BRAME: Without an economic incentive to bring it back, you might release the fish or would be more readily disposed to release the fish. They wouldn't necessarily be dead.

MR. WICKERS: Do you do like the Gulf Council; you can have more than one substitute motion?

MR. PELOSI: Frankly, I don't really know. I would like to dispose of these.

MR. WICKERS: I would like to get rid of these motions and start over, personally. If you do, I don't know; I know the Gulf Council – I have been to Gulf meetings where they have substitute

motions, substitute motions and then they have to go one at a time. I was just asking. **I move to have another substitute motion. I would make a motion that we go with Alternative 1.**

MR. HIGH: I'll second that motion.

MR. PELOSI: Maybe we should just vote on each one of the alternatives.

MR. GAY: All we're offering is clarity to the recommendation to the council, anyway. I don't think it would be a bad idea to see how many people support this one and how many would support 4, and how many would rather go with 3.

MR. PELOSI: The substitute motions, they would need a second also; is that correct? You got one, okay. Who seconded it? Andy seconded it; okay thank you. Is there any more discussion?

MR. HIGH: Just to review on this whole thing and where this all came about is the inability for the council or the staff or whoever is National Marine Fisheries Service inability to determine where the fish are coming from. I agree with Mr. Wickers that it is not overfished, overfishing is not occurring. What is the deal; we are just trying to figure it out.

For years Rita Merritt tried to get them to put a third category out there or even a fourth. It is easy to do, but there has been resistance. Initially when this all started, we had two categories and it was not commercial and recreational. It was permitted fish and non-permitted fish. We could have split it at that but, no, someone kept pushing for commercial versus recreational.

That being said, I have always been pretty much if it is your fish, you caught it legal, you can do anything with it you want. That is why I am going with no action. I just don't see it being that difficult. Now, if it moves into an overfished or overfishing situation, maybe we need to talk more; but it is one of those things that I don't see the problem with it. It is not hurting the commercial man's price that little bit.

MR. GAY: I speak in favor of the motion, really. I mean I have always had this position. I have never been able to figure it out. I think Andy touched on it a little bit. This has always been as simple as putting a box on the trip tickets. I know it would be in North Carolina. It sounds like Florida has already gone in that direction to some extent except it would either be a bag limit caught fish or a permitted vessel. You check one box or the other; it is very clear at that point which it is; but that has never been accomplished for whatever reason. I guess it is too simple.

MR. HICKMAN: I totally agree with Jodie. There needs to be accountability for the recreational caught fish to separate them from the commercially caught fish, because there is really no accurate data that I have been able to find from the recreational caught fish. If that were true, then no action would really be my preference if we just had accurate data from the recreational sector and it didn't count against the commercial quota.

MS. BECKWITH: We had this discussion recently at the last council meeting, and one of the problems is not the states being able to put that checkmark on our state trip tickets. We are all certainly capable of doing that. The concern has come from National Marine Fisheries and their MRIP surveys where when they call and ask if somebody caught mackerel on a trip, they are

concerned that is going to be double counted, because they can't adjust for calling folks that were on a for-hire trip that caught king mackerel or whatnot.

It is not a state issue; it is how the National Marine Fisheries is able to count those fish against that ACL. The states can handle; it is not rocket science; but the National Marine Fisheries is having a problem wanting to move in that direction to change the survey to be able to account for those fish and not double count them as commercial sale and recreationally caught.

MR. HIGH: I understand what Anna was talking about, but the variability of MRIP, even the recreational people are absolutely beside themselves. There is no way we've caught that many or we've caught more than this. I don't believe this little bit of fish being caught and the economic health and boost to the few people that it does justifies just doing away with it. It is just not right.

MR. WICKERS: It just seems a shame that bureaucracy always seems to trump common sense; but the sad part of it is it always seems to affect certain people's bottom line. We have been trying to straighten out the statistics ever since I can remember since the eighties. I don't believe we have accomplished a lot. Florida went out of its way to solve this problem in Florida. That is why they put the boxes on there just so they could have it. Yet National Marine Fisheries, here we are 20, 15 years after the box was put on there and they still act like, well, we don't know anything. It's crazy.

MR. BRAME: It is easy to account for them if it is sold it is a commercial fish. It is counted against the commercial quota. You can't have it any other way.

MR. PELOSI: Right; that is one definition that has certainly been around a long time. There is also another category that is sort of in there which affects me. I don't have a federal permit for kingfish, but I commercial fish and I sell my two or four if there are two people with me. They are just simply called bag limit fish; not exactly saying who caught them a true recreational angler or someone who has permits for other fisheries but doesn't have a king mackerel permit.

Okay, I want to try to get to the bottom of this. As I understand it, we need to vote on the second substitute motion first; is that correct? Okay, the first substitute motion is to support Alternative 1, which is no action. All those in favor please raise their hand. Okay, I count seven hands. All those opposed; I see three opposed. **That is seven to three. That motion passes.** This becomes the main motion so now we need to vote on that motion again.

MR. HOLDER: If I may, I didn't vote; the state of South Carolina actually has a regulation if I remember correctly that follows Alternative 4. We don't have a huge mackerel commercial industry so I am going to kind of stay out of it.

MR. PELOSI: Okay, let's vote now with this second motion now becomes the main motion, and that is to support Alternative 1, no action. Once again, all those in favor – did we lose somebody? **I thought we had seven before; okay, six in favor of the motion; and those opposed to it; three opposed. The motion passes.** Moving right along rapidly; I will let Kari explain the next one we are going to talk about.

DR. MacLAUCHLIN: I have hard copies of the document if you want to grab one, especially for this one because it has the tables in it to show how many king mackerel permits we estimate would be designated as inactive. The background on this is that there are inactive king mackerel permits. I think in the last year there were – about half of them there were no king mackerel landings reported.

However, this is limited entry and there are lots of fishermen that have these in their permit portfolio in case they need to switch to king mackerel; but the council wanted to look into eliminating inactive king mackerel permits. We have Alternative 1, no action. Then Alternative 2 would define what is inactive. Those permits would become invalid, nonrenewable, and nontransferable. It would basically just eliminate any permit that did not meet these requirements.

We have these four options under there, Options A through D, and it takes into consideration the average or at least minimum poundage in one year in the qualifying period. Option A; they would have to have an average of at least 500 pounds of king mackerel between 2002 and 2011. Option B would be an annual average of 1,000 pounds. Option C would be they have to have at least 500 pounds in at least one year between 2002 and 2011. Then Option D would be at least 1,000 pounds of king mackerel in at least one year between 2002 and 2011.

Alternative 3 is similar except if the permit is designated inactive because it doesn't meet the qualifiers; it just becomes nontransferable except for immediate family members, which will be defined similar to those for snapper grouper, or to another vessel for the same entity that holds the permit.

So the same ones, and basically what the council is going to do, they are going to decide which permits are going to be designated inactive. Then they are going to decide what to do with them, either eliminate them completely or just make them nontransferable so as the permit holder exits the fishery, eventually the number will decrease over time.

Then the South Atlantic Council added Alternative 4, which is the two-for-one permit reduction in the king mackerel fishery similar to the snapper grouper unlimited permit. I have the numbers here in Table 8 of the number of permits that we would expect to qualify so nothing would happen to them and then not qualifying. It would depend on if the council is going to eliminate or just make them nontransferable.

You can see the percentages over here. Option A would eliminate or make nontransferable 37 percent; Option B would be 51 percent; Option C would be 19 percent; and Option D would be 26 percent. Then you have another table that breaks it down by states. You can look at your specific state. Then in the very back there is a county level analysis if you want to get down to a little more local, and see how it will affect the different counties. That is all I have, really, unless anybody has questions.

MR. PELOSI: I have a question. It has a note; options under Alternatives 2 and 3 have been reorganized and will be reviewed and approved by the council; what are they talking about there?

DR. MacLAUCHLIN: Originally the language that was used specified a qualifying period and then it specified poundage and then it specified average or minimum landings in one year. The councils went through and cut out everything that they weren't interested in. Because it was kind of all these weird combinations; we just took what the councils wanted and made them into new alternatives. It is the same thing, the same qualifying period, same poundage, just reworded a little differently to make it easier.

MR. WICKERS: To be honest with you, I can remember when years and years ago when they came up with the qualifying for the permits and all and how you qualified and how you got them. Then once they were issued they said, okay, if you wanted to get into the fishery, you had to purchase a permit from someone else; is that correct?

The whole purpose of this system is that we need the free market to work. Now to me what this is saying to me is that supposedly the initial idea and the initial system that was sold to us many, many years ago; are we now admitting that the free market system doesn't work? Because, if you qualified for a permit or you went out and you purchased a permit, and some of them sell for 4 to \$5,000 or more; there may be a few years there that you don't need it, but there may be a few years that you do need it.

You may be just that you have a permit; you've met all the qualifications but due to health reasons or whatever, you haven't been able to use it. But now here is the government that explained to us the values of the free market system, and now they are going to come along later and tell you, well, you didn't use that permit even though you bought it, and you may be thinking about later on I may use it when I retire – I don't know, I don't care; but either we go with the system that was sold to us and don't break the trust of the ones that bought permits or met the poundage they were told they had to do year by year to do it.

Now all of a sudden they come up and say, oh, my gosh, look at these permits that are still flying around here. Well, I'm sorry, but that was the system that was set up. I personally think we ought to just leave it alone; let the people that have the permits – if somebody wants to buy one from them, that is up to them. I have no idea why you would want to just now all of a sudden want to eliminate all these people. To me it makes no sense.

DR. MacLAUCHLIN: I just want to talk a little bit about latent effort. The first question that you guys can think about and the council will need to think about is right now there are I think 1,500 valid permits, fishable permits, king mackerel permits. If all of those kicked in and started fishing for whatever reason; can the stock handle that? That is like the biggest concern with latent effort.

If that is fine, and the stock can handle that; there is going to be a range of the level of harvest that each vessel is going to come in, if they all came in at the same time. If the answer is, yes, the stock can handle that; then maybe the council doesn't need to consider any kind of reduction program, and what is in place right now is adequate.

If that is not the case, in 2011 831 of the permits reported king mackerel landings; around 60 or 70 percent, and over the years it goes up and down with how many permits are being fished. That is one thing you can discuss and everything. But if the case is, well, that may be too many

permits, too many opportunities to fish, and maybe the stock can't handle that or it is just too much effort in the fishery; you can talk about different ways.

You can talk about eliminating them, which is Alternative 2, like defining what is inactive and then they are gone, and they are gone forever, because it is a limited entry program; or you can talk about that gradual passive reduction, which would be just to make them nontransferable. Then when the fishermen exits, the permit goes away, but it is not taken away from him or his family.

Then Alternative 4 is the two-for-one, which is snapper grouper, which you guys are probably familiar with and how that has worked over time in kind of a passive reduction as well. I want to clarify it really comes down to the question of can the stock handle it if everybody that had a permit fished in one year?

MR. GAY: If it is simply a question of the stock, there is still a quota in place that if everybody there is decided to fish, the quota would still cut it off so that too many fish aren't caught. That to me doesn't hold a lot. **I'll get a motion on the table for you if you would like, Mr. Chairman, which would be Alternative 1, which is no action.**

My reason for doing so is these guys move around. One year they will make it on king mackerel, another year they will make it on shrimp, another year they will make it on crabs, another year they make it snapper grouper; but they need that to be able to move between those fisheries. If they go three or four years without fishing their king mackerel permit, what is the problem? If they all jump back in at one time, there is still not a problem, because there is a quota in place to take care of that.

I really don't see – and I don't know why this has bothered everybody for so long that there are those latent permits. I think we knew going in there would be latent permits; but the guys need to be able to move between fisheries to stay in this thing. They may even move out of commercial fishing into charter for a little bit in certain times of the year and stuff. They just need to be able to move among fisheries to stay in the game.

MR. WICKERS: I believe he made a motion, did you? I'll second.

MR. PELOSI: The motion that on the floor is no action and it has been seconded properly. Any more discussion?

MR. KELLY: We've got a kingfish I believe SEDAR stock assessment coming up this year. I don't think there is any indication that is not going to be a very robust assessment. On the Gulf side, the SSC recommended increasing the quota by 4 million pounds, but the council only increased it by I believe 1.2 million. We've got a lot of grace in that area.

Coming out of this recession, if in fact we are, we have seen reduced effort on both coasts both by the recreational sector and the for-hire group. It is no time to be considering retiring latent permits. I know in South Florida where we have got 1,250 pound trip limits with a step-down to 500 pounds at 75 percent. These guys are running 40 to 80 miles a day to catch these fish at five bucks a gallon for marine fuel. They are not leaving the dock. We have to give a lot of consideration to that. These fish have certainly had a break here over the past few years.

Fishermen have endured a 20-year rebuilding program and actually it is time for paybacks. We ought to keep these permits active and we ought to encourage fishermen to get out and use that resource.

MR. HICKMAN: I agree with Jodie wholeheartedly. One thing I want to point out is in our area particularly that has been hit so hard by so many hurricanes. I have fishermen in my area that since Hurricane Floyd, and their boats were destroyed and weren't able to get any federal help to get back into the industry; they have been working on other fish boats to try to get the money to get back into the kingfish business; but yet they have maintained their permits. To take their permits away because the government wouldn't give them funding to help them get a boat to get back in the kingfish business; no, I don't think that we need to take their permits away.

MR. PELOSI: Okay, any other discussion? Let's go ahead and vote on that. **All those in favor of the Alternative 1, no action, raise your hand. please; eight. All those opposed; one opposed and I guess one abstention.**

DR. MacLAUHLIN: Action 3 is the last action in Amendment 19. It is to modify or eliminate the income requirements for the Gulf and South Atlantic commercial CMP permits. This is commercial king mackerel and commercial Spanish mackerel. We have the no action alternative. We have Alternative 2 in there, and that one will be removed.

That was to put encumber requirements in place for a cobia permit, but the councils have decided to not create any kind of permit requirement for cobia. The council will officially take that out in June. The Gulf preferred alternative is to eliminate all income requirements for commercial king and Spanish mackerel permits.

The Gulf eliminated their income requirements for their reef fish permits, because of the oil spill; and similar to what you were talking about, people didn't have income from fishing during that time. Alternative 4 would modify the current income requirements so that they could recommend a suspension of renewal requirements if there is some kind of event such as a hurricane or an oil spill. Then Alternative 5 was added in March, and it put in the income requirement, which is currently 25 percent. It would increase that to either 75 or 50 percent. We have quite a range here; from eliminating them completely to increasing the required percentage of income.

MR. PELOSI: This thing on the income; I know two years ago when I renewed my Spanish mackerel permits and sent documentation of the income, they sent it back and told me it was not being required. They didn't specifically say so, but there may be some rule that you are not allowed to use a 1040 form or they can't require you to use it. They are not really requiring them; but they did say if it ever becomes an issue, you might have to prove that your income qualified you. The income thing is sort of a moot point right now in reality, but it is here in front of us so we have to do something with it.

MR. WICKERS: What I was thinking is that when we renew the permits, there is a page there like an affidavit you signed that you met the requirement. I guess if something comes up –

MR. PELOSI: Yes, that is still there.

MR. WICKERS: Yes that is all they do now. It used to be that you had to prove it. But now if you swear to it, but I guess if somebody were to challenge you, then it would become an issue. You could go to jail for signing a false statement. That is the way I understand it. **I'll make a motion that Alternative 1, if that is fine.**

MR. PELOSI: Do I hear a second on that?

AP MEMBER: I'll vote second.

MR. PELOSI: Any more discussion?

MR. GAY: I'm going to support Bill's motion. I do, however, see some beauty in what the Gulf Preferred Alternative 3 is of removing all income requirements. I think it simplifies it for everybody involved.

MR. PELOSI: Did South Atlantic have a preferred alternative there?

DR. MacLAUHLIN: No.

MR. HICKMAN: I support Alternative 3 due to the fact that in our area for some reason in the past five or six years, the king and Spanish mackerels have moved through so fast; and specifically saying that you caught that required amount in those species would sometimes be hard to do. I support the Gulf's position of removing the income requirements because of the problem within the fishery within our area. I have no explanation for it, but it has just been simply put that the king mackerel and the Spanish have moved through so fast so it has been an issue.

MR. PELOSI: Yes, but in Alternative 1 it just says that it is not species-specific; it is from commercial fishing or charterboat fishing is the way it is worded in Alternative 1. Ben has just stepped up here and he always has great words of wisdom for us.

MR. HARTIG: I don't know about that. Yes, Bill, Mr. Pelosi is right; it would be from the sale of all commercial species. When you guys were discussing the action before this, when we had some kind of landings qualifier, I heard it go around the table from all the commercial people that it is a multi-species fishery. We make our living from a number of different species, and we may not participate in that fishery in any one year or for a number of years for a number of different reasons.

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he beauty of Alternative 5 is that it defines the commercial fishing aspect of it. In Alternative 5 you would have to have all your income from either charter, which in Bill's case is important, and then all you income from commercial sales would be included for qualification to keep your king and Spanish mackerel permit.

All these actions; both of these were couched in the fact that – and Kari mentioned it – that there would be a passive reduction. Nobody loses their permit. If you didn't meet the requirements, you would still keep your permit under a nontransferable situation. One of the things that I'll add here, when we look at how many fish this fishery can support – I mean. I fish Atlantic king

mackerel in the spring and summer off of South Florida. That is really the only time I participate in that fishery. My historic landings in that fishery are around 30-plus thousand.

They got back to that in 2006, '07, and '08; and now in the last few years they have been down again. But, if you think about somebody who is in my position, who is a full-time commercial fisherman and needs about 30,000 pounds; it doesn't take long for a hundred of us – you know, that is 300,000. Well, actually, a hundred of us is three something million.

You talk about 10s, you are into the 300,000 pounds. You talk about 100 commercial fishermen and that is 3 million, which is about our quota. Looking at the full-time aspect of these full-time fishermen who actually need king mackerel to be able to continue to participate in commercial fishing; this was one way to get at that. Like I said, you can go either direction.

You can use, which you all didn't see any value in, the landings' requirement or you could use this landings' income requirement. That is my perspective on it. At least it gets down to the commercial fishing; and as long as you are still commercial fishing, you are still included in this, whether you chose the 50 or 75 percent. Having said that, I'll go with whatever you guys feel. I've heard the conversations.

MR. WICKERS: Yes, I was going to say after listening to the discussion, I don't have a problem with what those fellows said about three. I could withdraw my motion if they would like to do that or we can do the substitute like we did last time.

MR. GAY: I was just going to say regardless of which of these is chosen, I think still like Number 3. Going back to these guys needing to move around between fisheries; it is not only that; you don't want to eliminate them if an opportunity came along for something even outside the fishery, where for two or three years they could go and make better money doing that; it takes pressure off the fishery, and then come back to it because it is a temporary job or whatever; I don't see any reason why you would want to exclude that.

I can remember when I was commercial fishing; we had hurricanes come through and we quit and went to cutting trees. We couldn't get our boats back in the water. A lot of those guys at the time had supported 100 percent. If you didn't make 100 percent of your living from fishing, you didn't need to be fishing. Well, they got over that real quick when they couldn't get their boats back in the water after the hurricane, because they went to cutting trees off of people's houses. They would have knocked themselves out of the fishery if they had – it is one of those be careful what you ask for, you might get it deals there. I just support whichever. I still like three, but I think they need the flexibility to move around wherever it may be and come back.

MR. WICKERS: **I'll withdraw my motion then.**

MR. PELOSI: Is that okay with the second? Yes, it is okay with the person that seconded.

MR. HICKMAN: **I make a motion that we accept Alternative Number 3.**

MR. PELOSI: **Okay, we need a second on the motion for Alternative 3; seconded by Jodie. Okay, any more discussion? All those in favor of Alternative 3, raise your hand please.**

**Eight in favor. Opposed, two opposed. The motion carries.** I think it is about time for taking a little break here and then we will see where we go from here.

Whereupon, a recess was taken.)

MR. PELOSI: Okay, let's bring the meeting back to order here. We're going to move on now to Amendment 20 and Kari is going to give us a little background information.

DR. MacLAUHLIN: Last week the Gulf Council met and made some changes to Amendment 20, so they are not in the document that you have, so some of these we actually need to talk about. Action 1 has not been removed by the South Atlantic Council, but the Gulf of Mexico Council selected no action, and then they removed the action for the subzones and allocations of the Gulf Group Eastern Zone King Mackerel.

Unless you guys want to make a recommendation to the South Atlantic Council, who will probably do the same thing at the June meeting to remove the action, then we don't need to go through it. Okay, so that would leave six actions in Amendment 20, and we'll go through each of these.

Some of them are specific to the Gulf group king mackerel, but you guys can make recommendations to the South Atlantic Council, also, because the South Atlantic Council will have to also select preferred alternatives. Then we will talk a little bit about the cobia stock assessment and ACL.

While you guys were gone, I put this one document – and it is front and back – it is just these four slides that I'll put up when we get there and just kind of give you a super brief summary of the stock assessment for cobia and Spanish mackerel, which we'll talk about a little bit later, and what the councils are going to do with these actions.

This is on the same schedule. We'll do public hearings in August and then do the South Atlantic final approval in September. This is the last time probably that you will be able to review this and make recommendations to the South Atlantic Council. I just want to point this out, because we are working on a visioning process with the council for the snapper grouper fishery management plan; like kind of going through the goals and objectives of the snapper grouper FMPs.

The council did talk about also doing this for mackerel, but right now we are just going to focus on snapper grouper. Going back through that; of course, you know I'm new to mackerel so I am still learning. But going back and looking at the management objectives in the Mackerel FMP was really interesting to me.

I've added them in your document just to remind everybody that we have these management objectives, and really all the actions and alternatives should in some way be contributing to these broader objectives. Maybe at some point the council will ask you guys to look those over and see if they need any revisions; but that is just a side note.

I just wanted to have those in there so you could think about those when you're going through the actions. Okay, so skipping over Action 1; moving right along to Action 2; this would modify

the commercial hook-and-line trip limits for the Gulf group king mackerel. Currently the different zones and subzones have the hook-and-line trip limits, which are listed under Action 1.

Then Alternative 2 would set a 1,500 pound limit with no step-down. Then you have the options for the different zones and subzones. Alternative 3 was removed by the Gulf Council, so the South Atlantic Council will review that and probably approve it. Also Alternative 4 last week was removed by the Gulf Council.

That is why I have those; they are not struck out in the document you have because it just happened last week. On the screen you can see three and four are now removed. Then the Gulf selected the Preferred Alternative 5, which would be to set the hook-and-line trip limit to 3,000 pounds with no reduction. These are for the Gulf group zones. They wouldn't affect the Florida East Coast Subzone. However, if you have any recommendations, you could do that.

MR. CUPKA: I just want to point out at the Gulf Council meeting last week on this particular action, that they did pick Alternative 5 as their preferred, the 3,000 pound, except for Option B, which I think is the northern – was that the eastern northern subzone? They set it at 3,000 for the western Gulf and for the southern subzone. For the northern I think they went with 1,250 or 1,500. Again, that is in their area of jurisdiction. I just wanted to let you know that, Kari, when they got to full council. they did modify that one a little bit.

MR. PELOSI: Okay, so this does not affect the Florida east coast winter fishery then? You're still limited by 75 or 50 head, depending on the number taken. Okay, everyone understands that? Let's get into Action 2 here, the hook-and-line trip limits. Does anybody have a motion or a little discussion first, whichever.

**MR. BOWEN: If it is not affecting our fishermen, I make a motion we go with what the Gulf recommended.**

MR. PELOSI: Is there a second to that motion? Any discussion? (No vote taken on the record)

DR. MacLAUHLIN: Action 3, which is the fishing season for the Gulf king mackerel in the eastern and western zone, and last week the Gulf selected Preferred Alternative 2, which would change the season from July 1 to September 1. Then they removed Alternative 4. You have the no action alternative, which is July 1; Alternative 2, September 1; and Alternative 3 would be October 1.

MR. BOWEN: Kari, do we know why they decided to change it, the reasoning?

DR. MacLAUHLIN: I'm getting in the committee report, but then I guess things changed when they went to full council at the Gulf. I think that the Gulf Council selected the no action alternative. I don't know; maybe for market.

MR. BOWEN: It is just hard for me, with being on the Snapper Grouper Advisory Panel as well, and knowing the upcoming changes for the sea bass date, and how meaningful that is to us here on the Atlantic side; I can't vote for any season changes or anything without knowing the repercussions of it.

DR. MacLAUCHLIN: I do know that on the Gulf side in some of those subzones; it is broken up a lot more than it is on the South Atlantic. They will like reach their quota and get shut down in that subzone; it seems like more often than on the South Atlantic side from what I can tell. This may have been changing it to adjust for the migration and letting everybody have enough time to access the fish before it gets shut down in that subzone. I don't know the specifics for it.

MR. PELOSI: Yes, that was in the full document there. I didn't get too much into the specifics either since it didn't affect us. I think it was the one area there that said the fish were caught when they got there. But they did go with Alternative 1 instead of 2; no action. Do I hear a motion? You have a question there, Bill?

MR. WICKERS: Yes, what I was trying to get in my mind here, because the Gulf stock changes; at what point does the Gulf stock move from Volusia back around to Collier? Do you know what the timing is?

DR. MacLAUCHLIN: April 1 is when the boundary shifts.

MR. WICKERS: April 1, so if they actually moved it to September; how would that affect –

MR. PELOSI: I don't think it would affect us.

MR. WICKERS: Well, I'm thinking it is all Gulf stock all the way up to Volusia. I'm trying to figure does that affect the boundary shift? In other words, it is going to shift while the stock is still open?

MR. PELOSI: No, Ben, I think can answer all those questions for us, Bill.

MR. HARTIG: Yes, those are all valid concerns, but that portion of that Gulf quota is defined north of that area where you fish. If you look at your chart, you will see the definition of the stock goes from above the Collier/Monroe Line north. Everything pertaining to this action would be all that primarily Gulf stock, and it wouldn't impact any of the winter fishery that occurs.

MR. WICKERS: I was just wondering, because that moves around.

MR. HARTIG: The fishermen -- our guys who travel, they did not want to see the season change. If you start changing the season, then you start -- right now it is pretty well -- the July 1 there is not a lot of production of king mackerel happening anywhere else, so they're getting pretty good money for their fish. If you start moving it later in the season, then you start getting into your North Carolina fishing, you get into even later in November -- if everybody is producing king mackerel, nobody is going to make any money.

The fishermen from an economic standpoint don't want to see the season change. That was theirs, and it works pretty well for us. Basically, when you guys have fish, you are getting the economics out of it. When we have fish we're getting economics out of it; and when they have fish they are getting it. For the economics of the fishery, it works for everybody.

MR. BOWEN: Ben, that was my next question. Are you happy as a commercial king mackerel fisherman and someone that is well aware of the status of the stock? Are you happy with the way it is currently?

MR. HARTIG: Yes, I think everything we have heard from our fishermen who travel – and I don't travel so I don't go to the Gulf. Everything we have heard from our fishermen, yes, they are happy with the season the way it is and don't want to see it change.

MR. WICKER: I just had another question. The reason was I asked was because usually we don't have to have a closure anymore much. I remember years ago when we were discussing start dates; I remember because I believe the spawning of the king mackerel are usually over the summer months, correct?

That is why if there was a closure, they had said it would be nice if the closures – if there had to be one, at least it would be during the spawn month. That way if it started on September 1 and actually reached a point where you did have a closure, it would be at least when the fish were full of eggs. That is why I had that question. But if the Gulf wants to stay the same; I don't have a problem with it.

MR. PELOSI: Our Atlantic fish are usually pretty much through spawning by the first of July.

MR. KELLY: Our fishermen involved in the hook-and-line and the gillnet fishery, which represents a large portion of the industry, would like to see things remain the same. Again as we emerge from this recession and so forth, there is no need to be messing with market dynamics here and things like that. It is working well. **Therefore, I would make the motion that in Action 3, we support Alternative 1, no action; keep the fishing season from July 1 through June 30.**

MR. PELOSI: Okay, and it has been seconded by Bill Hickman. Do we need any more discussion on this? **Okay, well let's go ahead and vote. All those in favor of Action 3, which is no action, support Alternative 1, eight and two abstentions.**

MR. BOWEN: Mr. Chairman, if I may take a moment; I'm not calling anybody out here, guys, ladies, gentlemen, whoever is on the panel. I think Gregg Waugh came to the – and I'm not sure if it was this AP or the Snapper Grouper AP one time and brought something up that really stuck with me. We are here as a panel to make decisions and vote yay or nay or whatever the case may be. You can abstain; that is your right. But just keep in mind that we are here to form an opinion and to vote instead of to abstain. Now with that being said, I am sure I am on record abstaining from some; but I just wanted to throw that out there; form an opinion, make an educated decision on it and exercise your right to vote, please. Thank you.

MR. PELOSI: Okay, thank you for that. Going on to Action 4, Kari, do you have some explanations here?

DR. MacLAUHLIN: Action 4 establishes transit provisions for travel through areas that are closed to king mackerel fishing. This is something that Florida – they have a state rule now that allows transit through Collier County when the Florida West Coast Southern Subzone is closed for vessels possessing the Atlantic king mackerel that were harvested off Monroe County.

This was kind of brought up to track that state provision. We have a couple of alternatives. Alternative 2 allows transit through the Florida west coast northern and subzones so that Gulf side when those zones are closed, when the vessels have Atlantic king mackerel that were harvested in the EEZ off of Monroe County.

Three would allow transit through Collier County when the Florida west coast southern subzone is closed for the vessels with Atlantic king mackerel that were caught in the EEZ off Monroe County. Alternative 4, which is the South Atlantic preferred alternative, tracks the same language that Florida is using.

The provision allows transit through Collier County when Florida's west coast southern subzone is closed for vessels possessing the Atlantic king mackerel that were harvested in the EEZ off Monroe County from April 1 through June 30, so a really specific time period for these vessels. Then Alternative 5 would allow transit through any area that is closed to king mackerel for vessels that possess king mackerel that were harvested in an open area.

This would include all the subzones on the Gulf side. Then six would allow transit through the Florida west coast northern subzone when that area is closed for vessels with king mackerel that were legally harvested in the EEZ off Collier County. These are a lot of combinations of a similar thing. Alternative 5 is the broadest one, and it covers transit through any closed areas when you caught fish in an open area. The Gulf selected that as their preferred alternative last week.

MR. KELLY: We are very much interested in these transit provisions and have been working closely with the state of Florida on it because of a number of issues that have manifested themselves in the past year or so, especially with our gill net fishery. It is a reoccurring problem for our hook-and-line fishermen.

The gillnet fishermen in particular had substantial problems this year. The closest landing sites with the fish being up to the northern limits – and I'm talking about the left coast of Florida. For anybody that might not be familiar with it; we have Monroe County and then we have Collier County and then we have Lee County.

The cutoff line for the gill net harvest is the Lee/Collier County Line. These fish this year in particular were up close to those northern boundaries; climate change, whatever you want to call it. We are talking about water temperatures that were anywhere from 5 to 15 degrees hotter in the Gulf of Mexico this year, a very warm winter, no cold fronts to move these fish down.

What we had is we have guys coming from Marathon, believe it or not, being the furthest point away, even further than Key West, because the islands actually run east to west; so these guys are up at the northern limits. They are iced, they're catching fish. The closest place that they could go to unload these fish is Collier County; and that is Everglade City. Everglade City carries four and a half feet of water at mean low water to get in there.

Most of these boats carry more than four and a half feet of water with nothing on them. You load them up with ice and then put 20, 25,000 pounds of kingfish on them; you may have the draft down to six and a half, seven feet. We also had a full moon during the harvesting period

there, and it extended turnaround times to as much as 12.5 hours to get into Everglade City, unload, reprovision, refuel, and then wait again for the tide so that they could get back out.

In contrast, just an hour and a half away, if we had transit authority, we could have gone into Fort Myers that carries seven and a half feet of water at low tide. Even with that additional traveling time, turnaround time may be three and a half, four hours. We're talking about product quality and so forth.

When you need to carry additional ice when it's warm, that only exacerbates the problem and makes it worse, because you are drawing more water now. As we have the boundary shifts now – another good example is as that Atlantic stock comes around; we are closing off the waters of Monroe County, yet the gill net season is still open until June 30th.

Now if I, for example, have Robert Palma or Tony Paan that own the Lobster Connection, a commercial fish house in Marathon; they transit to Collier County, gear stowed, of course; they can capture kingfish off Collier County, but they have to land it in Collier County. They can't go to Lee, can't transit back through Monroe County waters with gear and fish on board. There they are, a licensed fish house to deal in a product, but they are forced to take it into Everglade City and process it through another fish house. That is ludicrous.

Just the same as any vessel that would be coming in from offshore or whatever, or tuna fishing or whatever the case is; we need transit authority with legitimate supervision. I mean, if the gear is properly stowed, there shouldn't be any reason why these vessels can't transit any area in the state of Florida to an approved dealer, especially when we're talking about quality control, the economics that are involved here with guys that own and operate their own fish houses.

You lose 10 or 15 cents a pound on a fish that is only getting you a buck and a quarter a pound max, maybe; that is a substantial loss in income. **I would encourage all of you, and from the get-go here I would make the motion that in Action 4 we select Alternative 5 as the preferred.** That would allow transit authority throughout state waters for the legitimate purpose of selling legally caught fish.

The state of Florida, in my discussions with them, they are already amenable to this. Most of the boats carry observers on them. Some do have VMS because they are involved in other fisheries, and we're talking a very manageable fleet, 15 to 17 boats max. In our discussions with Colonel Jim Brown and other law enforcement officials with the state of Florida, they saw no inherent problems in managing the fishery. Thank you.

MR. PELOSI: Yes, you hit on something that may be something in the future with climate changes and so forth; things have certainly changed in all the fisheries in the last year or two because of water temperatures. The other alternatives all have something in there that limits it to one county or another. It seems that Alternative 5 might be the best way to go. Any more discussion?

MR. GAY: I was going to second the motion and, yes, I have a little something to say about it. I believe Alternative 5 is the most lenient of those; and I would add not only for the reasons that Bill has given but for safety purposes. You have weather come up; you need to get to shore, as simple as that. You don't need to have to go around some area to get there or whatever. You

need to get to shore. For the reasons Bill stated and for safety purposes, I would support the motion.

MR. BRAME: What did law enforcement say about it?

MR. PELOSI: I believe he addressed that. You said that law enforcement was agreeable to it?

DR. MacLAUHLIN: We did review these with our Law Enforcement AP and they were in support of Alternative 5 mostly because, for example, Alternative 4 is so specific, specific place to land, to harvest and time period that is more difficult to enforce. They always look for simplification.

MR. KELLY: I just might add that we have had this discussion with the state of Florida as well, and we are in the process right now with Jessica McCawley of drafting the language that we would use here. As stated, Colonel Jim Brown said he felt it was a very manageable fishery at 15 to 17 boats. They are large boats and easily identifiable, and his comment to Chairman Wright was that basically he saw no issues in managing that portion of the fishery.

MR. PELOSI: Okay, let's go ahead and vote. Bill.

(Remark made off the record)

MR. PELOSI: Yes, it is. I think they are talking April 1 through June 30 is when this happens.

DR. MacLAUHLIN: No, Alternative 5 allows transit through any closed area with fish that were caught in the open, any time, and that is why it is very broad. The only conditions that apply right under there it says note; that would apply for Alternative 5 is that it would be for vessels in direct and continuous transit with gear stowed, and only for fishermen holding a federal commercial king mackerel permit. There is no time period.

MR. PELOSI: That is correct. What I was referring to was the time of the year that they really wanted it for was April 1 through June 30, but this would apply Gulf-wide, and in the northern zones also. Okay, I think we might as well go ahead and vote on this. **All those in favor of Alternative 5 on Action 4 allowing the transit through closed areas; all those in favor raise your hand; nine, unanimous.**

(Remark made off the record)

MR. PELOSI: Oh, wait a minute; he's not even in the room.

DR. MacLAUHLIN: All right, this one is South Atlantic specific. It is establish state quotas, which will change the ACLs – state ACL for Atlantic group king mackerel and Spanish mackerel for North Carolina. This is to take a portion of the commercial Atlantic ACL for each of these and allocate it to North Carolina.

It will be landings, so North Carolina will track it through their landings. When landings have reached that North Carolina ACL, then landings are prohibited in North Carolina' not the waters off North Carolina are not closed and then vice versa for the rest of the states. If the general –

we're calling it the general ACL is met for the rest of the states, then you cannot land in those states; but North Carolina will still be open and allow landings.

We have our no action alternative; and then under Alternative 2 – this is for the Atlantic king mackerel, and there were lots of different ways to figure out a percentage of the ACL based on different years. We have the average of proportion of the total Atlantic king mackerel landings in North Carolina between the '08 and 2012 season.

Then B would be between the 2003/ 2012 season. C is the Boyles' Law, so it is 50 percent based on the 2003 to 2012 and 50 percent based on the 2008 through 2012. Then Option D would give the little bit longer period, and it starts in the '97, '98 season through 2012. Then we have the same options for Spanish mackerel.

Then at the March meeting, Alternative 4 was added, which would allow for transfer of quota between the general Atlantic group king mackerel and Spanish mackerel ACLs and the North Carolina ACLs. This is similar to – the example that was brought up was the summer flounder state allocations in the Mid-Atlantic, and that they can transfer back and forth so if one state needs more quota, another state can transfer that to them or if a state doesn't use their quota.

This was kind of brought up so that if this is set up and North Carolina has their own quota and they don't reach their quota; they can transfer it back to the general and then like everybody else, South Carolina, Georgia, Florida fishermen can access that quota; just so it is not unused. We are kind of working out the details of exactly how this would work based on the Mid-Atlantic summer flounder transfer provision.

Using the landings in Table 3 and Table 4 in your document, you can see how much of the North Carolina king mackerel allocation and then the general Atlantic group king mackerel allocation would be under each option. The longer time period, Option D; that is the 15 years, it would be 37.2. Then in Table 4 it shows you the pounds under the current ACL that North Carolina would get, and then the landings in the past 10 or 12 years from North Carolina.

You can see that all of the options would be in most cases a lot – at least in the past few years more king mackerel than North Carolina has landed. Then the same for Spanish mackerel, all the different options, then it would give them around 16, 17, 18 percent of the Spanish mackerel allocation. Then you can see in Table 7, how many pounds that would be of Spanish mackerel and then compare it to North Carolina landings in the past few years.

MR. PELOSI: I am going to ask Ben to comment on this and the need for it.

MR. HARTIG: Why don't you get North Carolina's perspective first?

MR. PELOSI: Okay, do we have anybody here?

MR. HARTIG: Yes, right here, Anna.

MS. BECKWITH: Certainly, North Carolina has been pushing for state-by-state quotas for quite a while. There are a number of species that North Carolina manages through the Mid-Atlantic

Council that we are able to do using state-by-state quotas, and have done so successfully. Our North Carolina Division of Marine Fisheries is fully capable of tracking those quotas.

We have a daily monitoring for quota species. We are interested in more of a regional management perspective. Obviously, we tend to have a lot of discussions on North Carolina's seasons and migration patterns for fish versus Florida. To us this is one of those species that we do have some different migration patterns; and our folks are seeing them certainly later in the season than Florida does.

We are looking to have that small portion allocated to us that is our historic landings for king mackerel and Spanish mackerel in order to protect that fishery for our folks when they do occur at the end of the season. Again, North Carolina is fully capable of monitoring our state quotas, where Florida, South Carolina and Georgia are not interested in doing so.

We have been kind of tucked our back against a wall not being allowed to do something that we can, and can do well, because the other states simply aren't interested. This is kind of the compromise from our viewpoint that we can do so. We would like to give it a try. We have a long history of doing it successfully for Mid-Atlantic species, so we would certainly like to see this move forward.

MR. GAY: I was just going to ask Anna before she left the table; which of the options for king and Spanish both do you prefer or does the North Carolina delegation on the council prefer?

MS. BECKWITH: Well, let's say I don't want to taint your conversation on this. We are certainly looking for input on what you guys would like to see. I think our position is simply we really very much want to see this move forward, and we are absolutely capable of doing so well. That is our position.

MR. KELLY: Looking at the background, just reading those first couple of sentences there is that the South Atlantic Council is concerned the commercial ACLs will be filled by fishermen in one state before fish are available to fish them in other states, particularly in North Carolina. This becomes more probable as the ACLs are lowered.

I think we can read into that that Florida is the state that we are concerned about that, hey; they are going to catch them all before the other states get the opportunity to; but there are four states under this South Atlantic Council management plan and I think that each one of them deserves – if we are going to start setting state quotas, then we need to take a look at these other states as well.

The other thing is it becomes more probable as the ACLs are lowered; it is making a statement that the ACLs essentially are going to be lowered. Why would they? Why would we expect that to be the norm? Twenty year rebuilding program, if anything, we should see increases in these stocks. In Florida alone with regard to Spanish mackerel since the net ban, we've got five to seven million pounds of Spanish mackerel that are dying of old age each and every year; and because they are not being net caught, they are adding to the biomass. We have every probability to expect the outlook to be much rosier than gloomier. I couldn't see cutting out a quota for one particular state.

MR. PELOSI: Okay Anna, do you want to address what –

MS. BECKWITH: Sure; the discussion we've had around the council table to give the other states an opportunity to consider their state-by-state quotas as well, and they simply were not interested in pursuing that at this time. But they were not opposed to our pursuing that, because we certainly had the monitoring capabilities where Georgia and South Carolina at this point did not feel they had the resources or the capability to do daily monitoring.

In terms of the ACLs dropping, I'm with you; I hope they keep going up; but I don't see that that plays into this decision. If the ACLs decrease or increase, I think it is not substantive to North Carolina wanting and being able to monitor regionally and properly monitor our own state quota.

MR. KELLY: All right; if I can just respond to that point, Mr. Chairman, in addition to that we're discussing climate change issues with warming waters and so forth. If anything, we might expect that these fish would be further to the north that would put North Carolina in prime position to catch them.

MS. BECKWITH: Certainly, by having our state quota, we would be kept to that quota. If we were in prime position due to climate change, then we would still be kept within our state quota and would not be taking away those fish from the southern region if your scenario were to occur.

MR. BRAME: This is an issue where I think the AP is better off – and we should have done it on the bag limit sale provision, too, in my opinion – do we think as an AP that North Carolina ought to have its quota or not? Not what it is or how much; I think once you get into the weeds you kind of lose the discussion.

I would like to see the AP first decide do you agree that North Carolina ought to have its own quota or not? Then if we want to worry about which particular one, we can, but I think that is really the guidance the council is looking for. We don't have the expertise to know which one is better.

MR. PELOSI: That is a very good comment.

MR. WICKERS: Let me frame this right; I have always been one that thinks that in some species of fish especially, but that the closer to home, the better you know what is going on. But in the part where I am leading up to here; the part that really got me was when they did the snapper grouper, though, it was a reversal that when they did the four-month closure in the Keys; we were told that even though we didn't catch but less than 1 percent of the total gag grouper catch, that they were going to have a four-month closure down there regardless, because they wanted to have the same rules for everybody. I am at a loss now as how we can now reverse ourselves and say, well, we are going to do this for one state but you couldn't do this for Florida. I honestly think if this goes through, you are going to open up a huge can of worms, I would imagine.

To me, I am telling you; people in the Keys, we were stunned. I am still stunned about what happened with the snapper grouper down there. Less than 1 percent of our catch, but we have right in our prime season all four months were closed down. They can't even catch grouper; on all grouper, not just one. I don't know, but I personally think that there needs to be exceptions;

but if you do this exception, you should revisit some of the other exceptions. Anyway, that was my opinion.

MR. GAY: Yes, for the two Bill's being from Florida, it is easy for you to be opposed to this; I understand that. Our guys are on the tail end of this. If anybody gets hurt, it is going to be them. It has certainly been awful close in some past years; some years it did happen. We got some guys that a lot of years really depend on this fishery to make house payments and boat payments through the winter, especially with the snapper grouper closures being in the same time period.

For all meaningful purposes, they are fishing on nothing except king mackerel right now. If that is taken away from them, they have no way. With the snapper grouper closure – I mean, grouper is getting ready to open back up, but that is four long months in there from January. For that reason, I would certainly support this in some manner.

Looking at it, of the options that are here, if you go all the way back to 1997, that gives you a 15-year time period that they have got good solid numbers here that they can look at. I think it would be fair for both king and Spanish both. Number one, I would like to see us support this. Number two; I think that gives us the longest date of history for both Spanish and king would be Option D to look at, and the fairest way of doing it. That is the longest period of time to look at so you get a better average over those years. For that reason, I am going to support North Carolina getting this. Is there a motion on the table at this time?

MR. PELOSI: No, there is not a motion on the table.

MR. GAY: Well, I guess we're doing them one by one so –

MR. PELOSI: Actually I liked what Dick said there about deciding whether there should be a separate quota for North Carolina first.

MR. GAY: Okay, I have no problem with that; I'm certainly in support of it.

MR. PELOSI: Then we could go ahead and then prefer which option, the percentages.

MR. GAY: Yes; and I will add that while I am supporting this, I can remember a few years ago when I was on the council and I was fighting really hard to get it – and Ben will agree with me – I was fighting for those Florida guys to be able to get more fish. Where it goes from 50 fish I think to 75 fish, Ben; hell, I was the driver on that to get that done at the time. That was supporting your guys down there, that group. I guess we are sort of hoping for the same in return now.

MR. PELOSI: Well, there was a different purpose there. They were voting for the lower number of fish to extend the season through the Lent when the prices were high, if I'm correct. Isn't that right, Ben?

MR. GAY: No, it was the other way around; it was to allow for more harvest if a certain percentage of the quota had not been taken by a certain day.

MR. PELOSI: Well, that kicked in if it hadn't been and went up to 75.

MR. GAY: Yes, exactly.

MR. HICKMAN: I would like to add one thing before we take a vote on making the decision whether to accept the proposal or not. Our king mackerel fishermen have a tremendous distance to travel to be able to fish for king mackerel. Our fishermen are put in peril time and time again by having the fish in very adverse weather conditions just to try to make ends meet.

Fishermen from the southern states have a short distance to travel to be able to catch fish, and can have the opportunity to run in when the weather gets bad and run right back out and catch their quota when our fishermen have to travel 50 and 60 miles to get to the ground, and lay to on anchor in 30, 40, 20 foot seas just to be able to catch king mackerel when they can't catch grouper as they are right now. In considering whether we want to accept this or not, you consider the risk that our fishermen have to take to be able to make a living whenever they can't catch grouper, and the perils that they have to go through is one reason why we are asking for this quota.

MR. BOWEN: That is the way it is year round for Georgia in snapper grouper species or king mackerel. If that is the case, then we really need to look at state-by-state regional management for everything. Like Bill Wickers said, this is going to open up a can of worms. I am aware that council thinks that some states want it and some states don't, but opening up a can of worms here, big time.

MR. BRAME: Well, being as how this does not give North Carolina more fish than they would otherwise catch in an average year, depending on when you average, it just allows them to catch them at a time of year when they are there. That is the rationale that they are using that in the Mid-Atlantic for summer flounder, scup, and black sea bass where they have individual state quotas in tautog.

**I would offer a motion, and the motion would simply be does the advisory panel support North Carolina having their own quota in the king and Spanish mackerel fishery, to start with.** If we do support such a motion, then if we want to we can decide which one we want, but it sounds like that is the issue that we are grappling with. Should they or should they not have it?

MR. PELOSI: Okay, now you have put that in the form of a motion?

MR. BRAME: Yes.

MR. PELOSI: Okay, is it seconded? Seconded by Bill Hickman.

MR. WICKERS: The reason I'm having a problem with this, because basically I used to get Florida to do some things. I used to stand up there and roll the flag up to try to get them to do some things that the councils didn't want. The problem that I'm having is that I know what it is to go through a closure, because I went through two of them, two seasons in a row where we were just totally shut down years ago, a long time ago, longer than I want to remember.

But, anyway, the problem that I'm having is unless you do it all state-by-state, what you are doing is instead of the closure happening – if there is a closure happening in Carolina, it is just

going to move to South Carolina, right, because you are going to pull that amount of fish out of the total; and so then if there is going to be a quota, it just gets moved further south.

Then South Carolina will say now we're going to get the short end of the stick, so maybe they will get off and do what you're saying. Then when South Carolina realizes it and they want theirs; then Georgia will have to do the same thing and then Florida; because if they don't do it, somebody is going to get closed if they ever fill the quota; you know, what I'm saying?

Somewhere along the line, because you keep pulling pieces away and say, you've got this amount, okay, but that lowers the pot that amount. That means the next one on the closure list now, instead of South Carolina, who maybe doesn't get a closure, they'll get it. I don't know how that is going to solve a lot unless it is going to be a lot of animosity.

MR. HARTIG: To Bill's point; functionally the commercial fishery, it is a Florida fishery and a North Carolina fishery. There isn't very much commercial production in South Carolina or Georgia. Now having said that; I don't know what happens when North Carolina is closed and you can land fish in Virginia or South Carolina.

I don't know how that would work, and that would be allowed. There is no provision for us to prohibit that. I just wanted to explain the functionality of how it works now, and I don't know how it would work in the future if we go down this path.

MR. BOWEN: That was one question I had. If this goes through, what, if anything, would stop the fishermen on the southern border of North Carolina, once that quota is met, going to the northern side of South Carolina and fishing and then coming into South Carolina? Would there be provisions against that or is that not against the rules or is that acceptable by the people here, knowing that it is not only possible but probable?

DR. MacLAUCHLIN: I think that it is going to be determined by the dealers. If there is a market, then they can. But if there is not a market or there is not enough dealers, then they can't sell. I don't know.

MR. BOWEN: We're accepting the fact that the southern fishermen of North Carolina commercially, if this goes through will – let me just quote it as double-dip, and that is okay? I'm asking because I don't know; I'm not trying to be smart.

MR. PELOSI: I understand, you raise a very, very good question and I think that needs to be answered. Maybe Anna has an answer here.

MS. BECKWITH: The way it works in the Mid-Atlantic quota monitoring fisheries, you can land in other people's state if you so choose, but I think it works vice-versa as well. I mean certainly the northern folks from South Carolina that do mackerel fish would be able to do the same thing. We have plenty of boats that work – for lots of fisheries that work up and down the Mid-Atlantic and such.

We're not particularly concerned with that issue, and it hasn't been a problem in the Mid-Atlantic, and that is where the additional alternative to be able to shift quota around came from.

We wanted to be able to protect our end-of-the-season fishery; but certainly if there was additional quota left over to be able to move it around.

Saying if Florida for whatever reason didn't catch all of their quota and the fish had migrated out of their area, and we happened to have an amazing season; the quota shift option would be able to work in both directions to work amongst the states. We've done it with Virginia and New Jersey and such for a number of fisheries, and it has worked well. For us, we know that this system works for us. We've got a history of doing it.

While it is something new for the South Atlantic, we don't see some of these issues being kind of as large as they might be perceived as potentially being. But if the other states would like to consider state-by-state quotas, it is something that at least North Carolina, having the experience that we do, would be in favor of if it was deemed appropriate for certain fisheries and the states could monitor.

But as of right now, again the discussion around the table has been that South Carolina and Georgia are not interested in pursuing state-by-state quotas so they have chosen to remain within the option of being regionally managed with Florida. It has been their choice. We're the ones that are interested in giving it a shot.

MR. PELOSI: Do you have South Carolina fishermen that fish in North Carolina waters and then come back to South Carolina to land their fish?

MS. BECKWITH: Yes, sure.

MR. PELOSI: That is another complication.

MR. HIGH: What is going to stop North Carolina boats from landing in South Carolina is you have got to buy a landing license. The last I heard it was about eight hundred bucks. That will stop some of the boats from actually doing it. Now, I'm the type of boat that I've traveled and I've sold fish from Virginia, down into South Carolina and all of them, big enough boat I've got.

I've been on this thing since the beginning when this was brought up by Kelly Schoolcraft and Jeff Oden about getting our own quota. I can't tell you right now whether I support it or not. I think the way we are managing stocks now, not particularly king mackerel but at least grouper; we've got so many differences between the lower part of the South Atlantic and the middle part of the South Atlantic that this is probably a more viable option to spread.

I don't agree that all fish spawn at the exact same time. I just ain't into it, just don't believe it. But if the grouper need to be open in the Keys the four months that they are closed up here; then you could actually state-by-state manage that and you could have differing deals. But to this point, I don't know whether I support it or not, and I have been in on this thing from the beginning.

MR. GAY: To go back to the landing out of state; almost none of these fish are caught within – gosh, Hatteras is as far north as it goes, and that is 120, 150 miles from the Virginia state line. There would be minimal opportunity – especially with the size of the boats that are fishing in this; there would be minimal opportunity for anybody to travel to Virginia to offload fish.

The majority of the catch is from Hatteras to Wrightsville Beach. Even from Wrightsville Beach down to South Carolina, I'm not sure but it has got to be over 80 miles. That is just a long run for small boats to make. If there would be a little bit of that; I don't know, perhaps there could be, but it could work both ways as well. The South Carolina boats could fish off of North Carolina.

But if you look, the Gulf is doing this already with their stock – what is it, split three different ways down there that they have three separate quotas? This thing can work. Think about it; every one of these fish can be caught; the quota completely filled before a fish is ever caught in North Carolina and sold. Is that fair? No, it is absolutely not fair. For that reason, I am certainly going to support it happening in some form. Hopefully, if this motion passes, then I will come forward with something on what the preferred options are or the options are that the council has.

MR. BOWEN: It sounds like VMS is getting more and more to the forefront. I could accept this if VMS was mandatory by the council. Maybe we should wait to discuss this and see how the VMS vote outcome is in June.

DR. MacLAUHLIN: This is just landings; it won't be the state waters.

MR. BOWEN: We got out of catching them in North Carolina and bringing them back to South Carolina, we've decided that doesn't matter?

MR. PELOSI: I don't think we decided that. Let's hear what Bill Hickman says.

MR. HICKMAN: Simply put, our vessels, 95 percent of them don't have the fuel capacity to reach the fishing grounds to go to South Carolina to land fish in Southport and Wrightsville Beach and Topsail area. They are one-port oriented and that is the way it is. The situation in a nutshell is that our fishermen need an allocation so that they can pursue that allocation so that they won't have to fish in adverse weather conditions to put their fishermen at risk when they have to fish in a certain period of time to catch king mackerel or other species; that now they can pursue king mackerel, but they are not taking them to South Carolina or Virginia because of the size of the boat and the fuel capacity and where they have to run to catch them.

MR. PELOSI: Let me interject a comment here. We can come up with our things to suggest to the council. We don't necessarily have to go with what is written here. We have this motion in support of North Carolina having their separate ACLs for king and Spanish mackerel. We could also say we support it, but we feel that certain other details have to be examined such as landing in adjacent states, fishermen from other states fishing in Carolina waters, and so forth. But just let it go at this, that we could support it, but we don't have to come up with an option and how would that go with you?

MR. WICKERS: I would like to add a support to this motion. Listening to the discussion, I honestly believe that if we can get regulations closer to the areas, they would be better, because it is proven to us in the Keys, because we get slapped around a lot. Despite the salt in my mouth from the snapper grouper getting – I honestly thought that was a travesty -- I see this maybe as a way that the states, the Carolinas, because, in other words, you all are actually going ahead of things; obviously, probably because you are not too happy with some of the stuff the feds have

done. I could actually support this, but what I would like to do is just add an extra sentence and say that we recommend that each state possibly follow North Carolina's lead. In other words, let's get a quota for each one.

MR. BOWEN: I agree with that, Bill.

MR. WICKERS: If you will accept that, I would like to support North Carolina on the king mackerel and Spanish mackerel ACL and recommend that the other states also follow suit. That is just a recommendation. That doesn't mean they are going to do it; but at least it puts your feelings.

MR. BRAME: It is my motion and I would have to accept it, and I tend to agree with it, but I would word it a different way; that if the states so desire or if they have the ability is probably more accurate. North Carolina is about the only one that has got the ability to do this in their data collection system. Florida probably does; Georgia and South Carolina certainly don't.

MR. WICKERS: I know Florida has, but whether they will do it I don't know.

MR. PELOSI: Yes, Florida has it but they are a month behind.

MR. BRAME: They could have it but not that quick. Talking to Spud, he just said we don't have the ability to do this.

MR. BOWEN: I'm fully aware of some of that – and I am not referring to Spud in any way, but some of that comes – and I mentioned it to Anna; some of that comes from some of the higher ups in Georgia afraid of losing their position of employment with the state. That is my opinion. Again, I agree with Bill.

MR. KELLY: This whole action seems to be predicated on a great deal of speculation. There is no indication right now that North Carolina is being impacted or will be impacted any more than any of the other states. I support regional management where necessary, but if we are going to start setting quotas and out of the blue we are going to set one for North Carolina, then we are way premature.

We need to take a look at Florida, too. We need to take a look at this whole action. Quite frankly, as I look down through it, unless I missed something or we got another action coming up; this action has nothing whatsoever to do with the recreational sector. Why aren't we protecting them as well? All we are doing is we are guaranteeing a quota for the commercial sector of North Carolina, and I don't think that is appropriate.

MR. GAY: I would just add, Bill, that by default this would create a quota for Florida. No other states are really involved.

MR. BOWEN: Then we get into allocation issues, which is another thing.

MR. KELLY: Jodie, we know that no matter what each state is going to lay their claim, and with climate change taking place here we have no idea what the dynamics will be a year or two down the road.

MR. PELOSI: Yes, it could be we will be arguing the New Hampshire quota.

MR. BRAME: I would call the question.

MR. PELOSI: I want to hear what Ben has to say.

MR. HARTIG: I would really like to have the North Carolina perspective explained to me on a yearly basis how your fishery is prosecuted as you go through the year. I think I understand the fall and early winter fishery, but I would like to have all that put on the records and what months are important to you guys when you are commercial fishing.

MR. HIGH: We moved the start date back from April 1 to March 1. Louis and Jodie were big into that. March is extremely important to us, the wind doesn't blow. April can be, and I've had it do very well into May. On the Outer Banks out there sometimes, usually around August they will start catching them in Hatteras and off of Wanchese and the northern Dare County. Then it really picks up there, basically Thanksgiving, and then usually by the 15th of December it is back down to the lower part of the state. Generally, it is down our way until the March comes again. That is the way it has been in years and years past.

**MR. PELOSI: Let's go ahead and vote on the motion that is up there; support North Carolina having king and Spanish mackerel ACLs and recommend the other states set up state quotas if they desire and have the ability. All those in favor please raise your hand. I'll go ahead and vote for that. That is 7 in favor; and those opposed, two opposed.**

MR. HOLDER: I'm abstaining, because I really don't have enough information. I am certainly for North Carolina getting their share at a fair share rate, but for the state of South Carolina who I represent, I am not sure how to weigh that and what the repercussions would be. Our state Department of Natural Resources Marine Resources; we do have the ability to track the quotas, but it is such a small part we have other issues which are way far ahead of this. I think Georgia is probably the same way. That is why we don't choose to do that as far as I know. If I was voting, I would certainly vote along with this amendment.

MR. PELOSI: Okay, and I am sure there is going to be a lot of discussion at the council level, and I hope they can take up some of the issues that we were concerned with. It has gotten to be lunch time. Jodie, did you have something to say?

MR. GAY: If we were moving into the next portion, I was going to lead into that; but if you want to break for lunch I have no objections.

MR. PELOSI: Well, the next portion is Spanish mackerel.

MR. GAY: Well, I don't know that it is. Were we going to do a recommendation on the options of how that should happen if the council should choose to move forward with a separate quota for the two regions?

MR. PELOSI: Well, yes, I guess that would be the best thing. I would want to make sure that they would want to do it first; but I guess if they are asking for our opinion on these options, we should give it to them.

MR. GAY: I mean this is our opportunity. If we don't do it now, it will be passed or not passed by the time we meet again.

MR. PELOSI: Do you think we can get this options thing done real quickly?

(Remarks made off the record)

MR. HOLDER: I have one other question; Just to clarify something for me. When I am looking at Table 3, North Carolina king mackerel allocation is 24.8 just in this Option a. If you look over and see the general Atlantic group king mackerel allocation with the remainder of the 100 percent would be 75.2, right?

If I'm figuring this thing right, North Carolina is only asking for 25 to 37 percent. South Carolina, we wouldn't even ask for a couple percent. Georgia would probably be the same thing. It looks like Florida would be getting a really large amount. I guess my question is how does that weigh – why would North Carolina only ask for 29 percent when they might need 40? I just don't know how to figure, how does that relate?

MR. PELOSI: They did that from the historical averages for the years that they figured it up.

MR. HOLDER: Well, if that is the case, then Florida would be getting the vast – in my opinion vast or simple math vast majority of the allocation, let's say. I am just saying I hope I am not confusing things, but am I figuring that right? Trust me, I am all for that if that is the way it works; I'm all for Florida getting more.

MR. PELOSI: Florida has historically gotten it that way, anyways, because Georgia and South Carolina don't get much. I don't know, just looking at that Table 3, you could throw Option A out and D out, the high and the low, and then average the two middle ones; that might be just a pretty fair way of doing it or you could figure out some other formula of doing it. We don't necessarily have to go with what the options are. Do you think we can do this quickly?

MR. GAY: I doubt it; I am willing to try.

MR. PELOSI: Let's go eat then. Okay, let's take a recess for lunch and then we'll pick up with this when we get back. I guess about ten minutes after one; is that fair enough, an hour?

(Whereupon, the meeting recessed at 12:10 o'clock p.m., April 22, 2013.)

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### **MONDAY AFTERNOON SESSION**

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The King & Spanish Mackerel Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Hilton Garden Inn, North Charleston, South Carolina, Monday

afternoon, April 22, 2012, and was called to order at 1:15 o'clock p.m. by Chairman Robert Pelosi.

MR. PELOSI: Okay. I guess we can reconvene and get started. I guess we are on the allocation options. Do you want to go through that just a little bit, Kari?

DR. MacLAUHLIN: The options under Alternative 2 and Alternative 3 are the same for king and Spanish. Option A uses the average of the proportion of total landings – I'm sorry, the average of the proportion of landings in North Carolina between the 2008 and 2012 seasons. Option B is the average of proportion of landings from the 2003 through 2012 season.

Option C is Boyles' Law and it uses a 50 percent of that 10-year period, and then 50 percent based on the 5-year period. Then Option D uses the average of proportion of landings in North Carolina for a 15-year period; so from the 1997/98 season through the 2011/12 season. Then you also have Alternative 4, which would set up a mechanism to transfer quota between any North Carolina ACL set up and the general ACL that is set up. Then you have your tables in here that will show you the expected allocations based on those landings proportions that would go to North Carolina for the king and the Spanish.

MR. PELOSI: Does anybody want to have some general discussion or jump right into a motion?

**MR. GAY: I would be glad to put a motion on the table for discussion. Under Alternative 2 and Alternative 3, lump them together and have Alternative D as the – recommend to council that be the preferred for both.** That gives the longest time period historically for calculating the proportional landings, the averages. It goes all the way back to 1997 for both. I think it is a fair way to go about it. It gives you a 15-year timeframe that you would be looking at.

MR. PELOSI: Any second on that? Okay it is seconded by Bill Hickman.

(Discussion off the record)

MR. PELOSI: This is the options of the percentage of the king mackerel allocation. That 15-year average gives 37.2 percent to North Carolina, which is the largest percentage of the four that are shown there.

MR. WICKERS: I thought that when we passed that other option, that was to replace this.

MR. PELOSI: No, we just said that they could establish an option.

MR. WICKERS: Now we're getting down to the nitty – because his idea was that we couldn't really –

MR. BRAME: No, I just thought we ought to decide whether we would want to do it. Then we can decide whether or not we want to put a percentage on it.

MR. PELOSI: Like I say, also we don't have to go with the percentage on the options either. Do you have any discussion?

MR. KELLY: Kari, do we have any percentages on what would conceivably go to the other states; what do the other states get – what is the breakdown?

DR. MacLAUCHLIN: Table 3 shows for each option the allocations for the North Carolina and then for what we are calling the general ACL; and that will be for all the other states. Then Table 4, what this does is it shows the pounds under the current ACL that North Carolina would get, and then on the right-hand side it has the 10 or 12 years, so you can compare it to the North Carolina landings. Table 5 shows the percentage that would go to that general Atlantic ACL. Then to the right it shows the combined landings of all the other states.

MR. KELLY: Kari, my question maybe a little clearer is do you have a breakdown available on what the percentages have been for the other states over the same period?

DR. MacLAUCHLIN: Individually?

MR. KELLY: Yes.

DR. MacLAUCHLIN: No. I have that information, but some of it is for South Carolina and Georgia, and you have to put them with Florida for confidentiality. I can't show it, but I can tell you it is overwhelmingly Florida landings.

MR. PELOSI: Yes, that would make sense they would be Florida landings, but it just seems that 37.2 percent of the catch is quite a bit. I guess they are really figuring in those four years when they had the high catches over a million pounds. Things aren't that steady every year.

MR. GAY: Bob, I think it gives you the longest time period to look at for historical landings. Yes, while 37.2 percent is a lot for North Carolina; 62.8 is a lot for Florida as well. It is not like we're asking for the majority of the fish or anything.

MR. PELOSI: Yes, right, but South Carolina/Georgia has to come out of that also. Then there is the thing there about transferring the quota back if it is not caught, I guess, in that Alternative 4; that needs to be looked at.

MR. GAY: It basically gives 60 percent to Florida; take the 2.8.

MR. BOWEN: My only concern is back in 1997 when this started – and maybe Kari can enlighten us, but I would assume that there was a heck of a lot more permitted fishermen back then. I don't think we have that much effort now, North Carolina or Florida – I mean anybody really. Option A is kind of the most recent that we have.

DR. MacLAUCHLIN: I don't have the numbers on the permits; but just because the king mackerel is a limited entry; that over time those permits have decreased just because if you don't renew it, it eventually goes away. I am sure that effort has changed over the years as well. Ben may be able to talk about that a little more.

MR. GAY: Historically the council has always gone with the longest timeframe they had numbers they could believe in; they had good solid data for in setting up any type allocation, be

it recreational to commercial allocation or net boats to hook-and-line boats, or whatever it may be; whatever they had the solid numbers for, for the longest period of time they have gone with, and I always felt that was the fairest way to go about it. Trust me, the numbers haven't always worked out in our favor.

MR. PELOSI: I guess what kind of bothers me is under D, the pounds on the current ACL; I guess there is just North Carolina at 1.4 million. In the years where they give the recent years, and since 2002, the highest catch was only 1.2 million. That sort of is what confuses me of why it is so high there. Maybe Ben has some information, I don't know.

DR. MacLAUCHLIN: One thing about the way that we calculated these is that it is the proportion of landings and the quota wasn't hit every year. It is kind of like two different things. We did the calculation for the percentage that North Carolina would get based on total landings. They were making up on average of 37.2 percent over those 15 years. However, it wasn't always the full quota; but then they would get that percentage of the current ACL.

MR. HARTIG: Well, I'm still kind of wondering – I thought at the last meeting, Kari, that we were going to go with straight averages and not the proportion of the total quota, but maybe I am misinformed.

DR. MacLAUCHLIN: No, not poundage, it was based on their proportion of total landings. Now we had some options in there that was the North Carolina proportion of the quota that was caught. Those were substantially lower, because the quota is 3.8, and maybe they only caught 5 or 10 percent of that; but of all the landings they caught 30 percent of it or something like that. It is kind of different because there was a lot of unused quota, especially for king mackerel in the past few years.

MR. BOWEN: Do we know why the last few years is dropped drastically for North Carolina? Is it effort or permits?

DR. MacLAUCHLIN: All the landings; the landings in Florida dropped.

MR. BOWEN: The effort stayed the same; the fish have not been there.

MR. HARTIG: No, the effort has not stayed the same. The effort has gone down substantially.

MR. BOWEN: That is what I would assume.

MR. HARTIG: That is why we were looking at some of these other things to bring the effort more in line with what the fishery can support, but you guys haven't seen any value in moving those forward. But, no, effort has – we are back to the core number of king mackerel fishermen in Florida again.

MR. BOWEN: The way it was 15 years ago?

MR. HARTIG: Yes, we are back to the core number of people, the people who have made their living doing this and the people who are willing to fight and go out and spend the time in rough

weather and not catch a trip limit every day. The fishery has changed substantially. It is easy to see if you look at 2004/5/ 6.

You see those big numbers right there. We don't know this until after we get through this. That was a tremendous probably two year classes that supported those high catches in North Carolina as well as Florida. We didn't know that until that year class has been fished down, and it has been on the Atlantic side.

There is no doubt about we're in – on a sign wave of king mackerel, if you look about six to eight years; you are fishing up – okay, you get a year class, you fish; your fish is on its way down and then, boom, here is another one. On about a six to eight year trajectory there is another one that comes in.

We hadn't seen evidence of a new year class entering the fishery until this particular year. This year class, I got to see them for the first time in our area – really little king mackerel. These are 12-inch king mackerel that we saw in tremendous numbers. The situation set up was we had three or four acres of anchovies sit in this one area for about six weeks just south of our inlet. All these little fish feed on that and actually grow up with these anchovies, which is interesting.

I put up about 4,000 pounds of these glass minnows for Spanish mackerel bait every year, and I do it in the fall. I catch king mackerel associated with that anywhere from this big all the way up to now. We caught them 12 and 13 inches. But the number of what we saw this year, tremendous numbers of those 12-inch fish. which were spawned in May – I mean, in order for them to get that big they had to be spawned during that time.

Then there were some this size, some this size, so there were several different size classes from different lunar phases that were spawned during the summertime. Now they spawn from – actually you could get some spawning in April, primarily May, but they will spawn all the way into September, so you have got a protracted spawning season for king mackerel.

May in our area is when the biggest fish spawn, but I sample my fish and look for hydrated eggs through the entire year, and we see spawning occur on each of the new moons more than the full moons, in each of those summer months all the way into September. It happens in the Carolinas as well, which is the interesting thing.

There is no doubt that right now going into this assessment we are going to be looking at the lowest level in that sign wave of king mackerel abundance. The assessment is going to be a tough one on king mackerel on the Atlantic side. What Bill has said about the Gulf is absolutely true. The Gulf is as healthy as it has been since we made all these different regulations to regulate the fishery down.

The Gulf is doing tremendous, and we see spillover in the wintertime from the Gulf on the coldest years. In 2010 I got to look at those Gulf fish, a tremendous biomass of fish that set up in that Palm Beach area. Where we had the east coast fish that moved down and the Gulf that come around in that time, all coalesce together, just an amazing, amazing biomass of king mackerel. But, those fish went back into the Gulf, and then part of them went back up on the Atlantic side.

The one confounding thing here is we've got this wintertime fishery that occurs in South Florida, which is called the mixing zone. It is taking place primarily on Atlantic fish. It has remained relatively stable. Now, it is not as good as it was five years ago, but it is still good enough, where we're seeing better catches coming out of that mixing zone fish than we are in the summertime fish. Something is going on.

There are still a lot of big fish in that wintertime fishery as well, which bodes well for the stock. We still have enough of those big fish with a lot of eggs to contribute to that stock, so that part of it looks good. What is going on in the summertime with the water conditions we're having now, and I am sure you see some of it in Georgia as well, a tremendous number of cold water intrusions in the area where they want to spawn.

A number of days the Gulf Stream influence isn't there, which they need. They need that Gulf Stream; they just want to stem that current. They want to stay in a place where they don't have to move around; and when the current goes away, they keep going and they will go all the way down in the Keys, in Bill's area. They will actually stay down there for periods of time. There is a lot of stuff going on in the summertime which we can't explain due to the water conditions. But the winter fishery still looks pretty good. It is not all gloom and doom; it is not as good as it was.

MR. BOWEN: Just on a personal level, again I am not a commercial king mackerel fisherman, but I can't justify giving – I don't see how anybody could justify giving North Carolina 1.4 million pounds when the stocks are low right now and what I am looking at historically that they've caught in the last four years.

MR. HARTIG: To that point; remember you are only giving them a percentage; you are not giving them the pounds. You are giving them a percentage of the quota. If the ACL goes down, that landings' number will go down. The thing I wanted to ask you all is – and I am looking to do this; and one way or the other it doesn't really matter to me.

I know North Carolina has always wanted to protect their group of fishermen from that quota being shut down, and it only happened once in the history of the fishery, but I understand that. I don't have any big problem with us doing this. But having said that, I want to do it in the fairest possible way we can do it.

We've added a number of different options to look at it. What if you all introduce an option – just take Table 4, take all four of the options, and average them together and that is what it is. For me, you are going to go through the public process; you are going to go, well, shoot, here is North Carolina 37.2 from North Carolina; and North Carolina fishermen are going to argue for that one. Florida might argue for the highest percentage.

To me just somehow in this process, the fairest possible way we can do this, like I say, average all those different ways we came to an allocation decision together and that is what it is. That is another option you guys could propose. I just thought of it today just looking at this. I keep thinking fairness, how do we do this the fairest way possible?

MR. BOWEN: Let me reiterate; I am not against North Carolina getting whatever they need. I am not a North Carolina king mackerel fisherman or actually even a Georgia king mackerel fisherman. I am with you, Ben; whatever is fairest to North Carolina and it seems to be Florida.

DR. MacLAUCHLIN: There are obviously some percentages that you guys feel comfortable with, and the council is the same way; that you feel comfortable with and that you don't feel comfortable with. I don't know; I think it is that I don't really like being – let's see how many combinations that you can come up with and when that percentage that I feel comfortable with comes up, then we'll pick it. Then we'll say it is based on 15 years or 20 years or a combination.

If there is something that you feel comfortable with and it is a poundage level, then you could say that; this is what we are comfortable with as an average of their pounds over a certain year. We are comfortable with no more than 25 percent. You don't have to pick an option here. You can just say what you think; and make a recommendation for a range or anything like that. I just want to say that.

MR. BOWEN: Since Ben brought up the idea of getting a median or a mean I guess; what would be the average?

(Remark made off the record)

MR. BOWEN: No not percentage pounds. Kari brought up pounds, but I'm taking the average pounds from 2002 to 2012. That would be a ten-year average in pounds. That would go through your – what is the word I am trying to say – that would go through your waves of spawning fish – strong year classes; that is the term I'm looking for. That would go through your years of strong year classes over a ten-year period; and it looks like there was a couple.

(Remark made off the record)

DR. MacLAUCHLIN: Are you talking about pounds?

MR. BOWEN: I am talking about pounds. There you go, 833,000; whoever did that.

DR. MacLAUCHLIN: Okay, so up here is the average. Basically I took that table and the little side table on Table 4 that shows the pound of the North Carolina and averaged those out and it is 833,000.

MR. BOWEN: There we go. Just for eyeballing it; it doesn't look like that has even been reached but four out of the ten years. Excuse me, it is five of the ten years.

MR. GAY: Zack, are you saying you think it is fair for North Carolina to close the other five out of ten years?

MR. BOWEN: No; I don't want your fishery closed at all.

MR. GAY: I think one problem you are having, Zack, is you are stuck on pounds. Pounds are going to vary depending on what the ACL and what the quota is set up at. Percentage is the only way to look at it to me that is worth looking at. You said it wouldn't be fair to give North

Carolina 1.4 million; well, would it be fair to give Florida 2.8 million under the other proposal? That is basically –

MR. BOWEN: Okay, -- and I understand what you're saying, Jodie – let's take that 833,000 pounds that we had and under the current ACL; what percentage is that?

MR. GAY: It is probably going to be 31, 32 or somewhere in there would be my guess. But at the same time, how is not looking at the longest time period you can look at like we've historically done not the fairest way to do it?

MR. BOWEN: Well, because of the influx in effort and strong year classes, the D rate of effort.

MR. GAY: But that is true for every state.

MR. BOWEN: Yes, but we're not allocating every state.

MR. GAY: By default you are.

MR. BOWEN: I'm not trying to be different. If you are a North Carolina commercial fisherman, what works for you all; tell us.

MR. GAY: I've offered what works for me that I think is fair. I mean, we're giving up 62 – almost 63 percent of the quota.

MR. BOWEN: I mean four states –

MR. PELOSI: Sixty-three percent of the quota; you didn't really always have that.

MR. BOWEN: I mean if you have four states and you divide it by four; 100 percent you get 25 percent if you want to be fair about it; but historically that has not been what you all catch.

MR. GAY: Apparently, it is. That is what the table says if you look at the longest time frame of what our average is. Like I said, going back for that longest time period is the way stuff like this has pretty much always been done. We've come out with the short stick a lot on this. I'm not saying we're coming out with the long stick on this one. We're still giving up a good portion of the quota.

MR. KELLY: If we take those 833,000 pounds as a percentage of the quota, it comes out to 26 percent. I like Ben's idea, if we take all four options, we come out with 1,167,765 pounds on an average; but the percentage is 36 percent. I wouldn't have any problem in supporting that 37.2 as a percentage of the quota.

MR. PELOSI: Kari, what is the motion that we have on the floor there?

MR. GAY: The motion on the floor for both species, king and Spanish, is for Option D, Alternative 2 and 3 I believe it is – yes, Alternative 2 and 3, Option D.

AP MEMBER: This might be a question for Kari; what is the big secret about the percentages for Georgia and South Carolina?

DR. MacLAUCHLIN: We have them; but because there is either less than three dealers or less than three fishermen reporting for that state, so we can't show it at a state level. We have to combine them.

MR. PELOSI: It is a precedent in fishery statistics. Like in our county we can't get statistics, because there are only two or three dealers.

MR. BOWEN: It is the same way in Georgia with our headboat program as well.

MR. BRAME: Just to be fair, since this is based on summer flounder, they do a summer flounder update assessment every year to determine the ACL. We're talking about setting it and letting it ride for however long between the times they do assessments. I just want everybody to understand that. If you are going to model it after summer flounder, they do an assessment every year in a specification-setting process. They don't set it and let it go.

MR. GAY: I think ACL for king mackerel is set, what, every three years, five years; but under framework it can be altered, I believe.

MR. PELOSI: Okay, we seem to be slowing down on our discussion, and we have this motion before us. Let's go ahead and vote on it. **All those in favor of the motion under Alternative 2 and 3, recommend Option D as the preferred option on the king and Spanish mackerel. All those in favor raise your hand please, 4; two abstentions.** Now we have to deal with that five; Alternate 4.

DR. MacLAUCHLIN: If the advisory panel wants to make any recommendations or comments about the transfer of quota between the North Carolina and the general ACLs; we've received direction from the council at the last meeting to kind of flesh this out and we're in the process of doing that; but we're using summer flounder as an example of how the provision would be set up for the transfer of quota between them.

MR. PELOSI: Is there any general discussion on that before we look for a motion?

MR. GAY: I don't mean to take up all the time here, but I am a little confused as exactly what this means. Is this after the fact or during the fact; when would this transfer occur?

DR. MacLAUCHLIN: It would be during the season. This is under the assumption that there is one or the other or both king mackerel and Spanish mackerel North Carolina ACL is established. If those are in place, then during a season – this is what we kind of have to flesh out is that one of the states would request North Carolina to transfer some of the quota or vice versa North Carolina would request the other states to transfer the quota.

The actual mechanism for how it would work, we have to work on over the next two months, but in general the idea behind it is that there is some kind of way so there won't be quota that is left unused if one or the other doesn't reach their quota, but then one can.

MR. HICKMAN: Anna, has that got something to do with the problem with the summer flounder fishery and the closure of Oregon Inlet and the boats having to go to Virginia to unload, and North Carolina wasn't allotted the allocation that was actually caught here that would normally go to Wanchese, because the boats couldn't get there and all the quota went to Virginia because the landings went there; and North Carolina was reduced in the landings on the summer flounder?

MS. BECKWITH: Well, we've certainly used it for summer flounder to share quotas amongst the states. The rest of the details would be a more appropriate question for Michelle. I don't deal with summer flounder.

MR. HICKMAN: Right; because I think that had a lot to do with it, because the boats were not accessible through Oregon Inlet and our quota on the summer flounder was cut considerably this year, because the boats couldn't get into Oregon Inlet and all the quota went to Virginia, because the boats had to go to Virginia to unload.

MS. BECKWITH: I think more specifically our boats wanted to land in Virginia, because they couldn't get into Oregon Inlet. We actually transferred a portion of our North Carolina quota to Virginia to accommodate our fishermen landing in their state. But also there has been requests, from other states; I think New Jersey has requested some additional quota that we were going to have left over and we transferred so they would not go over their quota and be penalized the next year. All the states in the Mid-Atlantic habitually assist one another when the opportunity arises.

MR. BRAME: They just did it recreationally, too.

MR. PELOSI: Where I have a problem with it is how you figure that out during the season, because you don't know what the rest of the season is going to be like. When the season is over, it's over unless you're giving them extra fish the next year.

MR. BRAME: That's what they did recreationally. Commercially they do it in season during the year.

DR. MacLAUHLIN: I think when Ben brought this up and asked us to add this alternative; I guess if there was like a part of the year where North Carolina wasn't close to reaching their quota, but Florida was, then they could transfer. I mean I think that there are some ways that they would have an idea of how close you are to hitting your quota.

If the North Carolina it was three-quarters of the way through the season and they had only fished 25 percent, but Florida was already edging up to – or the general ACL was already getting really close, then they could transfer some or all of it or however. It was just to make sure that there is some kind of mechanism so that we don't have unused quota stuck in North Carolina or in the general ACL.

MR. PELOSI: Okay, I think that is becoming clearer now.

**MR. GAY: I was just going to make a motion that we recommend to the council that they approve Alternative 4. It just sounds like it is everyone's best interest to do so if the quotas are separated.**

MR. PELOSI: Is there a second? Okay Andy seconds that. Ben, did you want to say something before we voted?

MR. HARTIG: Just in this quota transfer and just thinking about the mechanics; one of the reasons I asked you guys about how king mackerel in particular is prosecuted off of North Carolina to get some idea of what you would need during the year. For Spanish it would almost be an automatic transfer; because after you guys are done in the fall for Spanish, you are done until March 1.

In that scenario, if you didn't catch your quota, I would see that almost an automatic transfer. On kings it is a little different. I could see us, since we're fishing in the mixing zone, almost all our effort is going in the mixing zone until April 1. If you guys have some need of some quota before that, I could see us transferring some quota to North Carolina if you guys need it in king mackerel.

But given your fishery, the dates – I don't know; we'll see how it works. I don't know how much of that would happen, but I could certainly envision it happening and being able to transfer some king mackerel your way, especially if we're fishing on primarily Gulf fish.

AP MEMBER: It all determines by the water temperature out around the reef out there and then we get these warm water eddies in off the Gulf Stream; all of a sudden they'll show up. You have got to read the water temperature and know the fishery, and, zam, you go. That's the way it works. You don't know what you are going –

MR. PELOSI: Okay, let's call the question on this. **We recommend that the council approve Alternative 4. All those in favor, eleven; wow, unanimous.** Action 6, modify the framework procedure; Kari, do you want to guide us through that?

DR. MacLAUHLIN: This is just to make some changes to the framework procedure. There were some things when 18 went through that were changed specifically about the South Atlantic having jurisdiction for any kind of management measures for that area; the mixing zone for king mackerel; the East Coast Florida Subzone.

That was actually removed from the framework through Amendment 18. It is putting it back in and then it is also modifying the language in the framework procedure to include all those ABCs, ACLs, control rules and the accountability measures. We have the South Atlantic and Gulf Preferred Alternative 2, so this adds to makes sure that through a framework action the council can modify all these ABC – it is specifically the AMs.

It actually lists the accountability measures that you would not have to go through a plan amendment for. Then Alternative 3 would have a smaller list of AMs that could be used for a framework. Then Alternative 4; this is the one that revises the language so that the South Atlantic Council has jurisdiction over the Florida East Coast Subzone; and adds in Florida jurisdiction for the Atlantic side of Florida for cobia, because the biological boundary That stock assessment that was just completed is now at the Georgia/Florida Line, which is different from the management boundary in the Florida Keys.

We will get into this in the next action, but the Florida East Coast will be fishing on Gulf cobia. But what this will do is set up the language in there so that the South Atlantic can make any trip limits, bag limits, any kind of management measures for the Florida East Coast. The South Atlantic and the Gulf both have that as Alternative 4 also as the preferred.

Then Alternative 5, we have preferreds from both councils to make the editorial changes in the framework procedure to reflect any changes in our advisory committees and panels. This is all kind of administration, but just making sure that it is in the framework procedure, what can be done through a framework action, and then also fixing the Florida East Coast Issue for king and cobia.

There are multiple preferred alternatives, and that is that they address different things basically. They are not exclusive of each other. This really is kind of an administrative action, and really I think that if the advisory panel, if there was some concern about what could be done in a framework action versus a plan amendment; and then they just kind of have these different timelines.

A framework action can move a little faster, but there is still public input and analysis of any potential impacts or anything like that. But if you guys are fine with the council using this in their procedure, then you guys don't have to comment on it.

MR. KELLY: I just attended the Gulf Council meeting last week in Gulfport, and this language is verbatim. Kari, this is the same language that they adopted as a new preferred. In discussion there, as Kari mentioned, is jurisdictional issues and management issues. We had no problem with that. I don't see any inherent problems in there. Anything we can do to streamline the process is a benefit to all of us. I can support this Action 6, Alternative 3.

DR. MacLAUHLIN: Is that a motion?

MR. PELOSI: Now didn't you say that that was their preferred?

MR. KELLY: Right; that was their new preferred.

MR. PELOSI: Alternative 3?

MR. KELLY: If I am reading that correctly.

MR. GAY: I'm confused; there is like 5 preferred alternatives here for one action.

MR. PELOSI: It's a little confusing here.

MR. KELLY: It was South Atlantic/Gulf preferred 4. I am looking at it on my paper here under Action 6. It is now saying,; did they make a new preferred Alternative 3?

DR. MacLAUHLIN: Okay, I see what happened. There are three preferred alternatives in here, and that is totally fine because they all address different things. That Alternative 3; the South Atlantic sent over some new language for that whole highlighted part. Can you see the highlighted part under Alternative 4, all of this here. because we wanted it to be really clear that

what we were trying to say was that the South Atlantic has responsibility for trip limits, closed seasons, the areas, gear restrictions for the Florida East Coast Subzone for the Gulf king mackerel and the East Coast of Florida, including the Atlantic side of the Florida Keys for the Gulf cobia.

Because of those like shifting boundaries in king mackerel, South Atlantic will still be able to set any trip limit or any kind of management for the Florida East coast. That is what we sent over to the Gulf to really be explicit in the language that was going to go in there, and they approved the language and I think selected it also as a preferred.

MR. KELLY: Right; and so the language that I'm looking at, Action 6 at the bottom of Page 3 in entirety is copied from the – all right, I see, I am looking at the language from the Gulf summary.

MR. PELOSI: Okay, that is part of the confusion. They really just want us to give our opinion on Alternative 2, I guess.

MR. GAY: Could I suggest that we just not make any motions on this other than to just say that we have no strong feelings for or against any of this?

MR. PELOSI: I have strong feelings on Alternative 4. I would like to see us have control over our cobia.

DR. MacLAUHLIN: No, that is what that does.

MR. PELOSI: I'm really confused here.

**MR. KELLY: If I can backtrack because I apologize, I was looking at the summary of the Gulf Committee's actions. I would be pleased to make the motion that under Action 6 we make the preferred Alternative 4 endorsed by both councils as the preferred alternative.**

MR. PELOSI: Okay, and that will encompass the things that were in the previously preferred alternatives.

MR. WICKERS: I'm just trying to get some clarity here. Say, for instance, in the Florida Keys; we are under the Gulf stock I think up until, what is it, April 1<sup>st</sup>; is this basically saying that the Gulf Council would make all regulations instead of between the two councils for the Gulf stock, even though it goes all the way up to Volusia County at that point? In other words, it sounds to me like the South Atlantic is turning over jurisdiction all the way up to Volusia as long as the Gulf stock is up to Volusia.

DR. MacLAUHLIN: No, it is actually the opposite. Let me try something else here, because I know that this is a little – it's weird. Maybe what I would like for the AP to do is maybe take a look – first, let's look at Alternative 2. That is the one that lists all the accountability measures that the council can use the framework procedure to change.

When the council is making any kind of new rules, we have the plan amendments and then we have framework actions. They are very similar in the way there is public comment and

everybody has time to look at it; but the framework procedures will move – they can move a lot faster. They can go through in like two meetings. For example, you guys have seen Amendments 19 and 20 for like two or three years now. That is how long some plan amendments take. The framework can go through in six months and be put in, and it is usually because it is something where we have some new information, we have a new recommendation, we have a stock assessment, and you want that to go pretty quickly, right.

Alternative 2; that is what this is doing is just adding that language into the official procedure of how the council is going to do this to be able to do these like in-season closures, trip limit reductions, and designation of an IFQ program, as an accountability measure or any kind of implementation of gear restrictions. You have like your list.

Then you have post-season AMs, so all the things that the council can do if the quota is exceeded; they can make these changes; make these recommendations for the accountability measures through the kind of faster process called the framework. That is all Alternative 2 is doing. The advisory panel, you guys can say – what I would think maybe is that for each of the preferred alternatives especially, you guys can say if you support that being a preferred alternative or if you have no comment. That may be a little easier to like break them down.

MR. PELOSI: My question is what is in Alternative 2? Is that included also in 4 or not at all? They are really talking about two different things is what confuses me. I think we should maybe separate the two and vote on the two. **We have now the Alternative 4 up there, correct, and the motion has been made. We had a motion here a minute ago.**

MR. WICKERS: What I am trying to get clear here is that I don't really like saying to the councils they can move quickly. I would rather move slowly and discuss it more. To me you are going to have a problem if they rush into stuff and then they have to back out. Just recently we did this with this yellowtail mess.

They closed them down; and we had a big mess in the Keys for two or three weeks and then they realized they had a new stock assessment and then they reopened it again. I personally don't think we should be telling the councils, okay, look, let's make it easier. I really would think you would need to use a good long process to get things straight. That is my own personal opinion. I don't want anybody jumping the gun; you have got enough problems.

DR. MacLAUCHLIN: I want to clarify that. This one is specifically under Alternative 2 and actually Alternative 3. They both talk about the accountability measures. What the streamline process is for is usually something that needs to happen quickly, like you are responding to new information; so if there was a stock assessment and it said that the ACL could be increased, you wouldn't want that to take two years.

You would want that to get put in place as quickly as possible, which is what the framework is designed to do, but is limited to only certain things that the council can use the streamline. For all our actions in 19 and 20, they can't do those in a framework. That has to be a long process with lots of input and lots of changes and everything; but not necessarily for ACLs and AMs and things like that. This one is specifically for things that will probably need to go through pretty quickly.

MR. PELOSI: Okay, let's go ahead and vote on this Alternative 4. Do you want to put it back up there again, please?

DR. MacLAUCHLIN: Real fast with Alternative 4; what it is doing is giving South Atlantic very clear, explicit jurisdiction over the East Coast of Florida even though they are going to be fishing on Gulf migratory group of king mackerel.

MR. PELOSI: Do you want to put the motion up there? Please someone second that so we can vote.

MR. HICKMAN: Second that motion.

MR. PELOSI: Bill Hickman seconded. **Okay, all those in favor please raise your hand; 11, okay, unanimous. Now we need to discuss Alternative 2, correct?**

DR. MacLAUCHLIN: **Okay, so back to Alternative 2 – and I think what would be useful for the council is if the AP expressed support for the council selecting Alternative 2 as one of their preferred alternatives or not support for it.**

MR. PELOSI: **Can someone make the motion, please?**

MR. GAY: **I move approval, recommend approval.**

MR. PELOSI: Do we have a second?

AP MEMBER: I'll second.

MR. PELOSI: Any discussion? Okay, let's go ahead and vote on it; **All those in favor raise your hand please; 11, unanimous.**

DR. MacLAUCHLIN: **Then there is one more Preferred Alternative 5, and it just allows the councils to make any kind of editorial changes to the procedure to reflect any changes in the council advisory committees or panels. I think what this is, is that the council wants to say, for example, create a sub-AP for cobia specifically. They can do that and they can make the changes.**

**(Remarks made off the record)**

DR. MacLAUCHLIN: **It is also just to update it to catch up with the Magnuson reauthorization, and then any kind of changes that have come through; basically just cleaning it up to be up to date.**

MR. OGLE: **So move.**

MR. WICKERS: Second.

MR. PELOSI: Okay, Tom Ogle made the motion and Bill Wickers seconded it, I believe. Any discussion?

MR. SWANN: There is no more detailed information than general we're approving changes to whatever. I mean, we don't what we're really voting on here, correct, other than editorial changes?

MR. PELOSI: I think it is mostly just editorial and that type of thing. It is nothing major.

MR. SWANN: Okay, I don't know if it is anything major or not. I haven't seen anything and that is why I'm curious.

MR. HIGH: This one bothers me a little bit just because during 13C when we were suing the National Marine Fisheries Service, some editorial changes were made in the document that the actual judge found that were significant and shouldn't have been made without the council approval. This is giving them license to change anything in the document.

DR. MacLAUCHLIN: No, I'll let David comment on that.

MR. CUPKA: This wouldn't allow changes like that. This was brought forward originally and primarily by the Gulf council, because they were referring to some of these advisory bodies with a different name than what they are referred to now. They wanted to make sure that they updated the language to be consistent.

For example, instead of originally they might have had what they called an advisory committee, and now Magnuson recognizes these bodies as advisory panels. They just want to go back in and clean up that language. That is all it is allowing them to do. It is editorial stuff, it is housekeeping stuff, and it doesn't give them anything like you were talking about in 13C. It is just to update the language and be consistent with what is in the Act now.

DR. MacLAUCHLIN: This whole action, talking about the framework procedure, is basically like updating and editing the standard operating policy for how the council does amendments and things like that. I think what you're talking about is like the actual amendment with the analysis and the background and everything maybe was changed along the way. This is making editorial changes to the standard operating procedure for doing these regulations and updating the language.

MR. KELLY: Kari, does this language change the composition of any advisory panels in terms of seats that are held by commercial, recreational, NGOs, et cetera?

DR. MacLAUCHLIN: No, just what they're called. Instead of the Mackerel Advisory Committee, you will be officially in the thing as the Advisory Panel.

MR. PELOSI: I think we can probably go ahead and vote on this. **The motion is to support Alternative 5 as a preferred alternative. All those in favor, 8 – he's out of the room again; and we had a couple abstaining or against. All those opposed, 2 opposed.**

MR. GAY: I'm going to oppose it just because it doesn't look as narrow as it is being described to us. It really doesn't; it doesn't speak to specific name changes. It looks much broader than that to me.

MR. PELOSI: I think it has been explained as best we could by the people here. Anyway, we voted on it and it passed. Our next issue is Action 7; Kari, do you want to bring us up to date on that?

DR. MacLAUCHLIN: Action 7 was in here and then removed and then put back in. It is to modify the Gulf and Atlantic group cobia ACLs and ACTs; annual catch limits and annual catch targets. The background on this is that the stock assessment for cobia was recently completed. I gave you guys those little handouts that has the two slides and it is front and back, actually, because I just made this really brief kind of list of what happened at the stock assessment. The second one is South Atlantic cobia.

It was SEDAR 28, and it was for cobia and Spanish mackerel. One big thing is that the biological boundary between the Atlantic group and the Gulf group for this stock assessment was considered to be at the Georgia/Florida Line. Right now the way that it is managed is the Gulf is in the Gulf Council's jurisdiction, at the line in the Florida Keys.

Then the Atlantic group cobia is on the Atlantic side. Well, what this is going to do is move that boundary all the way up, so what they are assuming is that everybody fishing on the east coast of Florida is fishing on the Gulf migratory group of cobia. This is going to be a little different and in this action, when the council makes these recommendations or makes a decision for the annual catch limit, they are going to be kind of using recommendations from the Atlantic and the Gulf to put together for our ACL.

South Atlantic cobia are not overfished and no overfishing; good news. Landings, which are mostly recreational, have increased. Stock biomass has decreased a little bit. The Science and Statistical Committee reviewed this a couple weeks ago. They recommended an MSY of 808,000 pounds, and then a P-star of 0.4 and 0.5.

That is the probability of overfishing and that is how they do the projections to come up with the catch limits. Then the councils will decide how much of that Gulf ACL Florida east coast gets. Basically, then if you flip over on the other side, these are the South Atlantic cobia acceptable biological catch recommendations that are going to be coming from the SSC.

They selected the P-star, this column, P-star at 0.4. This is what they will recommend to the council, but they also wanted to see what it would look like – what the numbers over here with the P-star projections over here, which are a little higher. They will be making their official recommendation to the council to talk about in June, and they'll say the ABC for each of these years is 815,100 pounds, et cetera.

Then the council will make a decision about the ACL; so if they want ABC to equal ACL, or if they want to put a buffer on it of 90 percent of the ABC, and how we've set all the ACLs. Keep in mind that this is only – all we have right now is the scientific advisors' recommendation for that group north of the Georgia/Florida line. This doesn't count in any way the East Coast of Florida, which they actually have comparable landings.

We expect to get the South Atlantic full jurisdiction all the way through Florida, all the way through the Florida Keys will be double this, I would think. But just so everybody knows, right now your Atlantic cobia ACL is like 1.5 million pounds, but that includes the whole East Coast

of Florida, and these recommendations don't include Florida at all. I made this chart for you to show you. These are total cobia landings from Georgia north.

We have the past like 10 or 12 years; you see it goes up and down. Then that little box in the middle with the dots; those are the range of all the ABCs. This square with the dots is what the Scientific and Statistical Committee will be recommending, and this is how it is going to compare. It is right in here for the past two years.

The ABC will be higher than the landings, but then you also have these years up here that are substantially higher. That is your incredibly brief briefing on the cobia stock assessment. We can get into the nitty-gritty of the stock assessment, but you can also access that on line and I can give you guys – you can read the summary of it.

But these are the things that I thought were the most important things to know. In this Action 7, whenever the SSC makes a new recommendation for the acceptable biological catch, then the council has to go in and make the changes through an actual action in an amendment to update it. Here we have new stock information and we're going to update our ACL to reflect that new information that we have.

You have here in Alternative 1; you see the current ACLs and what they're based on. Then there is also a stock ACT for the Gulf cobia and then the South Atlantic has a recreational ACT. Remember, so here is the current South Atlantic, 1.5 million pounds, but that recommendation from the scientific advisors will be in addition to whatever we get from the Gulf for the Florida East Coast.

It will probably be comparable to that, very close. Action 1 would be not to change this, so not to update it with the new stock assessment information. Alternative 2 sets it just equal – the ACL equal to the ABC. Whatever it is that the Scientific and Statistical Committee recommends, there won't be any kind of buffer in there. It will just be the maximum amount that you are allowed.

Alternative 3 presents the different options for how we are going to get a chunk of the Gulf group cobia ACL for the Florida East Coast. These options under here are some different ways to establish that percentage split. Once the councils make a decision on which one of these options; we have 10 years, Option A; 5 years, Option B.

Then we have Boyles' Law, the 50 percent law and 50 percent shore in Option C. Then we have an even longer, a 15-year period Option D. Then E and F are using 2 species, yellowtail and muttons that have been used before to do something similar. Like Option E would basically give 75 percent of that Gulf cobia to Florida East Coast.

MR. CUPKA: One thing to keep in mind, though, is that the stock assessment was completed, but the only part that has been approved is the South Atlantic portion. The Gulf portion has not been approved so we don't know – I mean even if we knew how we were going to split out that Gulf stock between the Gulf and the South Atlantic, we don't know what the total number is yet, because their SSC hasn't approved the Gulf portion of the stock assessment. The only thing that has been approved is the South Atlantic portion, which our SSC approved and that is with the 800 and something thousand is coming from.

But we don't know yet what the Gulf SSC is going to recommend for a total ACL. Then depending on which option is chosen, then that ACL will be split and we'll get a portion of it and they will get a portion of it. Our total ACL is this South Atlantic assessment, which we do have results on plus a certain portion of the Gulf Stock, which we don't have those numbers yet. It is a little confusing and not the way it usually works, but that is what we are stuck with at the moment.

**MR. BOWEN: I am all for establishing a motion, and I am trying to recall from memory where it was at; but establish a motion that ABC will or needs to be equal – excuse me the ACL be equal to the ABC 100 percent. I guess the ACL 100 percent of ABC is the correct way to word it.** I'm not sure what alternative; I kind of lost track and I don't have the document in front of me.

DR. MacLAUHLIN: I think that it is actually Alternative 2 and Alternative 3. Alternative 3 just has the different options for that, but I think that this is a great recommendation to make to the council and it kind of captures everything.

MR. BOWEN: Thank you, Kari, that is probably the only compliment I've had today.

MR. PELOSI: Ogle Seconds. I think we pretty much agree. All those in favor, show your hand please. **Everybody, that is all in favor.**

DR. MacLAUHLIN: Really, the only other recommendation or any kind of comment that I think would be helpful is looking at the option to take some of the Gulf group for the Florida East Coast. I think what these are, are not what it would be for cobia, but what it actually was for yellowtail and mutton.

I guess what you want to look at is, is there a specific option? Right now you can't see what the percentages would be, because we haven't calculated them; but do you think that it should be based on a longer time period, a more recent time period, the Boyles' Law that uses half and half; something that we've already used, yellowtail or mutton? I think that would be useful for the council if you guys had any comments on what time period to use.

MR. GAY: Going back to what I supported a while ago with the North Carolina quota when we were discussing that part; I don't see it listed as an option here. The longest time period that you have good landings for; I see any combinations are from 1998 forward. It appears that you have good – well, 1993 actually. Well, hell, it keeps getting longer than that. It goes all the way back to 1990 I keep looking.

Whatever year they've got good solid numbers for, it appears to be 1990; from there forward the longest good solid numbers that they've got that they trust that they can go by. **Go for the average over those years just like we just looked at with king mackerel and Spanish mackerel.**

DR. MacLAUHLIN: Is that a motion?

MR. GAY: Yes, it is, if they can make any sense out of what I just said.

MR. PELOSI: Okay is there a second on that? Okay, that is seconded by Andy. Zack, you had something to say?

MR. BOWEN: Just to Jodie's point; I like that we're staying consistent with our decision making so I am with him on that 100 percent.

MR. PELOSI: Any more discussion on that? If not, let's call the question. **All those in favor raise your hand please; 11 to nothing; it is unanimous.**

DR. MacLAUHLIN: Up next will be the framework actions. That is going to be I think Attachment 4. These are some framework actions. There are four and there probably will be five, because we are going to put the Spanish mackerel in there. This is modifying the Atlantic king mackerel minimum size limit; modifying the transfer at sea and gillnets allowances for Spanish; modifying the king mackerel commercial trip limit in the Florida East Coast Subzone; and then modifying the system of quota and trip limit adjustments for Atlantic Spanish mackerel.

MR. PELOSI: Okay, let's take a little break.

(Whereupon, a recess was taken.)

MR. PELOSI: Okay, we can resume our meeting here. We're going to go into framework actions. Kari, do you want to bring us up to date on what they're asking us to look at.

DR. MacLAUHLIN: Okay, this is Attachment 4, and then we also have a hard copy over on the chair. The official name is South Atlantic Coastal Migratory Pelagics Framework Action 2013. This is just South Atlantic so we have four actions in this amendment right now. We will probably add number five, which will be to update the Spanish Mackerel ACL based on the recommendations from the SSC, which we don't have the numbers yet.

The council will probably add that in June and we can talk a little bit about that. It is in your sheet with the stock assessment summary. We have four actions. One would be modify the Atlantic Group King Mackerel minimum size limit. Number 2 is modify restrictions on transfer and gill net allowances for the Atlantic spanish mackerel.

Three would modify the king mackerel commercial trip limit in the East Coast Florida Subzone; and then modify the system of quota and trip limit adjustments for Atlantic spanish mackerel. This one can move faster because it is framework actions, but we just put it on the same schedule due to some other priorities that the council has for some of the other FMPs and amendments.

It is just on the schedule as 19 and 20. In August it will go out for public hearings and then in September the council will give final approval and then somewhere in the spring of 2014 there will be implementation. These framework actions will need to be approved by the Gulf Council after Amendment 20 and that new language that was in that one action about the framework procedure goes through.

Then the South Atlantic will not have to have the Gulf approve any actions for anything in the South Atlantic's jurisdiction. The first action is to modify the Atlantic Group King Mackerel minimum size limit. You guys have seen these before, and some of the alternatives we have

actually used like the AP recommendations from last year or the year before when you guys talked this minimum size limit. These are the current alternatives that are in amendment and we will do the economic impact analysis, social and biological impact analysis to what we can.

If there is anything else that you want to recommend to the council or that they consider another size limit or anything like that; you can definitely make that recommendation. If you want to tweak any of the alternatives, if you want to give recommendations for that, you can do that. I believe Alternative 4 came from the AP, but that was maybe a year or two ago.

The current minimum size limit is 24 inches fork length for commercial and recreational. Alternative 2 would reduce that to 23. Alternative 3 would reduce it to 22. Alternative 4 is another one of these really specific that would reduce the Atlantic king mackerel commercial minimum size limit to 23 – commercial sector only between the Georgia/Florida Line south to the Miami-Dade/Monroe County Line; and the commercial minimum size limit in the areas north of the Georgia/Florida Line and south of the Miami-Dade/Monroe County Line would remain 24; and the recreational would remain 24. Basically, it would just be 23 along the Florida east coast to Miami-Dade/Monroe County Line.

MR. PELOSI: Ben, could I ask you to give a couple of words of why this was brought up. I know Ronnie Houck and Tim Adams had pretty strong feelings at our last meeting because this affects more the trolling fishery, the commercial trollers bug fishermen, as we call them.

MR. HARTIG: This came up because when we increase the size limit, sometimes you really don't know what is going to happen until you do a regulation. When we started measuring the fish we were catching, we had a number of fish in the 23-inch and range 22-inch range; most of them just within an inch of the size limit. We had some mortality in the trolling fleets, particularly when they bite a spoon, that big hook and trying to get the hook out without injuring the animal; trying to get out of their gill rakers.

Some guys are better at it than others. The other thing that occurs with the trolling gear, if you're trolling at five knots, you have throat latches that the bottom part of the throat actually breaks and then that animal is not going to survive. After we had seen some of that mortality occur in our area – and it is in a reduced timeframe. It is usually around the March/April timeframe when we are fishing on this mixed smaller fish, and it is the only really time of the year that we have that problem. It is a pretty well-fined period.

We thought it would be an advantage to actually be able to keep some of these fish within an inch or so of the size limit and add them to the quota and not have those dead regulatory discards going over the side. That is pretty much where this came from. You guys have seen this since 2004 actually when we brought this before you.

It just shows where the council has been dragged in a number of different directions. I don't have to tell you about the number of things that we have brought before the council. The two-for-one permit thing was one we thought might be a good thing to do way back when that we never got to put in place either.

But this is one thing that we thought could go away to actually help reduce mortality and count some of those fish that were within just an inch of the size limit. Looking at the biological stuff,

it says I guess the size of first spawning for females are reported as small as 18 inches; and probably close to a hundred percent mature by 35.5 inches; so there is a large discrepancy there.

The other thing when we talk about spawning – and some of this information is relatively new – is that as your fish are growing and putting a lot of energy into growth, the viability of the eggs in the studies that they have done has shown that some of these smaller fish; they're putting so much energy into growth that there is not a lot of energy in the yolk of the eggs and the eggs aren't as viable as when the fish growth starts to slow down. Those are some things you might consider in this. I don't think that we're getting a whole lot of viable spawning out of that very small first-year spawner. That's all I know.

MR. PELOSI: Ben, March and April you mentioned, and those are the two major months or the only months it happens?

MR. HARTIG: It is not the only time, but it is the time when we really interact with them the most at that time. Our guys, when they're targeting king mackerel in this Atlantic group stock, they're looking through the wintertime as well for larger fish. You're not going to try and make a trip on 24-inch kingfish; you're not going to do that.

It is just in this short window of time when we operate and it is the time when the smallest fish are in the area. It is not like we can say, well, we're not going to catch these fish; we're going to go look for something bigger. It is the only size that is available at that time because everything else has migrated on. In this short window of March/April we have these smaller fish available. You do try to make a trip out of it because it is the only thing you have, and we just would like to be able to keep some of those fish that are close to the size limit.

MR. BOWEN: So, Ben, you are in favor of reducing the size limit to 23 or 22; what is your – I mean, we all trust and value your opinion so what do you think would be the best for the fishery and the fishermen?

MR. HARTIG: Since we're not getting a lot of spawning out of it, I think biologically it would be nice to include those fish in the quota and not have the – you know, you're killing fish to catch fish. On your trip, if you can keep more, your trip is over faster. It cuts down your mortality if you can keep some of these fish.

I think Tom had asked me before what percent of the catch it was at that time of the year. It is probably close to 25 percent of the fish, so it would be a significant amount of fish that you wouldn't have to be able to kill and process of trying to get to a trip limit. I think the mortality outweighs the biology in this case. I think if you can cut your mortality down, you're actually helping biologically by not having further interactions with undersized fish and where you're going to have that mortality impact.

MR. BOWEN: So in your professional opinion would 23 or 22 be better?

MR. HARTIG: Well, 22 would deal with all of it; 23 would deal with most of it. When you get down to 22, then you start teetering on the marketability of the animal. Twenty-three, sometimes you catch long, skinny fish; sometimes you catch short, fat fish; it depends. The market doesn't want those small fish if they can help it. They take them in this time of the year because it is the

only thing coming to the dock, so they will buy those smaller fish, but most of the year they don't want them. They don't want you to catch those smaller animals.

MR. BOWEN: But we're talking about a time where it is more about mortality than we are markets.

MR. HARTIG: Like I say, 22 would take care of all of it; 23 would take care of probably 75 percent of it.

MR. PELOSI: I know we haven't had a lot of kingfish this spring yet or late winter, and what was being caught in the last couple of weeks I heard the guys saying we've got to catch four to catch one legal one. That means three out of four was undersized and were going back.

MR. BOWEN: Do you know how undersized they were or are you just going –

(Answer was not given on the record)

MR. BOWEN: Off of Georgia we don't generally see them small. We don't see a lot of them, period, but we definitely don't see them smaller than 24. It is very rare that we see them that small.

MR. PELOSI: And these are the – the people doing this are really targeting kingfish. We do get a few along with Spanish mackerel. Now in the last few years it hasn't been bad, the numbers, but some years it goes up toward the spring. Bill Wickers.

MR. WICKERS: I've always been of the opinion – and I supported the original deal in 1998 – we actually were trying to get it at 26 and we settled on 24. In the handbooks and all that we're given, when we're asked to serve and all, it specifically says that a smart way to do it is to make sure they can spawn at least once.

I would hate to change the size limit for an entire area because of a regional thing here in just one small section of the state. I know where this is coming from basically because things are slowed way down from we have been used to supposedly the last few years, but I don't know whether it is a good idea to make a change in the size limit.

If I recall right, in '98 the preference was 26. They argued back and forth and we settled on 24. I would really have a difficult problem supporting that. I just think that if you want to sustain a fishery you should allow to spawn at least once, anyway. That is my opinion.

MR. PELOSI: That is the commonly accepted rule in fishery management. One of the things I was thinking of with Alternative 4; we could put in there that it would only apply to the months of April and May just for the commercial sector. That is something to think about –

AP MEMBER: March and April.

MR. PELOSI: Yes, March and April. Tom.

MR. OGLE: As you know, I have been against this. I have a number of concerns, I should say, for a number of years. I know we have been talking about at the AP level at least since 2009. One of those is the criticism that you bring up, Bill, and that is that even a 24-inch fish has about a 50 percent chance of spawning; so half of those that are caught have not had a chance of spawning.

According to the National Marine Fisheries Service's graph that we got last year shows that a 22-inch fish has only a 33 percent of spawning; so that is one fish in three have ever spawned. As far as them finding an 18-inch fish that may have spawned, if you look at their graph, it is asymptotically to zero, so basically maybe one fish has spawned, but you can't count that as a thing of reliability.

The other thing I dislike about it is that once you lower the catch level and say a 22 is now legal, then that gets targeted. Even though guys have maybe a restricted area where you find these mixed in with big fish and you're concerned about waste, these other guys are going out and saying, well, we can catch 22 inches, so they hammer the heck out of them.

I worried the sustainability of the fishery could be affected. Now, if we go to Alternative 4, restrict the area and restrict the time, those concerns aren't nearly as strong, and I don't object to it nearly as much if we go to that sort of decision. What is the impact on the sustainability of the fishery? Well, Alternative 4 is keeping it commercial; yes.

MR. GAY: I don't know; this troubles me a bit. I can't anybody trying to go and make trip on this size fish, and I wouldn't want to do anything that might support that. I'm all for the commercial guy and all that, but, daggone, that is a little fish. We do get these small fish in our area at times as well, and they are dead.

When they hit that spoon, a lot of them don't even trip the planer. You crank up to see what the heck is going on and why that one is not getting bit, and you have been dragging him for fifteen minutes. I mean, he is dead. Maybe a better way to go about it would be perhaps to look at a five-fish allowance or something to allow for those fish that are already dead to come in but not enough that somebody could go target them; if you understand what I'm saying.

I truly think I would hate to see – I don't want to hear the mess when the commercial has a smaller size limit than the recreational because it is going to create ill will between the two groups. To me, I think allowing a set number of fish or a set percentage or something that allows for some of those fish that are truly dead to come to the dock would be a reasonable way of going about it, but I would hate to see it set up so somebody could go and try to make trips on these fish.

MR. PELOSI: We have another factor. A fisherman is allowed a small allowance on the boat, but the fish house does not. The fish house I used to fish for was ticketed several times because someone had undersized sheepshead or something in there; but the fisherman is allowed a small tolerance of undersized fish. It is a mess-up in the laws; they don't jive.

MR. GAY: Bob, was that for cut-off fish?

MR. PELOSI: No, this was for other species of fish. Then the other thing we had is a number of our fish shrink when they're on ice. That got to be a problem and we finally straightened that out with the marine patrol and proved it to them. We had to prove to them, so it is more than just the law on the –

MR. GAY: I mean we have always allowed for that shrinkage. If it was a fish that was close; we would let him go.

MR. PELOSI: Yes; and if the fish go into interstate commerce, a 23-inch fish that would be legal in Florida at this time, if we were to do that, would not be legal in the other states that have limits on kingfish. It is really a can of worms. I'd like to see them maybe be able to keep these fish for two months, but I think there is more involved than just that.

DR. MacLAUHLIN: The commercial management measure is you can have 5 percent of your catch on board undersized of Atlantic king mackerel; and depending on where you are, different trip limit or if it says for pounds or whatever; so it is 5 percent of whatever that is.

MR. PELOSI: Okay, now I don't know where that goes with the fish house; can they legally buy them? They can buy them? Okay, Ben says they can. Bill, did you have something.

MR. KELLY: Ben, what I would like to know – you said that about 25 percent of the catch during this period is 23-inch fish – out of that 25 percent that you're catching, what is the mortality rate; do you have any idea?

MR. HARTIG: Probably one out of three; thinking about the throat latch and thinking about how other fishermen take care of them. I mean I'm going to make every effort to make sure that I move that spoon hook outside so I don't damage one of the gill rakers, but not everybody does that. Some people put them on the dehooker and then throw them over.

MR. KELLY: Okay, without doing the math on paper and so forth; it seems like that 5 percent allowance, though, would probably substantially cover that.

MR. HARTIG: I was trying to work out the percentage. If you have a 75-fish trip limit; is that three fish?

(Remarks made off the record)

MR. KELLY: But I also support the comment here that if these fish are harvested at 23 inches and some people may end up directing their efforts at that fishery; and one thing is certain and that is they're going to spawn if they're on ice. I would have serious issues with that. **Based on what I've heard so far, I would like to make a motion that under Action 1; that we support Alternative 1, no action.**

MR. PELOSI: Okay, we have got a motion on the floor that Bill Wickers seconds. Is there any discussion on the motion? I guess Dick must be abstaining. **(Voting on the motion not made on the record.)** Okay, we go on to Action 2; modify restrictions on transfer at sea and gill net allowances for Atlantic Migratory Group Spanish mackerel. This is only Spanish mackerel. Kari, did you want to address that a little.

DR. MacLAUCHLIN: I am going to start with the background on this. At times the gill net fishermen harvesting Spanish mackerel will exceed the trip limit with one set. It is hard to determine that when the net is in the water, so you don't know until you pull the gill net out that you're already over your trip limit with that one set.

This would provide these provisions for one vessel to transfer part of the gill net and the fish in the gill net to another vessel, so that they will not have exceeded the trip limit and have to discard the fish and waste them. This has been discussed before, and in Amendment 8 the council actually considered this exact thing.

They decided not to do anything because they were afraid that allowing transfer at sea would preclude effective enforcement and then may reduce the effectiveness of the trip limits that were in place for Spanish mackerel and also that there maybe would be runner boats that would max out their trip limit and transfer at sea.

Currently any commercial species that has a commercial trip limit, you can't transfer at sea for a federal species. There are two parts to this. First of all, there has to be some kind of provision to allow transfer at sea between vessels for Spanish mackerel; and then there has to be some kind of provision to allow more than two gill nets on board.

Right now you can only have two gill nets and they have to be of two different mesh sizes and everything else. We have Alternative 2 which would address the number of gill nets on board; so modify the commercial gear specifications for Atlantic Group Spanish Mackerel. Then we have the four options under there.

One would remove that maximum number. One would remove the requirement for the different mesh sizes. "C" would allow any federally permitted Spanish mackerel vessels to possess three; and then "D" would allow three gill nets, but only for the vessel receiving the transfer. There was a lot of talk about if the maximum number of gill nets is useful, because there are trip limits in place; and apparently you can exceed your trip limit with one set; so is that useful to have the limit on the number of gill nets and then also the different mesh sizes; but also, you know, some way where you can only exceed the gill net maximum number if you are a vessel receiving a transfer; so really trying to minimize the loop holes in this situation where you're just trying to avoid wasting fish that were caught in the gill net.

Alternative 3 deals with the actual transfer. It would allow transfer of a portion, which is less than one complete gill net is what we have decided how to define that, a portion of Atlantic Group Spanish Mackerel gill net and its catch from one vessel that has reached its trip limit to another vessel that has not caught its trip limit.

Then we added these specific provisions in here for how the transfer can occur, and these actually I took word for word from Amendment 8, the last time the council talked about this. Then there was a little tweaking that the council did at the March meeting for these provisions. They have to have the allowable net gear; and anything other than that allowable net gear, you can't transfer that, so that it is going to limit it to the gill net – this happening on a vessel using a gill net. The transfer can only take place in the EEZ and the vessels have to have valid Spanish mackerel commercial permits.

The Spanish mackerel removed from the directed harvesting gear on the harvesting vessel shall be isolated aboard the vessel and shall not exceed the applicable daily vessel limit specified. Then the fish have to remain entangled in the meshes of the net until transfer. The quantity of the fish that goes to the other vessel cannot exceed the daily harvest limit.

Basically, you're just trying to get the one that went over back down to its trip limit but not exceeded on the other vessel. Our Law Enforcement AP looked this over and they had some suggestions for how they could kind of track of when this is happening legally if you're going to put in these exceptions.

The council decided to keep in that a call-in would be required for both vessels engaged in the transfer just to give law enforcement a heads-up that they're going to come in with an extra – the receiving vessel will have an extra net on board, but they still both should not be above their trip limit. Questions?

MR. WICKERS: I was just wondering how often does this occur with the nets; they overdo their catch.

MR. HARTIG: It is not a daily occurrence, Bill. It is actually relatively rare, but it can be significant when it happens. Many times these guys will set their first Spanish mackerel net and have a portion of a trip limit. They set again after they have cleared the net trying to get what they want. Sometimes they don't even set the whole net.

What really happens sometimes is marine mammal interactions will move the fish and the fish will hit their gear much harder than in normal conditions, and they will have a significant amount of fish in that gear. It is not real common but common enough that I think that the loss or waste of resources would be worth allowing it to happen. The fish are dead in the net. There is anything you can do to release them, so it would be a waste if that vessel had to throw those fish back overboard.

MR. WICKERS: What is the trip limit on a gill net?

MR. HARTIG: 3,500 pounds during that time of the season when they're gill netting Spanish.

MR. WICKERS: Wouldn't this be easier settled by increasing the trip limit in a gill net because they have an overall quota; correct?

MR. HARTIG: The market now doesn't want much more than 3,500 pounds per vessel. The way the fishery has adapted after the net ban is that it's primarily a fresh market. Basically, the fish house limits – even during the unlimited season, which is still on the books for Spanish, they're limited by the fish house on the amount of mackerel they can bring in on any one day.

The fish house actually has a limit, and most of them don't want over 3,500 pounds even in the unlimited season. It is based on the number of boats that are actually fishing. They try and keep a volume of fish going to the fresh market that they can move in that particular time that they have to operate in that week between markets.

MR. WICKERS: So this isn't something that a net boat would just – if they had the loophole or whatever you want to call it – take advantage of it. I'm just trying figure in my mind what –

MR. HARTIG: And we have a number of different options that would decrease the ability to have that advantage. If you were allowed the third net on the boat – you know, once you have that specification of catch, you're pretty much tied to that so you're really going to have people going over that number if you allowed them to have three nets, because they're already defined by the trip limit that they have.

These gill nets operating at this time – and it is mostly Florida gill nets – they're fishing in a fishery that is totally different than what they did before when they had the runaround gill net and they set fish that they knew were Spanish mackerel. Now, it is more unselective; they're setting in bait.

They're setting in front of schools that are moving, but the fish haven't come together yet for their overwintering pattern; so they have more bycatch. If you have a boat that doesn't have to put out another gill net and you're able to give him a portion of that catch of someone else, he won't have to set as much and have that much bycatch.

You really do two things here. You allow the waste not to happen in the Spanish mackerel fishery and you actually decrease bycatch in that fishery. If you're transferring that portion of the net, that guy won't have to set as many times to try and catch his limit, and you will reduce the bycatch of that net in the process.

MR. WICKERS: There is no boat quota, right? In other words, it is 3,500 pounds per day but no overall quota per boat?

MR. HARTIG: Yes, it is 3,500 pounds; that is your daily trip limit per boat.

MR. WICKERS: Well, I think it is 550,000 or 600,000 – I know in the Gulf it is –

MR. HARTIG: No, we don't; that is no longer operating in that Spanish mackerel gill net fishery. That is a specification for the Gulf king mackerel where they set aside a portion of that quota specifically for gill nets.

MR. WICKERS: Okay, that is just the Gulf then.

MR. HARTIG: That is just the Gulf and that is king mackerel.

MR. WICKERS: I'm just trying to figure this out.

MR. HARTIG: Yes, in Spanish you just have an overall quota and you have different gears who fish through that quota through the season.

MR. KELLY: It is common practice in the gill net fishery, especially king mackerel fishery, which is the last one that is left, to cut away a portion of the net and transfer it to another boat. That is done for a number of reasons. Even though we use spotter planes, there are oftentimes the major body of the school might be deep.

These nets that they're using are capable of harvesting as much as 60,000 pounds in a strike and the daily trip limit is 25,000 pounds. Obviously, these fish, once they're entangled, are dead, and cutting that net away and dropping it to the bottom and is not an option. The best opportunity that they to have is make an at-sea transfer, which is fairly easily done under average sea conditions.

You pass it on to someone else who has not had an opportunity to make a strike or has made a strike and have been unsuccessful. It also eliminates a fishery's violation for someone. If they take it on board and return to the dock with 50,000 pounds, say, then they're charged with a resource violation.

The better thing for them to do is either transfer – do an at-sea transfer or call another vessel to come out that is properly licensed, cut away a section of that net with those fish entangled and pass it on. I can see similar circumstances in the Spanish mackerel fishery. I would not support an increase in the number of nets on board, but I do like Alternative 3.

If Subsection D, call-in required for both vessels engaged in the transfer – if that is how law enforcement is comfortable with a boat having a third net on board, then I'm comfortable with that, but all the other provisions I like I think are very timely in the interest of conservation and appropriate fisheries management.

For the most part, the gill net fishery, even though it is chastised in some areas, it is a robust fishery. Relatively speaking, there is little or no bycatch in them and it is a healthy way to do business for large quantities of fish. I understand that the 3,500 pound provision in the Spanish mackerel fishery; that is a whole different ballgame where you could flood the market and create financial concerns for those involved.

Our gill net kingfish is primarily institutional sales; for example, prisons and things of that nature. They serve the purpose in what they do. Because it is so highly efficient, we get out, we get the job done. Also, the folks that are engaged in that are involved in multispecies fisheries. They also have stone crab and lobster going at the same time; so we want to prosecute that fishery as promptly as possible.

MR. BOWEN: Maybe Ben or somebody that fishes on these things can let me know what is the maximum poundage – how much over 3,500 pounds is possible in a gill net?

MR. HARTIG: I'm not a gill net fisherman. I had asked them Bill's question of how often does it happen? They said, well, not very often. How much can it be – well, that's 800 yards of net. No, the fish aren't pulled together where you can have these vast quantities of catches. We used to catch 50, 60, 70,000 at times in the big boats when you could target the animals when they were in the overwintering schools, but it was before that. Yes, it can be well over twice the trip limit in one set when it happens. Like I say, it is not a usual thing and it is usually in association with marine mammals when they're pushing a school of fish towards somebody's gear and then all of a sudden, boom, you've got a problem.

MR. BOWEN: If this is not a frequent occurrence, maybe we should think long and hard before we – I mean, that just seems like a lot of stuff, for lack of a better term, that we're trying to do for something that doesn't happen very often from what we gather.

MR. HARTIG: Well, very often, but it could be a substantial quantity of fish; that's the thing. That is the problem. You have this occurring infrequently with potentially a large number of fish, so you could be twice a trip limit, you could be throwing 3,500 pounds of fish back over dead for no reason.

MR. BOWEN: And we definitely want to stay clear of that, I understand. The raising of the trip limit is not an option?

MR. HARTIG: It doesn't work functionally, unfortunately, because the dealers are looking at the number of boats they have going out for that day. If it is a 3,500 pound trip limit during that time, they don't have to worry about it. During the unlimited times, they'll tell those guys, you know, hey – I mean this is a short season; this is a short window of opportunity while these fish are passing primarily through Cape Canaveral.

It is about a six-week season before the fish moving into state waters and they're there for the rest of the winter. Occasionally, when they're going back in the spring – but most of the time the fish, when they're going back in the spring, they're closer to the coast. They're within the state three-mile jurisdiction and we don't get a lot of net fishing occurring at that time.

They try every year, but the fishery is predominantly September/October – the September, the first two weeks of October fishery and then the fish are in state waters; and except in rare circumstances, after you have a big storm, big swell event where the turbidity increases, you will have fish that will move off into federal waters. By that time most of these guys have already switched gears, got out of the gill net fishery and are using the cast net or hook and line to catch their fish. Changing gears is not easy on a daily basis.

MR. HICKMAN: I can speak from a personal experience on that issue. I personally don't see that a gill net boat needs over two nets. My personal opinion is that if you make a set and you see that you're going to have over your limit, you should be allowed to retrieve your net and whatever the difference is over your limit, then you shouldn't be able to fish the next day and make that trip up until your limit over what you catch is satisfied in daily trip limits.

Do you follow what I'm saying? In other words, there is too often that a boat will go out and find big schools of fish and he will call other boats and they will set and capitalize on that fish and kill too many fish over the limit. If that boat was allowed to retain that net and whatever over his daily trip limit was; he not be able to go for so many days until his trip limit was caught up in his overage for that one day. That way you would not kill any fish.

You would take and harvest and be able to sell everything you got and not waste anything. The Florida fishery is entirely different from the North Carolina fishery where I fish and north of where I fish, up in the Pamlico Sound area, that is another entirely different fishery, too; I can't speak for that. I can only speak for where I fish or where I have been accustomed to fish for; and I have experience catching as much as twice or three times the amount of fish that your trip limit would allow you to catch, and you have to waste them.

MR. BOWEN: Ben, on the lines that he is thinking, just because I'm not a commercial fisherman at all, but if the netter caught 10,000 pounds in one set, to keep from discarding and having that discard mortality; would it be feasible, like the gentleman mentioned, for that

fisherman to come back, unload his fish, and with 10,000 pounds he would be on basically a three-day restriction before he could fish again. Excuse my frankness, but we're not here to justify the market; we're here to justify the sustainability of our fishery.

MR. HARTIG: That could possibly work, but the problem is how do you do it without VMS? How do you enforce that; you have got to be at the dock for three days?

AP MEMBER: Trip tickets.

MR. BOWEN: Ben, you're going to have a chance to vote on that VMS next month or in June.

AP MEMBER: Trip tickets would take care of that.

MR. PELOSI: Also, I think you should note that it says allow three gill nets for the receiving vessel. It is not allowing all the vessels to have three nets. It will be just if the net was transferred –

AP MEMBER: I wouldn't go with that either, no.

MR. GAY: If you don't allow the three nets; then it is null and void, anyway. They couldn't transfer it because they're all going to have two nets. I won't do anything to slow this discussion down other than say this and to comment on what some other folks have said. With the trip limit; if you raise the trip limit, you just raise it at what level this same thing is happening. Whether it is 3,500 pounds or 5,000 pounds; they're going to fish to the 5,000; and the potential is there for the same.

One thing I didn't see in here that was discussed that I would suggest if they're going to move forward with this is that it state that the fish have to still be entangled in the net; and the boat that does have three nets in the boat – and I don't enforceable this would be – that they only be allowed to have two in the water. In other words, they can have another one on board, but they can't have more than two in the water at any single time. Is there any concern, Ben, for a mother ship setup here and run boats? I don't see it; but if the market were to change, is it –

MR. HARTIG: No. I mean, I have thought about that. We talked about having the gill net endorsement because the fishery operates at some level now from fish houses saying how much you can catch. I don't think so, Jodie. Realistically I don't see that happening. The demand in the marketplace is actually telling what the fishermen can catch anymore, which is a big change.

AP MEMBER: I think Alternative 3 adds a lot of flexibility and for all the good reasons that Bill Kelly was enumerating; I really like the flexibility that Alternative 3 offers; and I would support it. I wonder if I could call the question.

DR. MacLAUHLIN: I want to say that if the AP is in support of the council providing some kind of provision for this to happen, you have to address that two gill net issue. I mean, like in some way under Alternative 2, you're going to have to allow more than two gill nets on board.

(Remark made off the record)

DR. MacLAUCHLIN: Yes, I mean you kind of have to support both of them because there are two parts to this. You have to have to be able to have more than two gill nets on board for that receiving vessel, and you have to be able to transfer at sea. You can say we are not in support of providing this provision; we don't think that it should be allowed at all; it has too many loopholes, et cetera.

But if you are in support, I think what would be useful is to recommend one of the options for the exception to the number of gill nets on board and then in support of Alternative 3. If you have any other suggestions for that language, you can make those suggestions as well. You have to have both of those parts. If either one is missing; this can't happen legally.

MR. OGLE: It seems like it ought to have been in that alternative, then. Option D ought to be in Alternative 3.

DR. MacLAUCHLIN: Well, when we were trying to figure out how to word the alternatives, we figured out that were just two parts to it and so we just made them. The council will need to select both of those alternatives if they want this to happen.

MR. GAY: It is a shame we don't have a gill netter here that could give us a little insight.

(Remark made off the record)

DR. MacLAUCHLIN: I think what would be useful for the council is maybe what you guys did – you know, number one, say do we think that there should even be some provisions put in place to let this happen legally. If the answer is no, then you don't need to worry about suggesting any alternatives.

If the answer is yes; then you can either use what is provided here and make a recommendation for one of those or you can provide a whole new recommendation like increasing the trip limit or coming up with a system where you bring it all back but then you minus it from your trip limit for your two trips or something like that.

MR. PELOSI: Okay, let me ask Ben a question here. Transfer at sea; what does that mean? That means fish come from my boat to your boat or I can take my 3,500 pounds out of the net and hand it over to you and then you put the net in the boat; that's not quite a transfer at sea in my definition, but does the council have a definition? Okay, let's hear from Andy.

MR. HIGH: For the most part in North Carolina – and I have not been doing it a great amount of time, but I do know quite of – we don't see but once in a while in a very blue moon. Now the way we do it – that was dog shark quota up north and limited to 5,000 pounds. If you set and you start hauling and you get your 5,000 pounds; you just cut the net and have the other boy pick up on the other end and start hauling it back. I really think we're making a lot work for something that doesn't occur all that often.

MR. WICKERS: Well, what I'm trying to figure is if you say it is okay to cut a net and give it to another boat, I'm just trying to – in my mind I'm just wondering are you encouraging somebody with a really big net to really net a lot of fish and give it to three or four boats or can it only be just the two?

I'm telling you the guy that is giving away the fish; he is getting a cut of that other thing because he is not doing it for free, so he is basically making more money off of the 3,500 that he supposed to have. He is not doing that for free. I'm just wondering if we're not opening up some kind of a loophole here. What are the regular handline fishermen allowed to catch or the guys with the cast nets? Can they go out and get 3,500 pounds a day, too?

(Answer given off the record)

MR. WICKERS: Than can; okay. I was just wondering would this give somebody an incentive to go out and net 15 or 20,000 pounds and cut his net up into six pieces. I'm trying to figure this out here.

MR. KELLY: As I mentioned, in the kingfish fishery it is common practice. These guys don't want a resource violation. They cut their net away. Of course, they help friends or people that may fish from the same marina. Our guys work together, especially with those that have had maybe a mechanical problem or something or have had no catch whatsoever for other reasons, without any financial considerations involved here.

As Jodie pointed out, you start to let guys bring in a larger harvest and then count it over several days, you know they're going to go for that larger harvest. These trip limits are set in place to create a parity amongst the – and a level playing field amongst the permit holders. Zack, to your point about the economic considerations, I think we have every obligation to address economic issues because that is part and parcel of what is going on in the socio-economic aspect.

MR. BOWEN: I didn't say economic issues; just to be corrected.

MR. KELLY: Market issues.

MR. BOWEN: I said we're not here to control the market; that is out of our control what the market does. We're here to try to protect the sustainability and the discards of our fish.

MR. KELLY: Okay, then I'll stand corrected, but I do think that market issues are very important here and how that transpires. I like Alternative 3. I think it provides substantial provisions for this to take place as has been done in other traditional gill net fisheries. I think the only thing that we need to do is under that alternative is modify Subsection D, call-in required for both vessels engaged in the transfer; and as explained that was to alert law enforcement; so maybe some wording that would suggest call-in required for both vessels engaged in the transfer, which is to account for a third net on board a vessel.

**To that point, I would make a motion that we endorse Alternative 3 as the preferred and then I would hope that someone would take Alternative 2 – or I can do it myself and make a motion that we put it on the considered but rejected pile.**

MR. BOWEN: And I just realized a while ago when Andy spoke up, but we have evidently two gill netters in the room on this panel that have stated on record or are fixing to that we're making a mountain out of a – this is something that does not happen often. I was not aware of that until they brought it up, so maybe we need to – I don't think I could support any of those alternatives the way they read right now.

MR. HICKMAN: You know, I can't speak for any other area but my area that I fish in, and we don't have boats going out in fleets to fish for Spanish mackerel or king mackerel – king mackerel we do, but Spanish mackerel is individual fishermen with individual boats. They go out and fish with another guy on board; a lot of them single-handed.

The reason I was directing my conversation to overage on a single boat is because that is exactly what it is. It would be overage on a single boat and that boat should be allowed to bring his total catch in, but on a trip ticket basis, when he fills out that trip ticket, he should not be able to fish until his trip ticket days were completed.

But now with areas that there are multiple boats going out in a single location, I can understand where the gentlemen are coming from; but in our particular fishery, it would make more sense not to waste over that 3,500 pound daily limit if you were allowed to keep all of your fish and bring them in but just on your trip tickets note that there was an overage and you not be able to fish on a daily basis until that overage was caught up.

MR. PELOSI: Yes, we understand that. Does anyone else have any discussion. Anybody got another motion to make?

**MR. BOWEN: I've got a motion that we status quo, no action. I don't even know if it is an alternative.**

MR. PELOSI: Yes, it is. Is there a second for that?

MR. GAY: Yes, I'll just say that going back to the analogy that Andy was using with the dogfish fishery; is there a maximum number of nets in that fishery?

MR. HIGH: Yes.

MR. GAY: Because it just seems to me that is pretty much the problem; that regulation because if you would allow that person to have that third net, I mean this is something guys in my area have kind of took care of for years by cutting the net and transferring it. They just pick it up and take it in and don't say anything.

You know, something carries it in for him so that he doesn't exceed his bag limit and you just help each other out that way and utilize the resource at the same time. There is nothing wrong with that. That is where it gets confusing. However, if you don't have that in place, you go back to that whole mother ship issue that could possibly – and I don't know if that is a valid concern or not.

MS. BECKWITH: Isn't it illegal to have a net with markings that aren't yours on your vessel?

MR. GAY: Without permission, I expect so, but I honestly don't know.

MR. PELOSI: In Florida it is.

MR. HIGH: I believe what Jodie says is correct; as long as I've given him authority to do it. I know in the sea bass fishery, when I have broken down or somebody else has broken down, I've

gotten a letter – Danny Hooks broke down one time and I got a letter from him that he is allowed to have my gear, and I hauled his gear and brought it home.

MS. BECKWITH: Sure, but that is kind of pre-authorizing; but in a situation like this, if you have more fish in your net and you're cutting your net at that moment to have somebody run and – you haven't pre-authorized that individual to have that net with those markings on their boat. If you were stopped by the Coast Guard, that would be a problem.

MR. HIGH: Yes; but, okay, I unsnap your boat and throw it to you, and I start hauling.

MR. HICKMAN: I just had that issue regarding what I am engaged in now and coming to this meeting and I wanted the boy that is helping me to be able to run my boat for two days while I was down here. In order for him to fish my gear or haul my gear on the boat, I would have to assign my license to him to be able for him to pick up my buoys.

MR. HIGH: Bill, that is a tad little different because he doesn't have a standard commercial fishing license so it is not anything to do with working your gear. It is the boy isn't authorized by the state to have over the bag limit.

MR. PELOSI: Well, I think just allowing three gill nets for the vessel receiving the transfer would be the simplest way to do it and incorporate that into Alternative 1 – well, not really, but leave the other rules there that are in Alternative 1, that two gill nets of different sizes.

MR. BOWEN: Did we have a second on –

MR. PELOSI: And you could put the call-in provision in there –

MR. BOWEN: Did we have a second on my motion, Mr. Chairman?

MR. PELOSI: Yes. **Okay, we're vote on supporting Alternative 1, which is no action as the preferred action here. All those in favor raise your hand, please, six. I guess that makes it carried since there are only eleven of us. I'm going to abstain on that. All those opposed to it, two; and abstaining.**

MR. GAY: I'm going to abstain.

MR. PELOSI: Jodie is abstaining; I'm abstaining; and I guess that is what we've got. Let's get on to something else. Kari, do you want to take us through Action 3; to modify the commercial trip limit on the Florida East Coast.

DR. MacLAUHLIN: I just want to be clear so when I present this to the council in June that the AP – the majority of the AP is not in support of providing some kind of provision to allow this?

AP MEMBER: That is correct.

DR. MacLAUHLIN: Okay.

MR. BOWEN: And if you want to quote one of the AP members or two of the AP members, they said that it doesn't happen often enough where it is even a problem.

MR. KELLY: But I would like to add to that that it does occur; and by taking a no action position on this, we're not solving the problem.

MR. PELOSI: Okay, let's a short break here.

(Whereupon, a recess was taken.)

MR. PELOSI: Let's try to wrap this up. Okay, our next action is to modify the king mackerel commercial trip limit on the east coast of Florida Subzone. Kari, do you want to give us the highlights there.

DR. MacLAUCHLIN: Okay, currently this is in that area of the Flagler/Volusia County Line south to the Miami-Dade/Monroe County Line; so the Florida mixing zone where they have the shift. November 1<sup>st</sup> through January 31<sup>st</sup> is 50 fish and then starting February 1<sup>st</sup> through March 31<sup>st</sup> if 75 percent or more of the quota of the Florida East Coast Subzone quota has been – it stays the same.

If it is less than 75 percent, then the trip limit goes up to 75 fish. This was put into place so that if during those last two months of that part of the season they're not getting close to their quota, it increases their trip limit so they can hopefully max out that quota before the season ends. Last April the AP recommendation was to change the king mackerel commercial trip limit to 50 fish for the entire fishing season; that November through March 31<sup>st</sup> season.

Let me go back and give a little background. There is some concern about when the trip limit goes up to 75 fish that the dealers – it is hard for the market and the dealers don't like that sudden influx. It has happened over the past few years. There is a table in there that shows you what years.

Okay, Alternative 2 would be 50 for that whole season, November 1<sup>st</sup> through March 31<sup>st</sup>. Alternative 3 would be 75 flat throughout the season. Alternative 4 is a little more tailored to be more specific; so November 1<sup>st</sup> through the end of February it would be 50 fish; and then starting on March 1<sup>st</sup>, so really just that last month, if 70 percent has been taken, then it stays at 50. If less than 70 has been taken, it goes up to 75 percent, so it puts a little more specifications on when that trip limit can increase.

And then we have Alternative 5 in here just for consideration and it changes it to 25 fish and then the step up would be to 50 fish. Last year when you guys met, the AP recommendation was 50 fish all season. If you look in there, Table 1 shows these past 12 or 13 fishing seasons, and then one column it says "Did the trip limit increase, go to 75 fish; so did you have to step up; yes or no? And then did they hit the quota and at what date did they hit the quota.

So in these more recent years – I don't know if they have hit the quota this year; I don't think so. But last year there was a step-up to 75 and then it shut down in mid-March; and in the 2010 and 2011 season there was not one; it closed little bit before March; just so you have an idea of like

how often this happens and if it helps them to meet that quota. And then also to note in the parts of the years, April 1<sup>st</sup> through October 31<sup>st</sup>, in that area is 75 fish.

MR. PELOSI: Okay, I want to hear from Ben here who fishes in that fishery and knows quite a bit about it.

MR. HARTIG: Well, one reason I'm here at the table more than normal is because our Florida representatives aren't here. Our commercial guys are not here, so I'm here trying to give some of what they would have said. Last year when you all voted for the 50 fish for the entire season was when the season had been closed every year and they wanted to not have that 75 fish come in and close the season early.

Okay, this year they got to fish the entire season. Even when it bumped up 75 fish, they got to fish the entire season. Seeing that happen and this year they already had asked for Alternative 4; when I had a meeting with them just before our last council meeting – the week before the council meeting, I had a meeting with 40 king mackerel fishermen.

They said, well, you know, maybe not quite so fast the 50; let's try something maybe kind of a little bit in between that will allow us to have some ability to catch near the quota and still not shut us down. What they did, they introduced Alternative 4 for which they wanted from November 1 through the end of February not to exceed 50 fish.

Beginning on March 1<sup>st</sup>, instead of February 1<sup>st</sup>, and continuing through March 31<sup>st</sup>; one, if 70 percent or more of the Gulf Group Florida Coast East Coast Subzone has been taken not to exceed 50 fish; if less than 75 percent of that, then not to exceed 75 fish. So, a little more restrictive in the timing, but they still wanted to be able to get the economics and try and catch most of the quota if they could. That is why they came up with that alternative.

DR. MacLAUCHLIN: I just want to clarify it is 70 percent.

MR. PELOSI: They're not asking for anymore fish; it is just they want to spread it out and try not to be closed and hit that Lenten market. Jodie.

**MR. GAY: I move recommending Alternative 4 to the council.**

MR. PELOSI: Okay, Jodie made the motion; and Bill Hickman seconded. Is there any discussion?

MR. BRAME: This just strikes me as trying to put into rules some sort of – in a dynamic fishery, a flexible fishery sort of regulation. Is there not a way to give the Regional Administrator or somebody the authority to – at the end of February, if it hasn't changed, he can then change it to 70 fish? Do see what I'm saying.

(Remark made off the record)

MR. BRAME: I know, but rather than do it by rule – I don't know; maybe the 1<sup>st</sup> of February; it just seems to me we're putting in something – I am not opposed to it. It just seems like there –

MR. GAY: Well, all this does is force him to make that decision, to take a look at it and see if that 70 percent has been met, then it doesn't change – it takes his discretion away to some extent but it certainly makes him look at the issue and address it.

MR. HICKMAN: It seems to me like the fishermen who know the fishery know what they need to make their fishery work. I agree with Alternative Number 4.

MR. SWANN: Does anybody know where Alternative 5 came from?

MR. HARTIG: It was staff; staff came up with that originally. I thought we had moved that to the considered but rejected. I think I had made the suggestion to do so, and maybe we never followed up on it. The intent I think at the council level would be to move that to the considered but rejected. If you guys want to do that; that would be fine.

MR. SWANN: Then we wouldn't have to see that one again?

MR. HARTIG: Right.

MR. PELOSI: Maybe the simplest thing is to go ahead and just vote on this Alternative 4. It was seconded by Bill Hickman, I do believe. Let's call the question on this unless there is some more discussion. **Okay, all those in favor of Alternative 4 as the preferred motion, raise your hand. It looks like we have got ten in favor and one abstention.** Sure, you can make another motion.

**MR. GAY: I would move that Alternative 5 be stricken and not considered.** I don't know if that is appropriate or not; but as Steve said, nobody can make any money on 25 fish.

MR. PELOSI: Okay, is there a second on that? Okay, seconded by Andy. Do we need any discussion; I don't think so. Okay, all those in favor raise your hand, please. That is unanimous, 11 to nothing. Okay, that brings us to Action 4; modify the system of quota and trip limit adjustments for Atlantic Migratory Group Spanish Mackerel. Kari, do you want to give us some background.

DR. MacLAUHLIN: Okay, the current quota system for the Atlantic Spanish Mackerel has a 3,500 pound limit starting March 1<sup>st</sup>. Then on December 1, they are unlimited on the weekdays and 1,500 pounds on the weekend; and then once 75 percent of the adjusted quota is landed, then it goes to 1,500 pounds every day; and then when 100 percent of the adjusted quota is reached, it is reduced to 500 pounds until the end of the fishing year.

This is in the southern zone and in the northern zone, which is Florida. We have Alternative 2, and it has all these subalternatives under it. It would kind of – we need to change this language. It is going to modify this quota and trip limit system. I think the easiest way to look at it is Table 2. You can see instead of going through each one of these; this is just under Alternative 2.

So the no action alternative is the current situation. You're going to see March 1<sup>st</sup> through November 30<sup>th</sup>, 3,500 pounds; and then we have unlimited weekdays and 1,500 pound weekends until 75 percent of the adjusted quota is met; and then it goes 1,500 pounds all the time until a

hundred percent has been then and then 500 pounds and then zero once the unadjusted ACL has been landed.

So 2A would just make it 3,500 pounds all year; 2B would be 3,500 pounds and then a step-down to 1,500 pounds when 75 percent of the unadjusted ACL is met. Then 2C would be 3,500 pounds and then a step-down to 500 pounds when 75 percent of the ACL is met. Alternative 3 is 3,500 pounds with a step-down to 1,500 pounds when 75 percent of the ACL is met; and then a step-down to 500 pounds when 100 percent of the adjusted ACL is met.

Just so everybody is clear with the “unadjusted” and “adjusted”; there is the ACL, the annual catch limit, that comes from – the Science and Statistical Committee makes their recommendation. Then the way this set up is that there is like a lower number that allows – and it is called the adjusted ACL, and it allows the Spanish mackerel commercial fishery to go over a little bit of that adjusted ACL without going over like your official ACL.

So we are working with two values, basically, in this system. Alternative 3 was a recommendation that the AP came up with last year where it has the step-down at 75 percent and then a step-down to 500 pounds when a hundred percent of that adjusted ACL is met.

MR. HARTIG: Do you all understand the adjusted part of the quota? I don’t know that we have explained that very well. I see heads shaking no, so do you want to explain that adjusted part when we back out a percentage of the quota to be saved for the 500 pound portion of that Alternative 3.

DR. MacLAUCHLIN: Okay, the ACL for Atlantic Group Spanish Mackerel 3,000,130 pounds. That is your regular ACL that you can’t go over or you’re going to kick any accountability measures, so closures or whatever. The adjusted is 250,000 pounds. Basically, like Alternative 3 was 75 percent of – you know what, I have this wrong. I have Alternative 3 incorrect in that table.

When 75 percent of that adjusted, which is 250,000 pounds, gets met, then you take your step-down to 1,500 pounds; and then when you reach 250,000 pounds, you can still fish, but your trip limit is 500 pounds. What that does is that still allows some fishing to occur if it is worth your time and effort to go out for 500 pounds; but it gives like this really big buffer so that you don’t go over that official ACL and have like your paybacks and all that stuff to avoid the AM. Does that make sense?

MR. HARTIG: I guess, but I can you a little bit more explanation. I fish in this fishery for about five months out of the year, and I have ever since just before the net ban. The reason why it seems so complicated – although we removed the unlimited season, which is a good thing for market conditions as such, that unadjusted or that adjusted quota I know is confusing, but it is important because we have had a closure in this fishery one year.

Most of our guys in South Florida are totally dependent on either Spanish or king mackerel, especially at that time of the year. The 500 pounds is important if the quota is caught. With the ACL possibly being lower with the new assessment, the MSY is just right at six million pounds, a little bit over six million pounds. It has to go through the P-star analysis and will be adjusted from there.

We will have to know where we are in MSY to know whether that is going to go down or possibly even go up. In black sea bass we would be able to fish above the MSY for three years before you actually got down to the MSY. We don't know what the number is going to be yet, so it is a consideration.

We were concerned that it could be even lower and we wanted to have that insurance. That insurance policy was critical from all the fishermen that I deal with in my area to have that 500 pounds. It doesn't sound like a lot of Spanish; but when you're looking at what we got for this year for Spanish, which for the last months of the season a dollar fifteen for mediums, a dollar sixty-five for large and two twenty-five for jumbos, 500 pounds adds up to almost a thousand dollars at times.

AP MEMBER: It makes it worth going.

MR. HARTIG: It makes it well worth going especially when the fish are only three miles away from your inlet.

MR. BOWEN: So if we don't know what the new assessment is going entail and it seems to be working like it is now, is there any reason really to consider any changes at this point?

MR. HARTIG: Well, you definitely want to get rid of the unlimited season; I don't think there is any question about that.

MR. BOWEN: I thought it was 3,500, I didn't –

MR. HARTIG: What we're operating under now is under Alternative 1 you have got 3,500 pounds; and if – well, it doesn't actually say that, but you do have an unlimited season in status quo now, so you do want to change that and you want to make the fishery more adjustable to the landing that the market has now.

MR. BOWEN: So would you feel more comfortable as a commercial fisherman on these fish five months out of the year if it were 3,500 pounds a day until 75 percent is met and then it go to 1,500 pounds until the adjusted ACL is met and then go to 500 pounds; to get rid of the unlimited?

MR. HARTIG: Well, that would be Alternative 3. There are two things working here. You have got some alternatives which just drop you from 3,500 to 1,500; and when the 1,500 is done, you're done.

MR. BOWEN: No, I completely understand why you want the 500.

MR. HARTIG: So we think Alternative 3; it is critical to keep the 500 pounds in there.

**MR. BOWEN: Okay, I'd make a motion that we go with Alternative 3.**

MR. PELOSI: Okay, the motion has been made that we support Alternative 3 in Action 4 as the preferred option. The motion was made by Zack Bowen and seconded by Bill Hickman. Is there any more discussion? **(Vote not taken on the record)**

DR. MacLAUCHLIN: Quickly, that was the last action that is currently in this amendment, but the council will probably add in an action to adjust the Spanish mackerel ACL when these numbers come in. The stock assessment in SEDAR 28 concluded in December 2012. You can look up – if you want to read the summary or the in-depth reports from the assessment; not overfished; no overfishing occurring; stock biomass has increased. These are just some of the highlights from it.

The SSC reviewed these results two weeks ago and they did recommend an MSY, which is up there, the six million pounds, but we haven't gotten those projections like I just showed you with the cobia. We don't have those yet. The current total ACL for commercial and recreational is 5.69 million pounds.

The acceptable biological catch, the recommendation from the SSC that they will make to the council to set the catch limit, you know, may be lower than that MSY. I don't have those yet, but it was a pretty positive result for the stock assessment with not overfished and no overfishing occurring. These are looking good with the spawning biomass. That is all I really have about the Spanish Mackerel Stock Assessment and that the council will put in an action to make any changes necessary in June. That was just an FYI with that.

MR. PELOSI: Will they run that by us before they accept it?

DR. MacLAUCHLIN: Well, I did want to point out, no, not as an AP. I can definitely send you guys an e-mail just like an AP of what is going on, but you know that you can always submit a public comment as an individual. When these numbers come in, if you have a comment or a recommendation, you can make that recommendation as yourself.

You are an AP member and you can note that and the council members note that. If there is anything that happened today that the AP is recommending that you don't agree with, you can also send an e-mail and we will send it out to all the council members to let them know that people had different opinions.

I will always make sure that I let them know the counts of things so that they understand how many AP members supported a motion and kind of the background of your discussions. I can send people updates and let them know when we get these numbers. It should be really soon, actually, and then you can send in a comment as yourself.

MR. PELOSI: That sounds good. When we get these new numbers, could you put in a little table going back a couple of years what the recommendations were or what the ACL and the MSY was in previous years so we can compare it and see where we're at, really. It sort of looks like it is not going to change much or maybe even increase?

DR. MacLAUCHLIN: We don't really know.

MR. PELOSI: You don't really know, okay. Does anybody else have any comments on the information or more information they may want when this committee releases their numbers?

MR. OGLE: I just have a question. Do we do anything with cobia to come? Do we have anything to discuss with cobia?

DR. MacLAUCHLIN: The only thing was the last action in Amendment 20 where we talked about the catch limit and we're waiting on those numbers because we have to wait for the Gulf.

MR. OGLE: I apologize for being late and so I missed that.

DR. MacLAUCHLIN: The motion was however the council does it when they get the numbers; just set the ACL right at the SSC's recommendation; so no buffer or anything; just 100 percent. Then another motion to use the longest time period of landings available to decide how to allocate part of that Gulf cobia ACL to the Florida east coast.

MR. OGLE: Was there any discussion of dividing sub-population groups like the population segment that we proposed toward Port Royal Sound and St. Helena Sound, which has been shown to be a distinct genetic group?

MR. PELOSI: No.

MR. BOWEN: But there was also no overfishing – it was not overfished and no overfishing was going on, either, so that was also stated.

MR. OGLE: In that population segment?

MR. BOWEN: The whole biomass for the South Atlantic.

MR. OGLE: Well, Atlantic-wide.

MR. BOWEN: That is correct.

MR. PELOSI: Okay, are there any other comments?

MR. BOWEN: Mr. Chairman, I just want to – I mean, you probably realize it or maybe you don't, but it seems to me that we are turning the corner, if you will. The stock assessments are for the most part coming back very good, so maybe we have got through the hard times that we all have went through the last, what has it been, five, six, seven years, so I've got some positive thoughts about our fishery and maybe we have went through the worst of times. I just wanted to try to leave on a positive note.

MR. PELOSI: Zack, we went through the worse times about 15 years ago. It was really bad then, but this committee I believe deserves a lot of credit because we have really helped the council bring back Spanish and king mackerel from the brink of collapse. It has been cited over and over in fishery management as the first successful rebuilding of a fish stock.

A couple of us have been on this whole time and know the whole history. We have always worked well and the people in the industry, for the most part, have been very acceptable to changes and preserving the stock to make sure it is healthy, especially the kingfish handline fishermen. Is there anything else, Kari, we need to address?

DR. MacLAUCHLIN: Just so you guys know, we have a regulations app for everybody who has a Smart Phone, and you can get it on our webpage. You can get on Facebook and Twitter and

then down here. It is really cool. It has all the apps for free, and then it has all the federal regulations and state regulations and closed area information and then a little fish ID, so you can look up your fish and then look up the regulations.

MR. GAY: Kari, is it updated daily so I can check it at the boat ramp in the morning and then check it again that afternoon before I land?

DR. MacLAUCHLIN: No, but it will be updated regularly and sent automatically to your phone, yes.

MR. PELOSI: Yes; it has state regulations; that is just towards the federally managed fish; it doesn't include state-managed fish. I recommended people get this and then I was given heck that it was no good because it didn't have snook and seatrout. I'm going to recommend to the state of Florida that they also come up with an app for state fish.

MR. WICKERS: If we could get some help from the South Atlantic Council's office informing the people that should know about the rules and regulations, about the kingfish sales in Florida, it would be wonderful because right now it is legal. Until this amendment goes through and they change something, it still should be legal because they didn't change it at the state level. For some reason they are down there telling all the fish houses in the state of Florida and everybody now you can't do it. It has been a little bit of a headache and a nightmare.

MR. KELLY: Question; is the state telling the –

MR. WICKERS: According to the fish houses, the federal people that come in and the federal people have convinced the Florida Marine Patrol that they are correct. This is what I'm getting from the fish houses. Last year we had the same problem.

I called Tallahassee and got the guy – I can't remember his name now, but he was the one that was over the quotas – not the quotas, but the rules, and he informed me that the reason that the – at the time he thought it was correct, was because a memorandum had been sent out to the state and also to the fish houses saying that the bag limit caught kingfish was supposedly prohibited.

I said has the state of Florida passed anything because right now the federal law says this could go by state as long as you have a federal fishery permit. He checked on it and came back and he apologized to me and said, "You are correct." Now, we straightened out, which was basically after our season was about over, got it all straightened out, but the same exact thing started all over this year again.

The fish houses are running so scared to do something wrong that they just say, "Well, we're not going to do it because they keep saying it is not," and da, de, da, You know, it is just like everybody is scared death. Any help that you could possibly get from the office, we would greatly appreciate.

MR. KELLY: Bill, what I will do is I work closely with Major Alfredo Escanio, who is the South Region Bravo Commander, and Jessica McCawley with the state; so I will drop an e-mail to both of them today and I will copy it to you.

MR. HARTIG: Before you adjourn, thanks for your continued participation on this AP. This AP has a wealth of knowledge and a lot of you have been in this for a long time. I sincerely appreciate your input and the council sincerely appreciates you guys taking the time out of your busy schedules to participate in this process. Thank you very much.

DR. MacLAUCHLIN: We are adjourning today. We were finished with all of our business. We will not meet in the morning.

MR. PELOSI: Okay, thank you all for attending. We had good productive discussions I think and we certainly went through the business at hand in record time. We got it done in a day.

(Whereupon, the meeting was adjourned on April 22, 2013.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
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May 2013

# South Atlantic Fishery Management Council King & Spanish Mackerel Advisory Panel

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