

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL ADVISORY PANEL**

**International Palms Resort and Conference Center  
Cocoa Beach, FL**

**February 3, 2016**

### **SUMMARY MINUTES**

#### **Mackerel Advisory Panel:**

Ira Laks, Chair  
Manny Herrera  
Bill Kelly  
Stephen Swann  
Mason Bowen

Steve English  
Diedra Jeffcoat  
Robert Olsen  
Bill Wickers  
Skip Feller

#### **Council Members:**

Ben Hartig

Zack Bowen

#### **Council Staff:**

Dr. Kari MacLauchlin  
Kim Iverson

Gregg Waugh  
Mike Collins (via webinar)

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

Ryan Rindone  
Dr. Mike Larkin

Sue Gerhart

Other observers attached

The Mackerel Advisory Panel of the South Atlantic Fishery Management Council convened in the International Palms Resort and Conference Center, Cocoa Beach, Florida, February 3, 2016, and was called to order at 12:00 o'clock p.m. by Chairman Ira Laks.

MR. LAKS: I am Ira Laks and I charter fish and do a little commercial fishing out of Jupiter, Florida. I will pass it on.

MR. WICKERS: I'm Bill Wickers from Key West, Florida, charter fishing and some commercial fishing.

MR. HERRERA: Manny Herrera out of Key West, Florida, hook and line snapper grouper and king mackerel fisherman.

MR. M. BOWEN: Mason Bowen, Sebastian, Florida, hook and line king mackerel fisherman.

MR. KELLY: Bill Kelly, Islamorada, Florida, and Marathon. I represent the Florida Keys Commercial Fisherman's Association.

MR. OLSEN: Robert Olsen and I'm from Charleston, South Carolina. I'm a charter captain there.

MR. ENGLISH: Steve English and I'm from Port Salerno, Florida. We catch about everything there is, but mainly Spanish mackerel and kingfish is what I'm concerned with.

MR. FELLER: Skip Feller and I'm from the Mid-Atlantic Council. I operate a fleet of headboats in Virginia Beach, Virginia. I'm on several of the APs for the Mid-Atlantic Council, but sea bass would be my main one.

MS. JEFFCOAT: Deidra Jeffcoat, charter fisherman out of Savannah, Georgia.

MR. SWANN: Steve Swann, our lone recreational king and Spanish mackerel fisherman, here from Florida.

DR. MacLAUHLIN: Kari MacLauchlin and I'm council staff and then we'll start with Zach and go around the folks who are here.

MR. Z. BOWEN: Zach Bowen, South Atlantic Council.

MR. WAUGH: Gregg Waugh, Executive Director, based out of Charleston, South Carolina.

MR. HARTIG: Ben Hartig, South Atlantic Council member.

MS. IVERSON: Kim Iverson and I'm council staff.

DR. LARKIN: Michael Larkin, NOAA Fisheries.

MR. RINDONE: Ryan Rindone, Gulf Council staff.

MS. GERHART: Susan Gerhart, NOAA Fisheries.

MS. GORE: Karla Gore, NOAA Fisheries.

MR. LAKS: Okay and so we have to have Approval of the Agenda.

AP MEMBER: Move to approve.

AP MEMBER: Second.

DR. MacLAUHLIN: You can just do this informally and so you can just do a head nod. Yes? Okay.

MR. LAKS: Then we have to do an approval of the minutes from the last AP meeting, the April 2015 minutes.

AP MEMBER: I would like to make a motion for approval.

MR. KELLY: I would like a change in the minutes, Mr. Chairman, and let me find the exact wording here, but one second, if you will bear with me, please.

MR. LAKS: No problem.

MR. KELLY: It's in the last sentence of the last paragraph on page 69, please change the word "parody" to "parity".

MR. LAKS: Thank you. We shall do that. I think we've got the introductions underway and then we'll turn it over to Kari to give you an update on the CMP actions.

DR. MacLAUHLIN: This, I just have pulled up here so you guys can kind of see it, but I just wanted to review a few things, just to make sure everybody is up to date on what has happened since your last meeting last April. One is that the CMP Framework Amendment 2 became effective on August 13 of last year and it's the one that modified the trip limit system for Atlantic Spanish mackerel in the Southern Zone.

The trip limit is 3,500 pounds and then when 75 percent of the adjusted quota is met, it goes to 1,500 pounds and then when 100 percent of the adjusted quota is met, the trip limit is 500 pounds, until the Southern Zone quota is reached and then the fishery is closed.

The next one is Amendment 28. This was the amendment that you all discussed that would separate the permits into separate jurisdictions or the fishery management plans. The South Atlantic Council voted to stop work on this amendment in March of last year. We took it out to scoping in January and got feedback and also got feedback from you guys. Then the Gulf Council proceeded with development and just at their meetings they would go through options paper and possible action, but both councils have to be onboard for an amendment to move forward.

The South Atlantic Council did not want to move forward and so in October, the Gulf finally voted to stop work on that amendment also and so, for now, there's not an amendment in the works for separating the fishery management plans or separating the permits.

MR. KELLY: Can you explain some of the rationale in not wanting to move forward with that? What were the big drawbacks for the South Atlantic Council?

DR. MacLAUCHLIN: Ben, do you want to speak to that?

MR. HARTIG: I'm sorry, but I was trying to get all the -- What was the question, Bill?

MR. KELLY: The question is why did the council stop discussion on Amendment 28?

MR. HARTIG: Basically, the AP wasn't in favor of it, moving forward with it. That was at their last meeting. I think the concern from the AP was that if we went ahead and did it that there would be some possible repercussions of the Gulf trying to get rid of the east coast fishermen in the Gulf. I think that's what the crux of the discussion was. We didn't want to be the first ones.

MR. KELLY: All right and we're trying to address the latent permits and so forth and see if we can't find a reasonable way to do that. Where it's problematic, at least from our point of view, is the restrictive trips limits that we have down in the Southern Subzone in the Gulf. I just wondered if there was any other information to contribute. Thank you.

DR. MacLAUCHLIN: Moving on, I did want to let you guys know about the recreational landings for Atlantic cobia and so the stock boundary now is at the Georgia/Florida line and so the Atlantic cobia is Georgia through the Mid-Atlantic and, this year, the recreational landings -- In September, the council was notified that the landings were at 155 percent of the recreational ACL and then in December, they were at 241 percent and so there is not an accountability measure for recreational Atlantic cobia for an in-season closure.

What would happen is that NMFS will project when to close the season this next year and they will publish that and so the new fishing year started January 1, but NMFS will be publishing a closure date and that's the accountability measure, kind of a like a payback. Instead of the quota cut, it's just a shorter time period that recreational Atlantic cobia will be open.

MR. WICKERS: Did you say that they moved it to the Florida/Georgia line?

DR. MacLAUCHLIN: Yes.

MR. WICKERS: So that means that anything south of that line is a cull?

DR. MacLAUCHLIN: Yes, correct.

MR. WICKERS: What was the rationale for that one?

DR. MacLAUCHLIN: There was a stock assessment for cobia and new information showed that the stock boundary between Gulf and Atlantic was actually further north, at the Georgia/Florida line, and so, technically, it's considered Gulf group cobia for the Florida east coast, but there was just an allocation of the Gulf cobia catch limit to the Florida east coast and the South Atlantic Council manages that, and so pretty much the Florida east coast has their own quota for cobia.

MR. WICKERS: It's just a little bit difficult to understand that one.

MR. RINDONE: I can expand on that if you would like. For the stock assessment, otolith microchemistry data, which are trace minerals and elements that are in the fish's ear bones, can be used to determine where they came from, based on what is in the surrounding physical environment.

That analysis, combined with tagging studies done by the University of Mississippi and the University of Florida, show that fish that were starting in the eastern Gulf of Mexico were in fact rounding the Keys and were very closely related to fish that were all along the eastern coast of Florida and so the Gulf cobia population does extend all the way up past the Cape and up towards Jacksonville and, based on those data, they thought that that stock didn't go any further north into the Atlantic than about the Florida/Georgia line, and so that's why they selected that as the biological boundary, because there is no evidence to suggest that they went any further north than that.

MR. SWANN: Where are we at with the ACL for cobia on the east coast of Florida for the last year?

DR. MacLAUHLIN: This was presented at the December council meeting and so the east coast of Florida, 41 percent. That may be a little bit higher as those final landings come in, but they were not close.

AP MEMBER: Can I just say something about that? I would like to ask Ryan when we get a chance, but I know the Gulf AP had mentioned something that they're seeing less cobia in the Gulf group.

MR. RINDONE: That is what they have said, yes. They have just reported seeing fewer of them. Some folks have said that it might have something to do with temperature, and some folks think it might be something going on with the stock from a recruitment standpoint, but without a stock assessment, it's difficult to say, but we are going to get updates of the landings through the new MRIP sampling method in 2017, and so we will have a better picture of all of stocks, if they've gone through the SEDAR process, after that timing and so they might have seen different trends in the landings, which might explain some of that.

MR. WICKERS: The reason that I had, I guess, such a reaction to what you said was that I have been in charter business for forty-six years and in Key West, if I would catch one or two cobia a year, while under charter, that would be normal. If you wanted to catch cobia, you would go in the Gulf of Mexico and you would fish the wrecks that were like twenty miles out, or run some of the deeper shoals, but you very seldom would ever find them on the Atlantic side.

Now, how these fish are supposedly coming down and going around and going all the way up to Georgia, but somehow missing us, I have no clue. That's why I was kind of stunned when you said that. I just assumed that it was an Atlantic fish and they just weren't coming far south.

When they go out in the Gulf side, they fish the wrecks and usually they do well, but you never hardly ever see them out front off of Key West, and that's from forty-six years on the water and so I don't know how they're getting by us, but they definitely must be.

MR. LAKS: I think they're doing the science and they're migrating and I think we should move on.

MR. KELLY: If I may, I would very quickly suggest that there seems to be some catch history evidence that these fishes are coming around and making that migration, and that is they are going down to Key West and enjoying a cocktail down there and then they get to the Channel 2 and Channel 5 bridges, as well as Moser Channel and the Seven Mile Bridge. We have seen that with some other species, including broadbill swordfish, that are infrequently, but not uncommonly, caught in shallow water back in Florida Bay. All we can figure is that their GPS got messed up and they made a wrong turn, but there's a pretty good catch history of cobia along the edges of Everglades National Park.

MR. WICKERS: I am not trying to be critical, but I am just trying to say, as anecdotal evidence, that doesn't go with what I've seen in my lifetime.

DR. MacLAUCHLIN: On just another update on cobia, I know that we have had the State of South Carolina come to the AP and to the council to talk about some of the subpopulations around the southern part of the state, in Port Royal Sound, and we did hear that, approved at the subcommittee level and the State Senate, the DNR is proposing to set up a one fish per person per day, or three per boat per day, and then May 1 through May 31, no retention. That is coming in the works and that would be state rules, but just to let you guys know.

The next is the developing Gulf framework amendment. The Gulf Council met just last week or the week before last, and we will go through some of the actions that they took at their last meeting when we walk through Amendment 26, but they also, just to let you know, they directed staff to start working on a framework amendment to allow recreational fishing on commercially-permitted vessels after a closure.

This was something their AP recommended, just that they felt like if folks are out fishing with their family and it's not a commercial trip, even though it's their commercial vessel that they use, that they would like to be able to keep the bag limit when it's a recreational trip.

That restriction applies to both Gulf and Atlantic king and Spanish mackerel and so we just wanted to make sure that you guys were aware of it, if it was something that you wanted to bring up, and some potential language for the action would be retention of the bag limit of king and Spanish mackerel after a commercial closure. Right now, only the Gulf Council would be moving forward with this, but just to let you know.

Alternative 1 is the no action alternative and so that's what it is now. After a closure of a commercial zone, a person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued may not fish or retain Gulf king or Spanish mackerel under the bag limit. Alternative 2 would be after the closure of a commercial zone, a person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued may fish or retain king and Spanish mackerel under the bag limit. That is just basically letting folks take the bag limit and, right now, this is only under Gulf consideration.

MR. SWANN: Do we need to do something to make that ours too?

DR. MacLAUCHLIN: If we wanted to bring it up, just if you guys wanted to talk about it, maybe at the end, under Other Business, you could do that, if that's something that you would also maybe want the South Atlantic Council to consider for Atlantic fish. That's all I have.

MR. LAKS: Okay. We're going to move on to CMP Amendment 26. Guys, if I could remind you that when I call you to speak, please state your name.

DR. MacLAUCHLIN: I sent out a couple of attachments for Amendment 26. One is the AP discussion document sent out for each action and so I am going to walk through the action and kind of talk about some of the analysis. There are some tables and then I'm going to stop and Ira will facilitate that discussion and you guys can make a motion or move on, if you don't want to make any additional recommendations, but one action at a time.

Then I also sent out Attachment 2b and these are the appendices for your AP discussion document. I didn't want that document to be super long, and so that's why I separated them. That one is 2b and it's the one with all the graphs and tables and we are just going to pull that up like if we have a very specific question. That basically is all the different analysis of all the possible combinations and it's not even all of them, but a lot of them, and I just wanted to have it on hand, in case there is a discussion or a question specifically about some split seasons or the ACLs and how that would work.

I am only going to use that if we need to. I did add, for this document that I am projecting, the Gulf and any changes that they made to their preferred alternatives last week and so you guys got a document before the Gulf Council met and so there are just a few changes and we will go through them.

Just to brief everybody and review about Amendment 26, this is -- We had a stock assessment for Gulf and Atlantic king mackerel and so this amendment basically is updating based on the stock assessment results and then also making some changes, because there was a change in the stock boundary.

Similar to cobia, new information came up in the stock assessment that indicated that the stock boundary and the mixing zone was different from how it's currently managed now, and so we have an action to modify that management/stock boundary, update all the biological reference points, and then the catch limits and quotas for the Atlantic king mackerel.

We have an action in there to create an incidental catch allowance for Atlantic king mackerel caught in the shark gillnet fishery and then we have a couple of actions for the Southern Zone and so that's South Carolina, Georgia, and Florida East Coast. One would be to establish a split season for the Southern Zone and then also a trip limit system for the Southern Zone.

Then we will move into the Gulf actions, to update their catch limit, based on the stock assessment, and then they will need to -- Because that management boundary is changing in Action 1, there is an action to revise their commercial zone quotas and then the Gulf Council was also looking at recreational and commercial allocations and maybe adjusting that allocation for Gulf king mackerel and then modifying the recreational bag limit for Gulf king mackerel.

We have the timeline here. We are down here currently, in public hearings. The Gulf has their public hearings at the end of the month, or at the beginning of March. You guys are reviewing the amendment and then, in March of 2016, the South Atlantic Council is slated to review all the public input and your input and select their preferred alternatives and then take final action and so that will be to submit it to NMFS for final approval.

Then the Gulf Council will do the same in April of 2016. However, when we get to Action 4, you will see there are different preferred alternatives and the councils have to line up on their preferred alternatives or the amendment can't move forward. This is a joint management plan, a joint amendment, and so it's possible that it will get delayed if the councils can't agree on their preferred alternative.

I put a little background in there and I will get a little more into that and so we will move on to Action 1. This would adjust the management boundary for Gulf and Atlantic groups of king mackerel. Alternative 1 is no action. We always have to have a no action alternative, to meet some of the requirements for the National Environmental Policy Act, NEPA. We have our no action alternative and so that would maintain that current boundary that shifts between the Atlantic and Gulf group and we have the figures in there.

Alternative 2 would establish a single year-round boundary at the Gulf and South Atlantic jurisdiction line in the Florida Keys, and so that would make the South Atlantic Council responsible for management in the new mixing zone, which is the small area just south and east of the Keys. You can see it here in Figure 2. The new mixing zone, according to the recent stock assessment, is this little striped area here.

Alternative 3, both the South Atlantic and the Gulf Councils have selected Alternative 3 as the preferred alternative, and it establishes a single year-round boundary at the Miami-Dade/Monroe County line, and so this means that the Gulf Council would be responsible for management measures in the mixing zone and, thus, the whole Keys. Here, anything north of the Miami-Dade/Monroe County line would be considered the Atlantic group boundary and in the jurisdiction of the South Atlantic Council. Both the Gulf and the South Atlantic, at their last meeting, the APs recommended this also. I will turn it over to you for discussion.

MR. LAKS: Okay. Would anyone like to make a motion?

MR. KELLY: **I would make a motion that the AP continue to support Alternative 3.**

MR. LAKS: Does anyone second that?

MR. ENGLISH: Second.

MR. LAKS: It's seconded by Steve English. Any discussion?

MR. WICKERS: My question on this is if we move the line and the Gulf Council would have the regulations year-round, that means that all of the regulations would be in effect and the South Atlantic regulations of kingfish would no longer exist, including the one that allows charter boat sale of catch?

MR. LAKS: I believe I asked Kari this a while back and I think, and she can correct me if I am wrong, but that would still be in place, because it's in the jurisdiction of the South Atlantic.

DR. MacLAUHLIN: Yes and so we had that question and we looked in the codified text, in the regulatory language, and it specifies that the bag limit sales are prohibited even from the dually-permitted vessels in the South Atlantic. It's more of the way that the regulations are written, it would apply to the region, regardless of who has management jurisdiction over it. For now, still, on the Atlantic side of that keys, that would be prohibited.

MR. WICKERS: So they still want their cake and eat it, too? In other words, if you're going to give management to the Gulf Council, you should give complete management and not have any confusion. I don't understand and if they're good enough to regulate it, they should be able to make the decisions and it should be for the entire area and not have a little strip that you're special and you can't do this.

This particular AP went on record for twenty years of going against the prohibition of sale of the recreationally-caught fish on charter boats. Okay? I don't know whether the full council ever took it up again. Even at the last meeting I went to, they requested the AP review that and go along with the Gulf Council and I don't know whether they brought it up or not, because I never did get to see those minutes, but I know that on most things, like you said earlier, the AP always supposedly carries a lot of weight, but on that particular issue, it didn't.

Now you have another outlet to where you could correct what I consider a very bad wrong and you're still trying to take an area of the state and still put confusion, because now you want to take and say, okay, the Gulf is going to manage it and the Gulf is going to do this, but they can't manage this area, even though it's under Gulf control. I mean I think that that is the problem with the fishery councils now. There is just too much confusion and either you go the whole way or you don't go at all.

MR. LAKS: Bill, I will speak to that. I think it's just this is more a boundary line for the genetics of the stock and if we do have time, after we get through all of this, we can bring it up, about the bag limit sales, but I know we're pressed for time.

MR. WICKERS: In the Gulf, they split on this. I was surprised, because the Atlantic, for twenty-some years, always backed the sale and then they reversed themselves and the Gulf said it was okay and that's after going through this. They put restrictions. I mean you still have to have the commercial license.

MR. LAKS: I understand, Bill, but we really need to get through this particular amendment.

MR. WICKERS: This is important to me. I know you may want to get through it, but it's important.

MR. LAKS: It's important to me, too, but if we have time after we --

MR. WICKERS: When do we have time, if we don't make it now, just to have a discussion?

MR. LAKS: It's really not up for discussion in this amendment and we really are limited for time. We can bring it up after to have it discussed.

MR. WICKERS: I would like them to just explain it to me one more time. If we're allowing the Gulf, which I support, why can't all of their rules and regulations follow their management? That, to me, makes no sense.

MR. LAKS: Because you're still required to fish in that area with a South Atlantic charter permit. I do believe that's the difference. You're not required to have a Gulf of Mexico permit, charter/for-hire permit, in that area, and so I think the distinction is if you're fishing in the South Atlantic under a South Atlantic charter permit, the rules of the South Atlantic apply here, even while the fish are being managed in more of a biological way.

That's what I think is the difference. In that area, you're still fishing under your South Atlantic permit and not your Gulf permit, and so they're managing the fish not in the same way. You can only sell fish under a Gulf permit, but the Gulf permit is not valid in the South Atlantic.

MR. WICKERS: That's what I'm saying about the confusion.

MR. LAKS: It's definitely confusing, but hopefully -- Is there any other discussion?

AP MEMBER: It gave me a headache just listening to you.

MR. WICKERS: Yes, and I mean, to me, this is how absurd this gets.

MR. LAKS: So we have a second on Preferred Alternative 3 and can we get a vote? **All those in favor of it, please raise your hand. It's unanimous.**

DR. MacLAUHLIN: I do want to say, to Bill Wickers' concerns, that, first of all, you can maybe raise that as an AP recommendation and you guys could discuss that and make a recommendation to the council to look into that, but, also, this is kind of reorganizing king mackerel management completely and so, hopefully after this one goes through, it's going to be a little less complex and issues like that can be addressed a little easier, but you can definitely add it, maybe under Other Business. The AP can add a recommendation and talk about a recommendation to the council to address that.

MR. WICKERS: To try to address the confusion?

DR. MacLAUHLIN: Yes. Moving on to Action 2, this has a couple of different parts and I'm not going to get into some of these parts. This first page is just updating all these biological reference points and so maximum sustainable yield and then the overfishing and all these.

These are based on what came out of the stock assessment. The Scientific and Statistical Committee for the council, they review that stock assessment and then they make these recommendations. Once the council approves this, this will just update the fishery management plan and so there are no alternatives for this. This is just updating all the biological reference points and so I'm not going to get into that, unless somebody really has a question about it.

Getting to Action 2-1, this revises the acceptable biological catch, the ABC, level for Atlantic king mackerel. Let me kind of put this in context a little bit, to remind you guys. We talked about this at your last meeting, but usually after a stock assessment, the SSC, the scientific advisors to the council, they review the stock assessment and then they make a recommendation for acceptable biological catch, the ABC, level, based on whatever comes out of the stock assessment about all the overfishing level and that kind of information.

Then the council can set the annual catch limit, which is what triggers an in-season closure or a payback or anything like that. They get the ABC and then the council makes the management decision about where to set that ACL, the annual catch limit.

Usually, it's one number that we get from the SSC and the council usually sets the annual catch limit equal to the ABC. In king mackerel, because this is a dynamic stock, the SSC took a different approach and they provided ABC levels under three different recruitment scenarios: a high recruitment, medium, and low. It was kind of based on how the council would feel about what kind of recruitment scenario this Atlantic stock is under at this point right now and they would be able to adjust that, based on what's happening with the stock.

Currently, we have our no action alternative and so that's going to keep the current ABC. Then we go to the Preferred Alternative 2. Both councils have selected this as the preferred alternative and that's to set the ABC equal to the high recruitment scenario. Alternative 3 is the medium recruitment scenario and Alternative 4 is the low recruitment scenario.

I have, in Table 3, what each of these values would be and they are much higher than what is listed now as Atlantic king mackerel ABC, but that's also because, for Table 3 -- What you see in Table 3, that includes the Florida East Coast all year and that's a productive area.

At your last meeting, you guys recommended Alternative 2 as the preferred alternative, with a review after two years to evaluate if it is the appropriate ABC level, and then the Gulf AP also recommended Alternative 2 as the preferred alternative and we had some public input and scoping comments about some folks said to just set it at the highest level possible, the annual catch limit, and you would need to set the ABC under a high-recruitment scenario to do that. I will stop there and let you guys have a discussion.

MR. LAKS: Great. Would someone like to make a motion?

MR. SWANN: I've got a question. Kari, what's the relationship between the ABC and the OFL? Can you explain that a little bit?

DR. MacLAUHLIN: I think that I maybe would rather have Ryan or Mike Larkin talk about that a little more.

MR. RINDONE: The question is about the difference between the overfishing limit and the acceptable biological catch?

MR. SWANN: Well, the relationship between the two.

MR. RINDONE: The overfishing limit is what the stock assessment established as the very upper limit of the amount of fish which can be harvested without overfishing the stock, meaning that you are removing more fish than the remaining biomass can reproduce.

We use that as the do-not-pass-go and do-not-collect-two-hundred-dollars limit on how many fish can be taken. Ideally, we manage below that, so that we don't risk overfishing and then enacting accountability measures which further restrict fishing as a result. We do that by establishing a buffer, which is the space between the overfishing limit and the level of acceptable biological catch, which means exactly what it sounds like.

The ABC level is an acceptable level of harvest which does not risk overfishing within a certain amount of uncertainty, based on what we think we don't know about a fish stock, and so the less we know about a species, there might be more uncertainty. If we know an awful lot, like we think we know quite a bit about king mackerel in the Atlantic, so that buffer is not necessarily quite so large.

It can vary in terms of the percentage, but the ABC level is usually the level at which harvest is conducted, and then you might have an annual catch limit below that which could serve as an additional buffer to break out the recreational from the commercial sector fishing. The distance between the OFL and the ABC serves as a buffer to prevent overfishing from occurring. Does that make sense?

MR. SWANN: Yes, perfect. Thanks.

MR. Z. BOWEN: In some species, where we know a lot about the stock, the annual catch limit could, if we or you all elected, it could equal the ABC?

MR. RINDONE: That's correct.

MR. SWANN: If you know a lot about the species, then the difference between the ABC and the OFL could be a lot smaller too, correct?

MR. Z. BOWEN: The more we know about the species, really the less buffer that we can be comfortable with. Of course, the less we know, the bigger buffer that we want, just to ensure that we don't go over the overfishing limit.

MR. WAUGH: Just to clarify too, the difference between the OFL and the ABC is supposed to account for the uncertainty in the stock assessment and then where we set our annual catch limit, or ACL, should be below the ABC and that's to account for your management uncertainty. If you're pretty sure of tracking landings and whatnot, you can set your annual catch limit closer to your ABC.

MR. SWANN: Those buffers are all objectively evaluated and they're not subjective, really?

MR. WAUGH: Correct and when we get the stock assessment, we get projections that step down from that overfishing level to get the allowable biological catch. The council has approved what we call an ABC Control Rule and it lays out, in specific details, the steps that the Scientific and

Statistical Committee used to determine how much of a step-down that should be and so we can get that information to you as well.

MR. SWANN: I appreciate it. Thanks.

MR. M. BOWEN: So now we recommended that the ABC be equal to the ACL, correct?

MR. LAKS: At the last AP.

MR. M. BOWEN: Right and so now it's my understanding that since that's been changed?

DR. MacLAUHLIN: The South Atlantic AP recommended that, but the South Atlantic Council and Gulf Council have selected the deterministic equilibrium yield of the constant and that's in Action 2-2.

MR. M. BOWEN: Okay and so would you mind explaining to me why that in Action 6, pertaining to the Gulf, their ACL equals their ABC?

DR. MacLAUHLIN: I will pass that to Ryan.

MR. RINDONE: The Gulf Council's Mackerel AP, so the body of you guys in the Gulf, had thought that since the Gulf stock of king mackerel was not overfished or undergoing overfishing, and so since the stock is presumably healthy in all respects, that it wasn't as necessary to have an additional management buffer between the acceptable biological catch and the annual catch limit, and so they recommended setting them equal to each other.

Like Mr. Bowen was talking about, when you're confident in what you know about the stock and it's healthy, that can be an acceptable path forward, depending on what your position is. The Gulf Council agreed with the AP, based on the health of the stock and the fact that in the Gulf the recreational landings have been far below the recreational ACL and so for many years there has been an underage, if you will, in the landings and so they thought the stock was in great shape and there was no reason to be overly precautionous.

MR. M. BOWEN: So what makes you think that there's a problem with the Atlantic stock and that can't be the same?

DR. MacLAUHLIN: I mean that is the management decision for the council to make, you know how much buffer do they feel will be necessary. I think the concern that's coming up with setting ABC equal to ACL under that high-recruitment scenario is what if it's too high and it has a negative impact on the stock? What if it's not actually a high-recruitment period?

That's why we have high, medium, and low, is so the council can kind of weigh information coming in from more recent catch data and information coming in from you guys, from the public, from the fishermen about the year classes coming in and small fish and they -- With selecting in the next action, 2-2, selecting the deterministic equilibrium yield and not selecting ABC equals ACL as a preferred, it's just being more cautious about that and wanting a little more buffer in there.

MR. M. BOWEN: Let me make a comment about that. Let me state the obvious, okay? If you understood recruitment, you would have already seen the small fish coming into the stock, which the hard data shows when we catch them. If you understood that, and there's a problem that you don't, okay? We observe the juvenile fish where we're seeing them and there's no way -- That's an observation on our part and the only time you're going to see that from us in logbook reports, and you're going to see a minimum of that in logbook reports, because, as Steve English will tell you, we don't hang around where there is juvenile fish and we're gone. We're out of there.

Now there's a problem that we see these juvenile fish and you don't. Now by the time you see hard data which shows that there is smaller-class fish, young fish, in the stock, you have restricted us at that point and so I think this problem needs to be addressed. What's the problem? Where is there a problem?

DR. MacLAUHLIN: I don't think that would be directed at Ryan or the Gulf Council. That needs to get to the South Atlantic Council.

MR. Z. BOWEN: We have seen the recruitment in the stock. We know that it's there. We as a council took a more conservative approach, or thought about taking a more conservative approach, so it wouldn't further restrict you and accountability measures kick in in the future. That's, I guess, the reason and maybe Ben can add to that, but --

MR. HARTIG: Kari, can you put up in your graphs -- You've got some graphs of the landings of recreational fish in North Carolina and the Northern Zone and the Southern Zone. If you look at the landings of all three, there's a precipitous decline in all of those. That's one of the concerns.

The recruitment information, Mason, we realize that there's fish coming in, absolutely. It's really not going to be much different than what you decided. What you decided was to go with high recruitment right straight through, and then in two years go back to the assessment and have the projections rerun, to see if we're going in the right direction. We can do the same thing with the more conservative option that we have now. Our intent is to do this. We told Bonnie directly at the meeting that we wanted to go back to you, probably next year.

The thing about recruitment is you have recruitment and you see those fish and so then they become cohorts. They enter the fishery at about age three and so you see them at about age three and we saw them last year, as you well know. This year, they become cohorts. I mean you see the fish progress from the size category that they were last year to the size category that they are now and you can track those forward.

I know there are extenuating things that you see recruitment on a recurring basis in the area that you see as well, which I got information today and you can see that there's another group of small fish entering the fishery again this year. The thing is if we can track those cohorts going forward, then we have an idea that yes, we have strong recruitment and that recruitment, in turn, become cohorts into the fishery over time. That's what we really want to see.

Recruitment is one thing and the cohort analysis is even more important as you go down the line and, really, if you can track it over several years, you get a much better idea that those fish are migrating through the stock and getting bigger. Our concern is the possibility that we want to move some of these fish we have now, these smaller fish, into the larger age classes and so we

don't want to take too many of them out now, where we could have a problem where we don't move fish into the older size classes. That's one of our concerns now.

We have some big fish in the stock, yes, but those big fish are getting up there in age. I mean that 2003 year class really has supported the big fish we have now and so that's, I think, why the council wanted to be more conservative. They want to see what happens and they want to rerun the projections and if it looks like recruitment and cohorts are moving through the fishery, we can go back to what the AP gave us before as a recommendation for catches.

MR. M. BOWEN: This will be my last comment on this.

MR. LAKS: Mason, could I just interject for one second? Could we just vote on this action, which we're going to get into this in the next action, which it really pertains to. If you want to make a motion for this action --

MR. WICKERS: Isn't he speaking towards this action?

MR. LAKS: Actually, it's in the next action. First we need to get through this step and so if we can get through this action.

MR. KELLY: **In Action 2-1, I make a motion that we accept Alternative 2 as the preferred.**

MR. LAKS: Is there a second?

MR. OLSEN: I second.

MR. LAKS: Robert Olsen seconds. Is there any other discussion? Can we get a vote? **Raise your hands. It looks unanimous.**

DR. MacLAUHLIN: Now, moving on to Action 2-2, this would actually be the one that we were talking about that would set the annual catch limit. That's going to determine how much you get to catch and if your accountability measures, such as an in-season closure, kick in.

We have our no action alternative, which would keep the current. Alternative 2 is the one that would set ACL equal to ABC, as you have selected in the last one. Under the preferred alternative, it would be the high-recruitment ABC. This would be the highest, at least for those couple of years, the highest levels of the ACL that you would have. The South Atlantic AP, you guys, recommended that last year at your meeting.

The preferred alternative, by both councils, is Alternative 3 and so this is the deterministic equilibrium yield at F at 30 percent SPR and it sets it at 12.7 million pounds for the next four years, or, if the council requests to review that in two years, it could change. This was recommended by the South Atlantic SSC, the scientific advisors, and then also at the Gulf AP meeting in December. They made that recommendation also.

The SSC recommended it because they felt like there was a lot of uncertainty in the model. It was a dynamic stock and so they usually don't make a recommendation for an ACL. They just give

the council the ABC and the council sets that however they want, but, in this case, the SSC gave a recommendation to the council for not only an ABC, the different ABC levels, but also an ACL.

They felt like that this would be a better way to set this up and so we have that and that would set it at 12.7 million pounds. The commercial ACL would be 4.7 and the recreational would be 8.0 million pounds. Then we have our Northern Zone quota and Southern Zone quota in there.

You have Alternative 4, which basically would set the ACL equal to the deterministic equilibrium yield at 75 percent of F at 30 percent SPR, which would be 11.6 million pounds, which would remain constant. Then we have Alternative 5, which would set ACL equal to 90 percent of the ABC that was selected in the last action.

MR. LAKS: Mason, did you want to pick your point back up or do you want to make a motion?

MR. M. BOWEN: I want to definitely pick the point back up, because I have two concerns. One is if you continue trying to determine the recruitment as you have all these years on the Atlantic side and you continue to do the wrong things to determine that, we're going to be sitting here discussing this forever and so let's fix that one.

Your landings data will show you, from this past winter, because this past winter, we're catching large fish, completely opposite from the last winter. My point there is when you say that those large fish weren't there, they are there. We need that better projection. I guess I will leave it off.

MR. KELLY: I have got to agree with you here. We've got the same problem on both sides of the Peninsula here and we're very much concerned about the modeling being used in the stock assessments and so forth, but we're being told that there's actually not enough new recruitment out there and too many old fish.

The only way I know to take care of that problem is to go out and catch those old fish. We're looking at a rebuilding program that's been in place for thirty years in the Gulf of Mexico, for example. We've got a recreational fishery that's only fishing half of their quota and we're told that we're getting buffered and uncertain-ized to death here.

I mean we've got a fishery that isn't undergoing overfishing and it's not overfished and why aren't we setting higher catch limits and quotas, because if we're going to take opportunities to explore this and see what science is trying to tell us and all of these concerns, there is only one way to find out and that's in allowing greater catch opportunities and see if the sky falls or if it doesn't, but there is too many people screaming that the sky is falling and we've got a lot of resource out there that's going unharvested as a result.

MR. WICKERS: For the love of God here, I don't understand. It's almost, to me, it's like, oh my gosh, we've been trying to bring this fish back for thirty years now or however long it's been, but it seems like it's been forever, and every year they seem to get a little better. Has the Atlantic stock actually -- This past year, was it overfished recreationally?

MR. LAKS: I don't believe so.

MR. WICKERS: All right and was the commercial catch overfished?

MR. LAKS: I don't believe so.

MR. WICKERS: Was there a closure in the commercial?

MR. LAKS: I don't think so.

MR. WICKERS: Okay and so has there ever been a closure on the Atlantic side?

MR. LAKS: Not technically, I don't believe.

DR. MacLAUHLIN: Sue, there has been in-season closures on Atlantic a few years, right?

MS. GERHART: On the east coast, yes.

MR. WICKERS: I am talking the Gulf has gone with the full deal or they're going -- I thought you said that the Gulf Council AP or whatever said they wanted to have an ABC the same or an ACL? I get all confused with these.

MR. KELLY: That's right. They have endorsed Alternative 3.

MR. WICKERS: What I am trying to get at is it seems to me that you have a fishery that, instead of standing up and saying, wow, we've done a really wonderful job with this fishery and we've brought so much fish back that the recreational, they can't even catch all their fish. The commercial, you know, they have got plenty of room for expansion, but because we want to be cautious, we can't say, hey, how about tooting our horn a little bit and saying we've done a good job with this fishery and so why don't we increase it?

Instead, you want to be cautious and for what reason, I don't know. I mean if you had a lot of evidence to prove that you had to be cautious, it would make some sense, but I don't see this -- I don't see that in front of me.

MR. LAKS: First, I had Ryan that wanted to speak, but I don't know if you want Ben to jump ahead of you.

MR. RINDONE: Ben takes priority over me.

MR. HARTIG: I don't take priority over you, but anyway, Bill, look at the graphs right there in front of you. There is the recreational landings of Atlantic king mackerel catch and do you see a trend there going down for the last five or eight years? My gosh, it's going right down. There's the commercial and look at the commercial now.

DR. MacLAUHLIN: This is the Northern Zone and so North Carolina through the Mid-Atlantic.

MR. HARTIG: Do you see the trend in the landings there going down? Now here is the --

DR. MacLAUHLIN: This is the Southern Zone. This includes all of the landings from South Carolina and Georgia and all the way to Miami-Dade/Monroe.

MR. HARTIG: Which shows that every group that we manage is on a declining trend in the landings. That's why we have concerns about the stock.

MR. RINDONE: Just to address a couple of the comments that I've heard, the important thing to remember about the assessments and being able to capture trends in recruitment is that the assessment -- Let's say it's done in 2016. It's likely only going to be able to use data from, at best, 2014, unless it's like an update assessment, in which case maybe it's 2015. You already have a couple of years' lag and we have heard lots of public comment, from folks like Mr. Bowen and others, that they're seeing a lot of smaller fish, a lot of juveniles, out on the water in the last couple of years.

Well, that is not likely to be captured by the assessment, just for the sheer amount of time it takes to do the assessment and to check it and to make sure it's right, based on the data which have been used. Now, if you do update assessments in a more frequent manner, you might be able to get a little bit closer to real-time, but the fact of the matter is these are very complex models and real-time is still a little stretch away for us.

The recruitment is unlikely to be immediately reflected, but if you're seeing that on the water, then that might tell the council that selecting a high-recruitment scenario isn't as much of a bad idea, because there is anecdotal observations for that.

Unfortunately, we can't, quote, let the sky fall, or even take a chance of it, simply because we're legally precluded from doing so. The Magnuson Act very clearly defines how accountability measures are supposed to be in place to prevent overfishing and the penalties for allowing overfishing to occur don't directly fall down onto the council. The people that they affect are the fishermen, the people that are on the water. It's your catch limits that end up being impacted when overfishing occurs, and so it behooves stakeholders to keep that in mind.

You know you definitely don't want to be in a situation where a stock is overfished or undergoing overfishing, because the only thing that can really be managed, especially when we're talking about a highly-migratory pelagic species such as king mackerel, is fishing effort, and so we have to be careful about these kinds of things.

MR. M. BOWEN: Okay and so I am definitely not against science and I think -- It may sound like I'm an old whack fisherman, but I just feel like we can get the science right and get it closer to real time, because fishermen and their families do suffer when it's wrong and I think, personally, from my understanding of how you go about determining the recruitment, particularly in the Atlantic, you really need to sit down and -- Just what your methods are, they need to be changed and that's all.

If you're not seeing recruitment when you take your shrimp trawl from Jacksonville to Daytona, because that's what you've done since the National Marine Fisheries has been involved -- Do this for me, because if you take it from the Cape and you go to Jupiter, you're going to see all the recruitment that you're ever going to want to see. That's my suggestion.

Secondly, you use the Reauthorized Magnuson as a crutch, as far as I'm concerned. I understand what the Reauthorized Magnuson says more than anybody, but let's use the data. Let's use the

data you have and with the Atlantic, too many times, you have not used the data at your disposal to start with. That's what I want to say about that.

MR. WICKERS: If you look at that chart, the reason there was dramatic decline in recreational catch was because of the recession, all right? We went through a major recession and lots of people lost their boats and fuel prices went through the roof.

There was a lot less people out there fishing recreationally than there used to be, and you can pick up a boats a lot cheaper now than you could back in 2008 and 2009, or before, and I don't know whether that gets in your net when you all are doing this stuff, but I mean I hope that the entire picture of the economy is also figured into the fish, because if people aren't going out to catch the fish, obviously you're not going to see it as a report and that's just on the recreational side.

Now, I am not a commercial fisherman, but I do know that fuel prices do affect commercial fishermen also and when the fuel prices got sky high, if the trip limits were not big enough, it didn't make a lot of sense maybe for them to make a long trip and so they didn't go, but I mean when you're trying to come up with your best model, to me, all of that has to be figured in and you can't just go through, oh, well, we caught this in a net or we did this or we did that.

The science is fine and I'm not trying to -- But there is other things that you have to take into consideration when you're coming up with the amount of fish that's in that ocean and I can guarantee you if you look at that chart, when that took that steep drop, that is right in the worst economic recession this country has had since the 1930s, and that's got a big part of it,

MR. LAKS: Bill, can I speak to that real quick? I fished all through those timeframes. I charter fish and commercial fish and I saw that. Now, whether it was temporary environmental conditions or what, those were the numbers I was seeing. I couldn't find a kingfish and I'm not saying it was recruitment, but I don't think it was purely economical. Those fish were not able for me to be found in the area that I fish and so there is a lot of factors that could be involved.

MR. M. BOWEN: When it comes to landings, I agree with Mr. Wickers. I have chased king mackerel from one end of Florida to the other and when the fuel prices were high recreationally, when you got up north, you hardly ever saw a recreational boat. That's just the way it was. I mean recreational participation was way down and that's going to be apparent on that grid.

Now, Ben, you know I'm pretty upset with a lot of this. Look, you guys want to try to base landings, commercially -- Listen, we catch fifty head and seventy-five head, respectively. In North Carolina, it's 3,000 and in the Western Gulf, it's 3,000. In the Keys, it's 1,250. This is my point. When the circumstances are that the fish are in a convenient place, there's going to be a lot of participation, or the weather is rough and me and twenty other people go catch fifty head and how many do you think that we're going to land? Okay?

Now, let's flip that around to the summer and the spring. We're at seventy-five head then and so now you know, as well as I do, that we have been in the middle of these thermoclines consecutively now for four years in a row and it's undeniable that it has affected commercial landings and so me and the other twenty people that has managed to stay on this coastline and try to eek out a living, how much do you think that we're going to land? How can you determine anything from that?

MR. HARTIG: It gives you a basic trend, Mason. That's all I'm trying to get at. It's only one very small part and that's the danger and you've elucidated very well about using landings and trying to get any estimates of what the stock is doing, but when I see it going across the recreational fishery and I see it with my own eyes and I see it going on in the commercial fishery over time, all of those things you just talked about are all in those numbers over time, given the entire stock. All the things you said about the fifty fish and the reduction in the weather, all that is in the history of the fishery over time and the history of the fishery produced more fish over time.

Yes, there are fewer fishermen fishing in the summertime. I was surprised last year that the landings in the summer didn't reflect the extra catches we had, purely because there weren't that many fishermen then, and so we did have more fish and it really didn't show up much in the landings, based on what I saw of those landings figures, and so you've got a really good point for our summertime fishery, because most people have left and gone to the Gulf and so we have a few people like you and me fishing this area, and Ira, that fish here and we caught better fish than we've caught in five years, yet it wasn't reflected in the landings.

MR. M. BOWEN: Until you get participation up -- Listen. I wish these guys could help us on this at some point and I think that we could address that, but until you do, you're not going to see substantial landings and so are we going to continue to go down this road, because you're not -- This is the problem, Ben, with what you've got.

You put us on the lowest, the most conservative, number throughout this entire timeframe. Now, from the quantity of fish that I see in the wintertime, all size classes and I've told you that year after year --

MR. HARTIG: That's not what I'm hearing from everyone else, Mason. I hear it from you, but I don't hear it. Every fisherman, to a T, that I talked to at that last meeting said where are the big fish, where are the big fish, where are the big fish?

MR. M. BOWEN: They're here now. Ask them now, Ben. Okay. Three years before that, they were sitting on the Party Grounds out of Ponce Inlet and there was about twenty boats fishing there and they were there then and why didn't you ask those twenty boats, because the rest of the boats weren't there.

MR. HARTIG: Okay. Well, we need to get --

MR. M. BOWEN: No, now that I'm making -- This is the last statement. This is the quandary that you've put us in going down -- This is the whole thing right here. You have made this so conservative that, should you ever have a May run, Ben, we're going to have trouble.

MR. LAKS: Mason, I've got to get to Steve and we've got to move along.

MR. ENGLISH: Just one point, I guess. We're talking about a buffer on a buffer. That's what we're talking about and we've got a buffer. The ABC is a buffer in itself and now we're talking about a buffer on that buffer and with what everybody is seeing and everybody is saying, all we're saying is we have an ABC buffer and there is no reason to have two. Why not make the ACL the same as the ABC and you've still got your buffer? It may not be a buffer on a buffer, but you've

still got it and they put it to a percentage that they think is a buffer. I think the ACL should be equal to the ABC.

MR. LAKS: Robert, I'm going to give you a chance if you want to speak and then we're going to try and get a motion here.

MR. OLSEN: I have to agree with Ira. You know I've seen the fishery and I am going to debunk the recession a little bit, because during the recession -- I am a charter captain and the three years of the recession were my best ever charter years, by fifty to a hundred trips more, because everyone was chartering.

That decline in those fish, I see it in South Carolina and it is a sharper decline, I think, in South Carolina than that chart even shows and I am really happy to hear that there's a big recruitment down here and you're seeing those fish, because I hope those fish make it up to Georgia and South Carolina, because those fish have not been off of our coast since I would say, just like that graph says, 2006 or 2007.

It's great to hear you saying that there's plenty of recruitment and you're seeing every size, but when you wedge all those fish down here, where they get wedged in, you all have access to them. You know when they come up to Charleston, they could be from a mile off the beach to forty-five miles offshore and, granted, they may be there and spread out, but they are not in any numbers like we're used to seeing back in the glory days on the chart right there and that's just my opinion.

Like I said, I fished for them exclusively on charters. I'm a tournament fisherman and I'm a recreational fisherman. I come from a long history of commercial fishermen for that fishery, just as a bycatch of grouper snapper fishing in the 1980s and 1990s, catching a lot of kings at night on boats off of South Carolina, and I am definitely -- I am strong about the decline in the fish, but it's so good to hear you saying you've got a big recruitment, because maybe in a year or two those fish are going to make it back up to where we're at and we're going to be catching them. You know those fish, like I said, I'm just hoping -- I firmly believe in that graph and that's all that I wanted to say about that.

MR. WICKERS: Just one more comment. The point that I was trying to make is that I think that, other than just I guess the scientific end, they need to take in the entire fishery and what's going on in the whole deal, the economics of it. Personally, down off the Keys, Key West, for some reason, and it could be climate change, and that's what we think, but, for some reason, the fish will come down the Gulf side and they go all the way to the Tortugas and they don't come down far south anymore.

Most of the time -- We had big, huge schools of kings years ago and we don't have them anymore, but that is not, I believe -- In talking to people from up the coast and all, I just believe that's because of the temperature of the water and the water temperature doesn't drive the fish as far south. That's why they do much better up on the east coast of Florida.

We used to get them from both coasts. When you had cold winters, you would get -- I mean we had so many fish that you didn't even know what school the fish are and that hasn't happened in years and we're going through a temperature change and it's the same thing with sailfish. Sailfish are a month early, because of the water.

What I was saying is there is more to the scenario than just the science and that you have to look at the total picture before you go trying to put a number that actually has a dramatic effect on a person that's trying to make a living and yes, I could say, oh my God, the sky is falling and there is no more kingfish, because we haven't been actually catching kingfish like we used to, but we have figured it out and it's not because the stock has completely collapsed. Most of our problem is -- Right now, I can tell you, from an economic standpoint, and I can't emphasize it more, but there are one-fourth less charter boats at our dock than there was in 2009.

Now, I don't know how that gentleman survived so great through the recession. We had a tough time. We had a lot of boats go out of business and they haven't come back. The City of Key West just gave away three slips, because nobody wanted to come in and actually get it.

There is a difference and there is less pressure on the recreational catch, because there is less boats. I can tell you there is less charter boats, in Key West anyway. I can tell you that I know people that fished all their lives and when the recession hit and it hurt, all of a sudden that boat that would burn up \$300 or \$400 worth of fuel, that was a hell of a lot of money all of a sudden and they got rid of the boat. The banks ended up with a bunch of them.

Anyway, I am just trying to make the point that they have to look at a complete package before you come and you make a recommendation. It should be a package, taking the entire picture, and that's all I'm saying.

MR. LAKS: Does someone want to make a motion?

MR. M. BOWEN: **I make a motion to approve it.**

MR. LAKS: Which alternative are you --

MR. M. BOWEN: ACL equals ABC. Which one is that?

DR. MacLAUHLIN: **Alternative 2.**

MR. LAKS: Is there a second for that?

MR. ENGLISH: I will second it.

MR. LAKS: It's seconded by Steve English. I think we've covered it pretty good and I don't know if we need to have any more conversation and so how about we vote on it? If you can raise your hands, those in favor of it. It looks like everybody except for -- Stephen, are you voting?

MR. SWANN: No, I'm not voting for it.

DR. MacLAUHLIN: All in favor; all opposed.

MR. SWANN: It's not that I'm opposed, but I just can't get my hands around this thing very well.

DR. MacLAUHLIN: So it's one abstention.

MR. SWANN: One abstention, I guess.

MR. LAKS: You want more discussion, I guess?

MR. SWANN: I tried, but it just gets a little confusing.

MR. LAKS: I understand. I dream of ACLs and ABCs.

MR. HARTIG: Bill, to your point about the recession, the landings are a miniscule part of what goes into it. The catch per unit effort is the real thing that's used and, of course, the ages of fish. They sample catches. They sample recreational and they sample commercial and so there is a whole lot of information.

We have a recruitment index from the SEAMAP trawl. I will put a quote around that. We have one. How robust it is is up for debate, but I think Mason is absolutely right that we need a much better way to get at recruitment and earlier cohort analysis from the scientists in Miami to show that we have some fish moving through the fishery and we have the opportunity, now that they've given us a little bit of flexibility, to go back and look at that again.

MR. M. BOWEN: My main thing was just to obviously -- I am just trying to make it, when you do this, to give you some heads-up that maybe they should look at other things maybe that they're not looking at also.

MR. HARTIG: And we do. We know that recreational fishing, prior to the last year or two, was down 50 percent. We have measurements of that and so the offshore portion of that fishery.

MR. M. BOWEN: If you just looked at that graph, you would say, oh my god, there can't be no fish out there if the recreational are not catching anything. I mean you can't catch it if you don't go out.

MR. ENGLISH: I would like to interject one thing here and this is my concern. This is what I believe. I believe the harder that you fish it, you fish a fishery, the higher the recruitment is going to be. I think when you put stress on a fishery that the fish breed twice as hard and -- My concern is that if you not catching enough and not taking enough out of the fishery, the fishery itself is going to be on the low-recruitment side and so if you don't take enough, you're actually doing it more harm than if you take too many and make it step up its breeding cycle and that's just an observation of mine and I believe that to be the case.

MR. LAKS: Let me just speak to that. You know there is some truth in what you're saying, but you have to realize then, if you look at what we're landing here and we're not catching fish, then that's one of the reasons, if your theory is correct, that you should be cautious, because we're not pulling the fish and if they're spawning less, you have to look at it that way, too. We aren't catching them, whether it's by design or -- If your theory is to hold true, and we're not catching them, there is a negative effect to that.

MR. M. BOWEN: I am catching them.

MR. LAKS: I have no doubt of your fishing ability, Mason. I am just going by the landings and what they say. Trust me, Mason, if I had to hire somebody to catch me a limit of kingfish, it would be you and so that's not what I am saying. I am just saying the overall landings.

MR. ENGLISH: One answer to that is that's why I believe you see up-cycles and down-cycles. When you've got a real high up-cycle, the fish don't breed as hard and then they start downhill and you're still catching them and you're still catching them and then when they get down to a point that you're still catching the same fish, at that point, nature says, all right, turn this thing around and we need more fish.

MR. HARTIG: Thank you for the spirited discussion.

DR. MacLAUCHLIN: The next is Action 3 and this is Incidental Catch Allowance for Atlantic King Mackerel Caught in the Shark Gillnet Fishery. A little background on that is prior to Amendment 20A, which prohibited bag limit sales of Atlantic king and Spanish mackerel on the shark gillnet trips, they would sell the bag limit, which, in Florida, it was two per person and then north of the Georgia/Florida line, it was three and so it was a very small number of king mackerel that were being sold and that was to reduce waste.

After Amendment 20A went through and bag limit sales were prohibited, this also meant that, even though these were commercial trips, they were not allowed to sell those king mackerel, because gillnet is not an allowable gear. This would just set up an allowance for them.

We have the no action alternative, which they would still not be able to retain and sell those king mackerel caught on the shark gillnet trips. Alternative 2 sets it up to allow retention of sale on the vessel, on the commercial shark trip, for the vessels with a valid shark directed commercial permit and a valid federal king mackerel commercial permit.

They have to sell it to a dealer, a Southeast federal dealer, and then this would set it up for in the EEZ off of Florida, the limit would be two king mackerel per crew member. Then north of the Georgia/Florida line, it would be three king mackerel. That's kind of what it is now, where it mirrors the bag limit and when that bag limit was set up, it was being managed that way.

Now that we have the Northern and Southern Zone system, since the Southern Zone includes South Carolina and Georgia and Florida, we're trying to kind of make everything consistent in the Southern Zone, just to reduce the complexity in the regulatory language and just make it consistent for the whole Southern Zone.

That is what Alternative 3, which both councils have selected as the preferred alternative, would do. Throughout the whole Southern Zone, the incidental catch allowance would be two king mackerel per crew member and in the Northern Zone, it would be three.

In general, we kind of looked into this and, to go back, the South Atlantic AP and the Gulf AP have both recommended Alternative 3 as the preferred and we have heard support. It's a really small number of folks that were reporting prior to Amendment 20A, in recent years, and they are all off the coast of Florida. We don't have any in South Carolina or Georgia and so, in general, it's not going to affect anybody in South Carolina and Georgia, but it's just going to make it consistent in the regulations.

MR. LAKS: I think we were pretty cut-and-dried on this last year. I don't know if anyone has anything to add.

MR. KELLY: Not to add, Mr., Chairman. **I would like to make a motion that in Action 3 that we endorse Alternative 3 as the preferred.**

MR. LAKS: Is there a second?

MR. M. BOWEN: Second.

MR. LAKS: Any discussion?

MR. WICKERS: I just had a question. I am not very familiar with the shark gillnet fishery. There are so many protected sharks and how do they actually do their thing without catching any? We've got so many sharks that we're not allowed to catch anymore and how do they function?

DR. MacLAUHLIN: I would say Steve English could probably address that.

MR. ENGLISH: Bill, I know a bunch of the guys that do it and there's very few left that do it and, basically, on the east coast, it's a summertime thing and everybody I have ever dealt with with it, they tell me that you can take a shark gillnet and go out and set a hundred yards of it in sharks and the rest of it in kingfish, if you want to, and not catch sharks, or vice versa. I mean they're that good at it, or it's that close.

The only thing they do in the shark fishery -- If they're fishing sharks, they're still going to catch a few incidental kingfish, even inshore of the kingfish line, let's say. Let's call it a kingfish line. They need at least two head and we suggested a hundred pounds, which is no longer in there, and that is because of something to do with the -- They target the blacknose sharks inshore and they don't go offshore and target the other small coastals, because they can't keep enough kingfish to make it economically feasible to catch the small coastals, and so they target the blacknose, which are overfished and they shut the whole fishery down. That's why we were suggesting a hundred and with the two head, it won't hurt anybody and everybody will go along with that and we think it's a fair thing.

MR. WICKERS: My questions was there is so many sharks now that are protected and we have to release and that's why I was trying to figure out how they would get around that. Do you know what I mean? You don't know what kind of shark is going to go in that net.

MR. ENGLISH: I guess they target mainly the small coastals now and --

MR. WICKERS: So they just stay away from the ones that are --

MR. ENGLISH: Except for the blacktips and -- The small coastals is what they target and not the large coastals and that's where the kingfish --

MR. WICKERS: That's where they get a bycatch?

MR. ENGLISH: That's where the kingfish interaction is.

MR. WICKERS: But I mean they're not like getting a whole lot of them?

MR. ENGLISH: No, and they could if they wanted to. They could go out and catch all the kingfish and hardnose sharks, but, you know, not being allowed to catch the kingfish, obviously they set out of the kingfish and into the shark, but they're still going to catch a few kingfish inside the shark line.

MR. HERRERA: I want to know the difference between why two in the Southern and three in the Northern. Why wouldn't it be the same?

DR. MacLAUHLIN: It mirrors the bag limits in those areas and that's just how it was set up. North of the Georgia/Florida line, it was three and so we're shifting it so it's Northern Zone and Southern Zone instead. Those bag limits have been in place for a long time.

MR. HERRERA: Okay and to answer, Bill, the reason why they don't catch those bigger on the gillnets, they don't catch the bigger coastals, is because of the mesh size. It's a smaller mesh and so they don't end up catching the bigger.

MR. LAKS: Okay. Anything else or do we want to take a vote on this? I did get a second, right?

DR. MacLAUHLIN: I believe so. Who seconded it? Mason seconded it.

MR. LAKS: Mason. **All those in favor, raise your hands. It's unanimous.**

DR. MacLAUHLIN: Do you want to take a break or do you want to get into this one?

MR. LAKS: Do you guys want to take a ten-minute break? Okay.

DR. MacLAUHLIN: We will reconvene at about ten to two.

(Whereupon, a brief recess was taken.)

DR. MacLAUHLIN: I am going to walk through Action 4. This would Establish Commercial Split Seasons for Atlantic King Mackerel in the Southern Zone. At the South Atlantic September meeting, we kind of reorganized the languages in Actions 4 and 5 and those were approved and then the Gulf Council approved them in October.

Now, at their meeting last week, the Gulf Council selected Alternative 1 as their preferred alternative. That's the no action and what this would do is set up just a year-round Southern Zone quota and so there would not be split seasons for the Southern Zone. The South Atlantic had selected Alternative 2 as their preferred alternative, which this one was based on your AP recommendations last year.

This sets it at 60 percent to the period March 1 through September 2 and 40 percent to October 1 to the end of February. Any remaining quota from season one would transfer to season two. However, the remaining quota from season two would not be carried forward and then when the

quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of that season.

We also have a couple other alternatives that were added by the council, just to provide kind of a range of alternatives for you all to consider. Alternative 3 is also a 60/40 split season, but season one would be March 1 through October 31 and then season two would start November 1 through the end of February. Then Alternative 4 is a 50/50 split, with March 1 through October 31 as season one and November 1 through the end of the February as season two.

Note that, because the Gulf and South Atlantic Councils have different preferred alternatives, this whole amendment cannot move forward until they have the same alternative and so what this means is possibly in March the South Atlantic Council could give final approval and it goes to the Gulf.

If the Gulf doesn't change their alternative to line up with the South Atlantic, they can also take final action, but it will kick back to the South Atlantic and it will do that until they come up with the same preferred alternatives. We saw this with Amendment 20B and it probably delayed it for six months. It kicked back and forth for a while, because they had different preferred alternatives.

Again, this was based on the AP recommendations from last April. That was how we crafted Alternative 2 and then we added some more, just to have a range, and so some consideration is that 90 percent or higher of the Southern Zone quota is landed on the Florida east coast and when we're talking about the landings, it's just king mackerel commercial landings. We're not necessarily talking about when they were called Gulf king mackerel or Atlantic king mackerel. Basically, they used to be called Gulf and we're going to start calling them Atlantic, but what I'm talking about is just going to be the king mackerel landings along the Florida east coast.

A commercial split season would ensure that a portion of that Southern Zone quota would be available in the later months of the fishing year, even if there's a high level of harvest in the earlier months, and so even in spring and summer. There would still be enough quota available for the winter fishery. It kind of mirrors the system that's set up now with the shifting boundary, where the Florida East Coast Subzone in the winter has their own quota, and that comes from the Gulf quota.

We have a chart here that shows the landings pattern, month by month, and the black line is the average pounds caught in that month from 1998/1999 through the 2013/2014 fishing year, and then that gray area is the range of it and so, in general, it's a peak in the spring and a little bit of a peak in the summer and it drops in the fall and then it picks back up in November and December.

We have heard that, although the landings in the fall months usually start to increase in November, there have been some years where the king mackerel are abundant in October and that's why the AP had recommended that season starting in October. In years of high landings, such as the 2009/2010, there may be really high landings in March that would affect season one landings from reaching a split season quota. I don't know what I meant by that.

MR. LAKS: Actually from exceeding it.

DR. MacLAUCHLIN: From exceeding it, yes. If the landings are high, you may reach your season one quota early and there would be a closure for season one and we have the document available in your attachments. I didn't send that to you guys and we didn't put it out, because it's really big, but there is a lot of detail in it.

I have some examples in here. Table 5 is the examples of the possible split season quotas and how this would work actually with the pounds and under a 60/40 split for season one and season two. What you all had recommended as your preferred is ACL equals ABC and so these first couple of columns. This is what you have recommended under a high-recruitment scenario. This is, under the current preferred alternatives for the ACL, what it would be and I have some charts to show you also with this.

Table 6 shows the same thing, but with a 50/50 and how much it would be for each season with a 50/50. This first column would be under your recommendation for the ACL and then the one over here that's highlighted is the council's current preferred alternative.

This, we can get into what they all would look like and what they would look like under your preferred alternative for an ACL, but under the council's preferred alternative right now, this is season one. These are landings from season one over these years and then this green line is what the season one quota would be. You can see that in most years the landings would not have exceeded the quota, but in those years with very high landings, it would be and there would have been an in-season closure.

MR. SWANN: On the green line, is it under Preferred Alternative 3 or is it under Preferred Alternative 3? Is that a typo in there?

DR. MacLAUCHLIN: The council's preferred alternative is Alternative 3, which is that 12.7 million pounds. This is the ACL one that you guys talked about.

MR. SWANN: Got you. You just confused me, because the header up top said Preferred Alternative 2, but the green line says Alternative 3.

DR. MacLAUCHLIN: It is Preferred Alternative 2 for the split season action under their preferred ACL. I know it's complicated, but once we get through Amendment 26, it's hopefully going to make it less complicated for the future.

MR. LAKS: Mason, I just want to say one thing before you speak. I think in your discussion that you need to convey to Ryan and the Gulf Council that actually doing the split season might lessen the effect of traveling fishermen, because if we close down this time of year, it's a straight open thing.

You're going to have more people going to the Southern and Eastern Zone if we shut down in January. I think you have to convey that your approach of splitting the seasons is actually going to keep people fishing here in January and February, by ensuring that there's quota left for that time of year.

MR. M. BOWEN: I am trying to -- Where are they -- In January and February, they're traveling to the Keys and is that what you're suggesting?

MR. LAKS: I am suggesting that if the Gulf wants us to have a straight opening -- If you fill the quota, it's mostly going to fill in December or January, correct?

MR. M. BOWEN: I actually have some comments, but I don't know if I'm going to go down that road. Sorry, Ira. Kari, I am going to complicate things even more and so turn the graph back showing the splits.

DR. MacLAUCHLIN: Under the 60/40?

MR. M. BOWEN: Yes. We need to change that number from 60/40 to 70/30. The rationale behind that is because of the flexibility that you have put into this amendment. We can transfer unused portions of quota to the second season. If you keep that 60 number there, 60 percent number, then it just -- It makes sense, if you follow what I'm saying.

DR. MacLAUCHLIN: Okay and so then when you were all talking about that, Ben asked me to look into what the 70/30 would look like and so let me -- Here you have your landings and there is actually two lines in there and one is March through September and the other is March through October, but they're about the same. There may be a few years where it's off just a little bit and so let me explain this.

This would be 70 percent under the high-recruitment ABC, what you guys recommended, way up here. This would be the highest and this would be the lower years and so those first couple of years, under a high, a medium, and a low ABC, as long as the ACL set equal to that and not the 12.7, it would be above anything you guys have caught in these recent years, but, after two years, it's definitely going to be lower, even if you set the first one at 70 percent.

Then what it does for season two is kind of the same thing, where looking at 60/40 and 50/50, the season two never goes over. You would never really expect an in-season closure for season two, in addition to you're going to get a roll-over from anything left from season one, and so probably season two would be fine.

If season two only has 30 percent, then there may be a closure in season two and that's the winter season, and so when I showed this to Ben and we talked about adding it in as an alternative, I think it really came down to -- I mean I don't think that the councils, at this point, would add another alternative to begin with and it would require a whole other analysis as well, but I also -- If there is a year of high landings like there were for the peak, if that happens, I think that it's always going to hit the quota, just because those are such higher landings when compared to the quota, and setting it so high for season one, at 70 percent, really may limit something in season two and affect your availability in the winter for quota.

MR. M. BOWEN: It makes sense. I will go on that. You convinced me.

DR. MacLAUCHLIN: I mean I feel like 60/40 is -- There will be years, maybe, if you have a really, really good March and spring, or maybe just something in the summer, it's going to be unavoidable. It's not crazy high and so I don't -- It doesn't look like there would be a closure more than two months, tops, early for your season one.

MR. ENGLISH: The concern that we have is not closing early on the first season. That's fine. If it closes early in the first season, we're all content with that. We all agree with that. If we're catching too many at the beginning of the season, we want it closed. Our concern is if we put too many on the second season and we don't catch them, we lose those fish and we can't roll them over to the next year and that's our concern.

That's why we thought if we went 70 percent the first season that those roll over to the second, but if we go 40 percent on the second season and we don't catch them, we lose it. We can't afford to lose the fish and so that's why we talked about 70/30, even though 60/40 is probably the right number. We don't want to lose that last percentage of fish and the other alternative to that would be if we don't catch that 40 percent, if we don't catch that quota, roll whatever that is over to the next year and then we would be in perfect shape.

DR. MacLAUCHLIN: I do want to say that I think that if you guys recommended adding 70/30, that's going to slow down this amendment and that's -- I don't know if there's anything on the South Atlantic side that's very pressing. You guys are not really limited too much by the current situation, but we would have to do an analysis and add that in and it would definitely slow that down, but you can, of course, always make that recommendation.

MR. ENGLISH: One question. Is there a possibility of rolling over what is left on that quota to the second year?

DR. MacLAUCHLIN: No, and the reason why is because it's kind of housed under that ACL and the law is that you can't exceed the ACL in that fishing year and the split season quotas, the Southern Zone quota, you can't exceed the ACL.

MR. ENGLISH: Then I say we have no alternative but to extend the process out and make sure we don't lose fish. That should be our main concern, that we don't lose the fish.

MR. WICKERS: I just have a question. Why would you want a split season? Why wouldn't you want to just -- In other words, why go to all the trouble to get it re-rigged? Why wouldn't you just want to go and have a season and fill it and --

MR. ENGLISH: The reason we thought about it is we've basically had a split season. The Gulf stock rolls over and opens up when meet the Atlantic stock and that was our cushion of fish to fish on at the end of the year. We're losing that and so we're trying to do the same thing with the Atlantic stock.

We would rather it be closed in August, July and August, instead of February and March, if you see what I'm saying, because the fish are worth more money in February than they are in August. Everybody wants fish to fish on and in August, we're fishing other things and going other places and all that and February, everybody is here fishing and so we wanted to hold fish over to have fish on this time of year.

MR. M. BOWEN: First off, let me make the point that, since the National Marine Fisheries Service has been in existence, you've had split seasons in this area. Why anybody from the Gulf would have a problem with what we're trying to do here is beyond me, but there are other factors, because each season has different landings.

In the wintertime, we have a fifty-head landing limit per day and then, in the spring and the summer, we have a seventy-five-head landing limit. For some people, they don't understand that. Generally, in the winter, the fish are larger and the landings limits are larger, just because of the weight of the fish. In the summertime, the fish are generally smaller, and so that's kind of how that thing works as you go, for us, throughout the summer.

When this first started being discussed, it was put to me that we should try to continue on the same thing, which is fine. Now, I have other ideas, but that's not going to happen now. I mean this is actually the only idea at this point that's going to be put forward, that I am aware of, but I hope that is an explanation for the Gulf and for you, Bill. Ira, I am rolling this around in my mind, but I don't think anything that we're talking about, personally, I don't think it will affect fishermen that travel.

MR. LAKS: I understand that, Mason. What I'm just trying to do is have you convey to Ryan to bring back to the Gulf that our plan is actually so that we stay fishing in January and February, where the people who are going to fish in the summertime and travel, they are going to travel either way, regardless of this plan, but if we shut down in January or December, you're going to have a large migration of fishermen that can't fish here that might go over to the Southern and Eastern Zone.

MR. M. BOWEN: Okay and so he conveyed that perfectly.

MR. LAKS: Thank you. Is there anyone who wants to make a motion?

DR. MacLAUCHLIN: Quickly, I do want to say that you can make a motion and then you can make basically a Plan B motion. APs have done that before, where they say here is an alternative we recommend, or an additional alternative we recommend. If not, then this is what we would recommend. You are not binding to one or the other and you guys are welcome to set it up in a hierarchy.

MR. M. BOWEN: **Then I will make a motion that we accept this, with the idea that we would rather have 70/30.**

DR. MacLAUCHLIN: The South Atlantic Preferred Alternative 2?

MR. M. BOWEN: Yes, Alternative 2.

MR. LAKS: Is there a second?

MR. ENGLISH: I will second that.

MR. LAKS: Second by Steve English. Is there any other discussion?

MR. KELLY: Mr. Chairman, my question is now that the Gulf has picked Alternative 1, no action, and is that correct?

DR. MacLAUCHLIN: Correct.

MR. KELLY: All right and so if we vote on Number 2, then does this send our amendment?

DR. MacLAUCHLIN: As long as the councils have different alternatives for any action, the amendment cannot be submitted for final approval.

MR. KELLY: Okay, but our Action 1 will be the council's final decision, correct?

DR. MacLAUCHLIN: Correct. I mean you are making a recommendation and it's the same preferred that the South Atlantic Council has now.

MR. Z. BOWEN: The Gulf AP is one that set that preferred and not the Gulf Council.

DR. MacLAUCHLIN: No, the Gulf Council tracked that AP preferred last week.

DR. LARKIN: A quick comment. The 70/30 option, I did the analysis of the last five years of landings on your predicted closure dates and so if you switch to 70/30, then yes, you will get a longer season during the season one, but currently right now, with the 40 percent and 50 percent of the season two, you don't have a closure and so if you switch to 70/30, you will reduce that quota during season two and you could have the potential of then in fact having a closure and so, therefore, closing it during January and February, which were those critical months you were talking about.

It's just finding the balance. You get a higher season one, but then a lower season two, and Kari spoke to this earlier. It's just something to keep in mind. You may have more in season one, but you may have to close and then you won't have that January and February open season, as a potential possibility.

MR. ENGLISH: If you have those, see how many years we would lose fish on the 40 percent scenario. That's what I would like to know. How many of those years would we have lost fish if we went to 60/40?

DR. LARKIN: I will take a quick look, but really -- I am making that assumption, if the landings go high again, as they were in 2009/2010. The other landings, for these other years, were much lower than that and so it would just be based on those -- I looked at the last five years of complete landings and so 2009/2010 would be -- If you go to those specific years, when the landings were high, and so you do this based on one year -- I can take a quick look and try to give you a prediction of like if you had 30 percent quota in season two, when would you close it and is that what you're asking me to do?

MR. ENGLISH: What I'm asking is if we had 40 percent, which is one of the recommended, how many years would we have lost quota?

DR. LARKIN: 40 percent, I already looked at that. There was none. It didn't hit the quota with the 40 percent in season two. Even if you go to those high landings in 2009 and 2010, you still didn't have the closure. I did not look at if you had 30 percent of the quota. I can look at that real quick, but at 40 percent, no closure in season two is what I predicted, based on the highest landings in the last five years.

MR. ENGLISH: Right, but at 40 percent and no closure, that means at 40 percent then there would be fish left over at the end of the year.

DR. LARKIN: Yes, you're right.

MR. ENGLISH: So every one of those years, we would lose quota. That's my concern and that's why I would say 70/30 would be better. We're guaranteed not to lose quota, yet we're saying --

DR. LARKIN: But another risk is you close early in season two. That's that balance.

MR. ENGLISH: I will take the risk of closing early over the guarantee of losing quota.

MR. HARTIG: Let me ask Mike one question while we're on this point. How did you handle the three years where we had early closures, where we closed in February and we closed in March -- Twice in February, I think it was, and in March. How did you handle that? How did you deal the projections across time with the closures?

DR. LARKIN: This is just the South Atlantic region.

MR. HARTIG: That's what I'm talking about, but the closures were in the South Atlantic, in the wintertime fishery. We had three closures, 2009, 2010, and I can't remember the years and I've got them written down, but we had three years where the fishery closed early.

MR. M. BOWEN: They were actually calling them Gulf fish then.

MR. HARTIG: You have to look at the months that were closed and the amount of time -- It's forty-five days in one year that it was closed and so I am just wondering how you did the projections, based on the new amount of fish we have, and then how did you look at those closed months that were closed to harvest in that time period when you were trying to project what would happen?

DR. LARKIN: I have got to remember that, too. We looked at the ratio of one was open to one was closed and so if it was open, there was a percent more when it was open then when it was closed or actually, let me look into that, but what years exactly was it? It was 2009/2010?

MR. HARTIG: It's three years.

DR. MacLAUCHLIN: I can email that to you, Mike. I was just going to say that I have that information. It was March 6, 2009; February 4, 2010; February 26, 2011. Those were the last closures without a step-up to seventy-five fish. That was just the landings and I mean when Mike was working on this analysis, we had a lot of conversations about it, because we wanted to be -- Just to take average landings over the last fifteen years is not going to be an accurate representation, necessarily, of the mackerel fishery, because you have periods of low landings, like this past few years, and you have periods of high landings.

He actually did three different scenarios using those average landings and then a period of low and a period of high when we were looking into these, to kind of see how things were going. That's all I really would have to say.

MR. M. BOWEN: I think too, as you look at this, and now you're going to be including the month of March in the season, where that has not been the case otherwise, I'm sure you included that.

DR. MacLAUCHLIN: March is going to be in season one.

Mr. M. BOWEN: That's correct, but that's what I'm saying. The years that there was closures, you had no March. Now, we need a March 1 opening. That is an absolute fact and you all have done good here. I understand both sides and the only reason I personally even throw out the 70/30 idea is because you can transfer it and, that way, you're not going to lose that quota.

Now, it's not something I think that we've got to live and die with at the stake, but it's just an idea. In fact, I would love it, if when you transferred that quota, if there was a million-and-a-half pounds in that winter half of the quota, that we could have seventy-five head, but I mean I'm sure these things are not going to be so that we can tweak it out, but, anyway, that's my comment.

MR. HARTIG: You could ask for a multiyear specification of quota and that's what we were talking about doing in the future. You know you ask for two years and you could transfer anything from year to year and you never go over the ACL. I mean as long as you stay within the ACL, you can --

MR. ENGLISH: For two years instead of one.

MR. HARTIG: For two years instead of one.

MR. ENGLISH: That would take care of it. That would take care of it. The 60/40, if we could move it for two years -- If we did 60/40 and the first year we went over and had to bring some fish back to finish it out, then the next year we would say 60/40 is wrong and let's change it to 70/30 and redo it. Can you change it every year?

MR. HARTIG: I don't think we can do that.

MR. ENGLISH: We can't change it every year? All right. Never mind.

DR. LARKIN: Again, I'm sorry and I am going to look into that. I didn't take into account, in this case, that closure. You're saying in 2009 and 2010 and east coast Florida? I looked at the landings from that Miami-Dade/Monroe County, the statistical area where they reported. Therefore, in 2009 and 2010, if there were closures in February or March, they might have been actually even higher and so I can recalculate these, because those closures would have been even earlier. I didn't take it into account that it actually was closed then and so thank you for pointing that out. That's a mistake on my part.

MR. LAKS: But I think the closure would be more pertinent to the first season than the second season, because the second season closure would be about the time the -- The first season closure,

or our normal season closure that we've had, would be about the time the second season would close and so those fish would have more impact on the first season.

MR. HARTIG: Yes.

MR. M. BOWEN: There's a whole lot of things I could say, but I'm going to keep my mouth shut.

MR. LAKS: If you've got something to say, Mason.

MR. M. BOWEN: Well, I mean at the meeting in Salerno, we had talked about a step-down and we had talked about several things to try to -- If in the first season we were looking at a closure to just make ways to extend that throughout its timeframe, and I know these things are complicated, but I mean we're -- In my mind, the only reason I'm sitting right here in this chair right now is because I would like to see this done as right as we could make it for the fishermen involved in the fishery and, beyond, that's the only reason I'm here.

MR. LAKS: I think, Mason, we're at where we're at at this point and I think we really don't have much of a choice but to stay within the 60/40 if we want it to move along. If it becomes a problem, we'll have to readdress it, but I think if we start changing now that we might get nothing and so there's going to be complications and unforeseen things in everything we do, but this is a good start and a good blueprint and I think all of us are very accessible to changing something if we see it's not working for everybody and we could re-discuss that. Is there any more discussion?

MR. WICKERS: Just to recap, just let her explain what we're doing again.

DR. MacLAUHLIN: With your motion?

MR. WICKERS: No, I didn't make a motion.

DR. MacLAUHLIN: No, but is that what you want me to explain?

MR. WICKERS: No, but I just -- There is a motion on the floor, correct, or not?

DR. MacLAUHLIN: Yes, I have it up here on the screen.

MR. WICKERS: Okay. I am just trying to understand, with the one that goes back and forth -- In other words, right now, the Gulf Council has picked a different scenario.

DR. MacLAUHLIN: Correct.

MR. WICKERS: The South Atlantic hasn't picked one?

DR. MacLAUHLIN: No, they do have one.

MR. WICKERS: Okay and which one is the --

DR. MacLAUHLIN: The Gulf Council has selected Alternative 1, no action, as their preferred. That would make it just one year-long quota and the South Atlantic selected Alternative 2, which

is 60 percent to March 1 through September 30 and 40 percent to October 1 through the end of February.

MR. WICKERS: Okay and so the motion on the floor is Alternative 2?

DR. MacLAUCHLIN: Correct.

MR. WICKERS: With a caveat.

DR. MacLAUCHLIN: Yes, and so the council could take that information and if we have a delay in this amendment, they may choose to add the alternative in there. That would make changes to the amendment timing and it may be something that they decide it's worth delaying the amendment to add in and have it analyzed. I think it's always good to let them know and, of course, the context of your recommendations I always provide to them, you know this is why they wanted this and this is the discussion that we had.

MR. SWANN: Did it sound like we wanted to amend that motion to go back to 60/40, from what Mason was saying?

MR. LAKS: I believe we're accepting 60/40, with a possible 70/30.

MR. ENGLISH: We would accept the 60/40, but we would prefer 70/30, if they can possibly see a way to do it, or if they get analysis in between now and then, when they make their decision -- If he comes up with analysis of, hey, we can go to 65/35, that would be better than 60/40 and they could do that. That's basically what we're saying.

MR. LAKS: So we're ready to vote? **All those in favor. It's unanimous.**

DR. MacLAUCHLIN: I had asked Mike Larkin to send me that percentage. Remember the percentage left of the quota that could be left over under these trip limits, because he provided the expected closure dates, but I thought that you guys would want to see that, which is what you were asking for under those split seasons. He sent that to me last week and let me find it in my emails.

Okay. I have that and so we can pull that up to look at it and I am going to walk through Action 5, the actions and the alternatives, first. Action 5 establishes the trip limits for the Southern Zone and, again, this is lumping South Carolina and Georgia in. For the most part, most of the fish are caught on the Florida east coast, but, just for consistency, it's bringing in the whole Southern Zone.

Under the no action, the trip limits for the Southern Zone would remain in place and so north of the Flagler/Volusia line, it would be 3,500 pounds year-round. In the area between Flagler/Volusia and Volusia/Brevard, it's 3,500 pounds April 1 through October 31 and then from Volusia/Brevard to the Miami-Dade/Monroe County line, it would be seventy-five fish April 1 through October 31, but, because of Action 1 and the different boundary, from November 1 to March 31, there would be no trip limit in place. That's how Alternative 1 would work.

Alternative 2, we have in there and it's so we can have a range of alternatives when doing the analysis. This would set a year-round trip limit at seventy-five fish for the Southern Zone only. North of the Flagler/Volusia line is 3,500 pounds.

Alternative 3 was based on some recommendations from the AP last April and then also some input that Ben brought to the council in September and what this would do, in the Southern Zone north of the Flagler/Volusia, all the way to the South Carolina/North Carolina line, it's 3,500 pounds year-round and then south of the Flagler/Volusia line, it's fifty fish from March 1 through March 31 and then it's seventy-five fish for the remainder of season one and then you have a couple of options for a step-down in that year.

Option 3a says after August 1, and continuing through the end of season one, if 75 percent of the quota has been met, then the trip limit goes back down to fifty fish. Then 3b just says that anytime during season one if 75 percent of the season one quota is met that the trip limit drops to fifty fish.

The purpose of having the fifty fish in March would be to kind of contain landings if there are a lot of fish available in March, but open it back up to seventy-five fish, so everybody can try to max that season one quota out, and then the Options, 3a and 3b are basically to slow down the rate of harvest towards the end of season one, to lengthen the season by bringing that trip limit down.

Alternative 4 does the same thing north of the Flagler/Volusia County line all the way through South Carolina. It's 3,500 pounds and then south of Flagler/Volusia, it's fifty fish for season two and then we have a couple of options under there, where there could be a possible step-up.

Option 4a is really the most similar to the current situation that we have for a step-up. Beginning February 1, just through the last month of that season, the trigger is 70 percent of the quota and that will determine if it stays fifty fish or if there's a step-up to seventy-five. 4b is the last two months of that season, January and February, with 70 percent being the trigger that would allow it to go up to seventy-five fish. Option 4c is just for February, but it sets the trigger at 80 percent and we just wanted to have a range.

The most similar one is 4a. That's the one most similar to what you guys have now, except that your season is a little different and you have through March, but the purpose of that is so that if the quota is less -- If less than 70 percent of the quota hasn't been met by that last month, then the trip limit goes up and so it will increase the chances of being able to hit that Southern Zone quota.

The council just modified that in December and the Gulf Council approved that. There are no preferred alternatives selected yet. Because Alternative 3 is season one and Alternative 4 is season two, they will have to select more than one alternative. Some of that was based on your recommendations and I have some of the analysis that Mike Larkin provided about when possibly you would reach 75 percent of the season one quota and so that would bring that step-down of fifty fish and under all of the preferred alternatives -- You can see that there is either no closure, but there could be a step-down, to slow the rate of harvest.

Then under a medium quota, that would be a little bit lower, probably a little closer to what the council has for that preferred quota, and so a step-down could occur in July and there could even be an early closure under those trip limits in August and this is for periods of high landings, and so 2009/2010, and not the average landings or landings in really recent years.

Then, under a low quota, the step-down could occur in June and then a possible closure in July. Therefore, the season two trip limits, when compared to the landings patterns, the analysis did not

find that any of these trip limits would cause a closure. What we brought up, what was raised about how much would be left over --

DR. LARKIN: What's going to be left over, you will see it in the yellow there. I know there's a lot of numbers on there and quota and blah, blah, blah, but the yellow numbers are what would be left over. If there was none, it would say "none" and it would be highlighted in yellow.

DR. MacLAUCHLIN: Okay and so this area here is the 60/40 split and the current council-preferred quota would be closer to this medium quota here and so you could leave -- Most likely, it would be around 400,000 pounds. That is under Alternative 2 and that's a year-round seventy-five fish.

This is the season one and so half-a-million pounds, possibly, because of the 60/40, under those trips limits for season one, and then the season two, this right here is closest to what the council preferred quota is and so, again, under that 60/40 split for your season two, you could leave 300,000 or 400,000 pounds, under those trip limits. That is using -- Mike, that's using average landings, comparing average landings, or the periods of high landings?

DR. LARKIN: High landings.

DR. MacLAUCHLIN: Okay and so these are your 2009/2010 type of landings.

MR. LAKS: Mike, could I ask a question? Again, did you include the closures?

DR. LARKIN: No, I did not and so they will actually be even higher. You're saying there was a closure, if I understand correctly, but that includes all landings for the Southern Zones and so that would be from South Carolina to Florida and so off of Florida alone, it closed in March and is that what it was in 2009?

MR. M. BOWEN: It was sometimes February and sometimes March, and so you're probably talking the potential of another 300,000 or 400,000 or 500,000 pounds of fish.

DR. LARKIN: Yes and that one area off of Florida, it would be higher.

DR. MacLAUCHLIN: Even higher?

DR. LARKIN: Yes, and if you try to make an assumption that if it wasn't closed -- That is the numbers when it was closed and so if it wasn't closed, they would be able to fish longer and so they would likely be higher landings.

MR. HARTIG: To that point, Ira, I can tell you that in 2008/2009 that it was closed for twenty-five days. It closed on March 6. In 2009/2010, it closed on February 4 and reopened for a week from the 3<sup>rd</sup> to the 8<sup>th</sup>, but it was closed overall for forty-eight days. In 2010/2011, it closed February 26 and it was closed for thirty-three days.

In 2011/2012, it was closed for seventeen days and then closed on the 14<sup>th</sup> of March and so there is four years where you've already had closures and two of them in February and that's been my concern with March this whole time, is that in those years when you have the big landings early,

you could -- You would expect, if you have good weather, that you would have landings on into March and even into April, on some of the years, and so that's been my fear of this all along.

DR. LARKIN: Can I clear something up real quick? These are based on what's on the board right now and so if there was no closure, and so that's the landings that would be left over, but, in fact, if I incorporated those 2009 and 2010 and those landings, the landings would have been higher and so it likely would have been closed and so there would have been zero in some of these cases and so keep that in mind.

These would actually be lower or zero, because if it's closed, there would be no landings afterward. It is confusing and those might actually be zero, but the actual closures would occur a lot earlier, because of those extra pounds.

MR. M. BOWEN: First off, in the years that you have a lot of production, you're going to have closures. I mean there is no way that you -- We try to avoid it and for those of you that don't understand why we're digging through this process, it's because in this area we're smaller boats, a near-shore fishery, and we're trying to extend the season and make it a year-round season. That's why we're discussing this.

There are going to be years when you're going to have production, but it's going to close different times and right now, with conditions in the spring and the summer, unless that changes, what I am saying may never be true. I mean these are environmental factors that are taking place in the spring and the summer with the upwellings and cold water and I don't know if you have it in the Keys, but like every two weeks you're getting lashed with cold water and it just sends the summertime fishery in a spin and it is certainly responsible for the lower landings in the summer.

Having said that, you know, if anything, there is certainly the quantity of fish that -- Environmental things that change that you could have the circumstances that there would be a closure and so I can't say that that's not a factor, but this -- What I am telling you right now is a fact and to the people here that's on the council, you're going to hear it's a fact later on in the day.

March 1 is an important date for these fishermen, because you have the strongest market of the year for these fishermen. Seventy-five head is important for these fishermen, because obviously it's a higher landing limit and a lot of times in March the fish are small.

We do have March's that are high in production, but that happens -- On your graph, Kari, if you take off your March production, you would see that probably seven times out of ten the weather conditions in March will not allow you to have that kind of production, but what it does is the guys that are willing to go fish in twenty-knot winds and catch their seventy-five fish, the price is at a premium and they're allowed to do that.

Now, I cannot fix the amount of quota that is there, but I can tell you what is the best for these fishermen and so now, later on, you're going to get a lot of comments regarding this and so before you decide one way or another, you just need to know, before the day is out, this place is going to be full of fishermen and they're going to tell you what they want.

DR. MacLAUHLIN: Could I ask, are you referring to in Alternative 3, the fifty fish for March in season one?

MR. M. BOWEN: No, and I mean the way you guys have put this down here, you've really backed me into a corner, but that's all right. I would support Alternative 2 in Action 5 and then I would support Alternative 4 and 4a.

MR. LAKS: Kari, can I ask you one question? Do you have what the landings were last year from March 1 through August?

DR. MacLAUHLIN: In 2015?

MR. LAKS: Yes.

DR. LARKIN: We have them preliminary, but we don't have them finalized.

DR. MacLAUHLIN: I think we can get that, the March 2015, Florida East coast.

MR. LAKS: For essentially what would be season one, through July or August.

DR. MacLAUHLIN: Okay. So from March 2015 to September 2015. Could we get a preliminary? Okay.

MR. WICKERS: I just -- To be honest with you, that was the most mind-boggling presentation I have ever seen in all my years of being on a council. I wish whoever fishes in that area a lot of luck and I am almost at a loss for words, but, anyway, it just seems to me that you've got a group of fishermen and you're trying to micromanage it to the ninth-degree of something with all of these ups and downs and breaks and this and going from this and, for the world of me, and maybe I've forgot over the years, because I'm getting up there, but I still can't remember why north of the line they get 3,500 pounds, but south of the line they get seventy-five fish.

MR. LAKS: Let me help you a little bit. These guys that full-time commercial fish around here, that's what they do and they want to fish every day, but they pound those limits out and they're going to have almost no season with the amount off of Florida they have. They have been extremely generous with cutting back on themselves and how they're going to manage their fishery.

MR. WICKERS: That makes sense.

MR. LAKS: These guys are trying to do it where they can fish year-round and to where they're not shut off from doing something else.

MR. WICKERS: So you do want to be micromanaged is basically what --

MR. M. BOWEN: We have lived with this my entire life and I can give you the history, but --

MR. WICKERS: No, I don't have to.

MR. M. BOWEN: My father started fishing here in 1960.

MR. WICKERS: No, no, no. I'm just saying I am just so stunned by this and I was like, oh my God, I just don't --

MR. ENGLISH: Bill, let me tell you that Mason came up with a lot of this. He talked with a lot of fishermen and to get the consensus he has with this --

MR. WICKERS: As long as this is coming from you guys, I am -- I thought this was the ghost of Russ Nelson coming down here.

MR. ENGLISH: This is the best plan we could come up with that we could all agree on and so we want to try it.

MR. WICKERS: If this is what you want, that's fine with me.

MR. LAKS: Do we want to have a motion here?

MR. M. BOWEN: I will make a motion. **I make a motion that we adopt Action 5 with Alternative 2 and Option 4, 4a.**

DR. MacLAUHLIN: As the preferred. What this would do is it selects Alternative 2, which sets it, for the area south of Flagler/Volusia, year-round at seventy-five fish. Then Alternative 4 sets it for season two at fifty fish and Option 4, which is beginning February 1 through the end of February, if 70 percent or more of the season two quota has been taken, it stays fifty. If less than 70 percent has been taken, it steps up to seventy-five.

Basically, what this would do, because of the way that it's written, it would set season one at seventy-five the whole time and there would be no option for a step-down. That would be in Alternative 3. Is that what you're thinking, Mason? Seventy-five fish for season one and fifty for season two, with a possible step-up?

MR. M. BOWEN: Correct.

DR. MacLAUHLIN: Okay.

MR. LAKS: Is there a second?

MR. WICKERS: I will second.

MR. LAKS: Bill Wickers seconds. Is there any more discussion? Do we want to wait on the numbers?

MS. GERHART: Let me make sure I have your question correct. You wanted to know what the Southern Zone landings were in 2015, March through September?

MR. LAKS: Correct.

MS. GERHART: About 800,000 pounds.

MR. LAKS: I don't think I made my question clear and I'm sorry for that. That would be with what the Gulf group caught in March in this area?

DR. LARKIN: You just wanted them Florida East Coast?

MR. LAKS: Yes, what would be considered the Gulf group East Coast fish and what would then become the new limit. I know there was four-hundred-and-some-thousand caught last March and so --

MS. GERHART: So you want just for the east coast of Florida?

MR. LAKS: No, I want the whole zone, but I want to add in what was caught in that what was then the Gulf group and so I'm assuming it's somewhere about 1.2 or 1.3.

MS. GERHART: Okay. I can find the East Coast March, because the rest of the time, that's not east coast anymore and that's part of the Southern Zone.

MR. LAKS: Right, but it will be.

MS. GERHART: It currently is now. Starting April 1, that's part of the Atlantic Southern Zone. The only time it's Gulf East Coast is March.

MR. LAKS: Right and that's what I am trying to figure out, but I guess we can vote. **All those in favor. It looks unanimous.**

DR. MacLAUCHLIN: Ryan, I think I will go through these and then if we need questions answered -- We are moving into the Gulf actions. Action 6 is to modify the ACL for Gulf King Mackerel and so this is updating the ACL. You guys have talked about this a little bit.

We have a no action alternative, which would not update it. The preferred alternative for both councils is Alternative 2, which sets their ABC equal to ACL. You have, in the table there, what their ABC would be and it would set the ACL exactly equal to that and then Alternative 3 is an alternative that would allow for a constant catch scenario, based on a three or five-year period, but they have selected the Alternative 2, just setting it at the ABC.

MR. WICKERS: **I make a motion to accept Alternative 2.**

MR. LAKS: Any discussion? It was seconded by Robert Olsen. Is there discussion?

MR. KELLY: I would like to see no action, but I know that's not going to float and so we're stuck with Alternative 2 and, as I mentioned earlier, we're extremely concerned about the modeling that's being used and especially in the Gulf of Mexico, that shows that need for such drastic action here.

A thirty-year rebuilding program and three-million pounds left on the table annually for I don't know how many years by the recreational sector, what we're seeing in our gillnet fishery, each and every year the volume of fish that's out there, it's -- The anecdotal evidence and so forth is just shrugged off like it's nothing.

I always look at it from this point of view. When what fisherman have on ice or they see in their fish box conflicts so sharply with what scientists are telling you, it's time to take a second look. I think it's very important that we address this situation across-the-board throughout the Gulf of Mexico and not just in our area, but in Texas, Louisiana, et cetera. They have raised the same concerns, that there's a major issue with the modeling that's taking place here. It is what it is and I am reluctantly supporting Alternative 2, because the no action alternative won't get me anywhere, but hopefully the Science Center will address this issue. Thanks.

**MR. WICKERS: After listening to the presentation there, I am going to withdraw my motion.**

MR. LAKS: Would anyone else like to make a substitute motion?

DR. MacLAUHLIN: The AP does not have to make any recommendations on an action, if you choose not to.

MR. SWANN: Kari, do you have any background on why the Gulf AP preferred Alternative 2?

DR. MacLAUHLIN: Ryan may be able to answer that better.

MR. RINDONE: The Gulf Mackerel AP preferred Alternative 2 because the SEDAR-38 stock assessment said that the Gulf group of king mackerel was not overfished or undergoing overfishing and so it's healthy and they thought that that, combined with the recreational sector not landing its ACL for the better part of the last fifteen years, means that there are plenty of fish in the water and so it was a safe bet to set the annual catch limit equal to the acceptable biological catch.

MR. SWANN: They're not seeing the same thing that Bill Kelly is talking about?

MR. RINDONE: We have had comments in the past where folks have said that they thought the ACL should be higher, and one of the important things to remember with the Gulf stock is, and this applies very much so more to the Gulf stock than the Atlantic stock, is the giant question mark that is Mexico.

Mexico's landings of king mackerel do have an impact on the king mackerel which are present throughout the rest of the Gulf of Mexico, and Mexico's landings are roughly six-million pounds, give or take eight-million pounds, meaning that we have no real idea and so the landings reporting systems that they have in place there are nowhere near as repetitive and as accurate and as validated as ours are and so with no real way to account for the fish which are being taken from Mexican waters, whose recruitment impacts recruitment in the Gulf of Mexico and whose fish migrate from Mexico to the Gulf and back, it's a big question mark.

That introduces an awful lot of uncertainty into the stock assessment, which is reflected in where the overfishing limit is set. Like Mr. Waugh said, that's a scientific level of uncertainty and so that's one of the reasons why the Gulf overfishing limit and, subsequently, the acceptable biological catch has been set where it has, is to help account for that uncertainty.

MR. KELLY: Perhaps Ryan can give us some input on this as well. The way I understand it, the migrational pattern of kingfish is that pretty much after we're done with them, the next stop is Mexico, where they are harvesting them there and then selling them right back to the United States.

It wasn't too awful long ago, I think about three or four years ago, that the SSC recommended a harvest level of over seventeen-million pounds, and now we're getting down to where we're almost half that number, and will be in 2019, and it's just incredible to see this drop and, as you mentioned, more than three-million pounds by the recreational sector left on the table for how many years, Mr. Rindone?

MR. RINDONE: The better part of fifteen years.

MR. KELLY: Right and now we're going to look at these cuts and obviously -- I say obviously. It's obvious to me there's something wrong with the modeling here and something that needs to be addressed here to make a drastic change, especially in a fishery that's not undergoing overfishing and is not overfished and has successfully endured a thirty-year rebuilding program.

MR. RINDONE: The important thing to remember is that they're not cuts. They are adjustments to the ABC based on the stock assessment. The stock assessment doesn't cut anything. It's based on the data that are gathered from sampling fish and looking at the landings and the yield streams.

Another important consideration for why the Gulf ABC is lower, or is being projected to be lower now than it was before, is because the fish that were once included in the Gulf migratory group off the east coast of Florida are now thought to be part of the Atlantic migratory group, and so those fish which we previously thought were Gulf fish, they were actually Atlantic fish and so the number of Gulf fish is actually less.

Now, what that means for Gulf fishermen isn't what you might think and so think of it in terms of pie. This is how I've been explaining it to the Gulf Council. Originally, we had eight people and eight slices of pie. Now we're down to six slices of pie, but we only have five people sitting at the table and so everybody is actually getting more fish, or getting more pie, even though there's less pie on the table.

In the Gulf, even though the ABC is projected to be lower under Alternative 2 than it is under Alternative 1, which and Alternative 1, mind you, no longer represents the best scientific information available. Alternative 2, there are going to be more fish available per angler, be they recreational or commercial, but there is still more fish available for each of the years that are projected in the yield stream.

MR. LAKS: Do you guys want to comment on this or do you just want to move along? I will take that as a move along.

MR. KELLY: Yes, I think we need to move forward, and the no action alternative is not going to get us anywhere and only we'll have no action and so, Bill, would you reconsider making your motion for Alternative 2?

MR. WICKERS: I think if you feel as strongly as you said, I would feel that the Gulf made a mistake.

MR. KELLY: You know, I've got my points on the record and we've stressed our case in both the Gulf and the South Atlantic and I think, for the sake of the AP here, we need to move forward and I think the best way to do that would be for you to reinstate your motion to endorse Alternative 2.

MR. WICKERS: **I will reinstate it then.**

MR. LAKS: Would someone like to second that?

MR. SWANN: I second that.

MR. LAKS: Seconded by Stephen Swann. Are we ready for a vote? **All those in favor. It's unanimous.**

DR. MacLAUCHLIN: Action 7, this Revises the Commercial Zone Quotas for Gulf King Mackerel. As Ryan was explaining, there are less zones under the new boundary that you're going to set up in Action 1 for that Gulf ACL. The Gulf Council set up some alternatives to consider how to do this and they have selected Alternative 4 as the preferred.

The South Atlantic hasn't selected a preferred alternative yet, and so we have the no action alternative and I have a table down after this. Alternative 2 divides that leftover quota that would have gone to the Florida East Coast into four equal parts and then Alternative 3 would give each Gulf zone a proportional part and then Alternative 4 is set up as 40 percent to the Western Zone, 18 percent to the Northern Zone, and 21 percent each to the Southern Zone Hand Line and Southern Zone Gillnet.

That actually came from the Gulf AP and that was kind of to -- They took the possible scenarios in the other alternatives and they kind of tweaked them so that the northern zone got a little more than they would have otherwise and they basically negotiated that, the Gulf AP, and made that recommendation to the Gulf Council and they added that.

Under Table 9, you can see the distribution of how this would work and so this is the current way this works, with the Florida East Coast has part of the Gulf management process, the Gulf management system. Now that that's going to the Atlantic management system and being managed completely differently, the Gulf is going to redo their percentages and Alternative 4 is the Gulf preferred. Now, the Gulf AP and you guys, the South Atlantic AP, in April of last year both recommended that Alternative 4 as the preferred.

MR. LAKS: Do we have any discussion on this or does someone want to make a motion?

MR. KELLY: I am quite concerned about this, this inappropriate distribution that is being recommended for the Northern Zone in the Gulf of Mexico. We would like to see Alternative 2, with an equal distribution to each of those areas, and here is why.

Two years ago, we asked for an increase for our hook and line fishermen down in the Southern Subzone of the Gulf, from 1,250 to 2,000 pounds. It was reviewed and approved by the AP to the Gulf Council and the AP to the South Atlantic, both of their Mackerel Committees, and then

ultimately something happened at the council votes and everything suddenly was reversed and that was voted down.

Our neighbors to the north all have a 3,000-pound trip limit. Over in Texas, they've got a 3,000-pound trip limit and just north of us, in Collier County and Lee County, they've got a 1,250-pound trip limit, but they catch their fish about ten to twelve miles offshore, maybe even fifteen sometimes, and so they're double and triple tripping and our guys, from just because of the way of the Keys currents, et cetera, to get to those fish, they're running much larger vessels, forty and fifty-foot twin diesel boats.

They're going forty to fifty miles to catch those same fish. It's like having to take a bus to work versus a Volkswagen and so we wanted that increased to 2,000 pounds, just to cover fuel costs. We got shot down in the final moments on it.

Just recently, having attended both the Gulf Council meeting and the Gulf AP meeting, it's absolutely flabbergasting that any increase in the quota for Keys fishermen, where the fishery historically started, will tank prices, but we can jack up the percentage that will go to the northern Gulf that is easily accessible to those guys in the lower western portion of Florida and they can go and double and triple trip it and that won't do anything to prices. Everything is just hunky-dory.

**We are getting slapped all over the place here in the Southern Subzone and this will just be one more slap. I would like to see, if there's going to be any reallocation or reapportionment of quota, that it be done equally and we will argue our trip limits again before the Gulf Council at another time, but I would like to make the recommendation that under Action 7 that Alternative 2 be the preferred.**

MR. HERRERA: I second that.

MR. LAKS: Seconded by Manny Herrera. Manny, would you like to speak to that?

MR. HERRERA: Yes and everything Bill Kelly is saying. I am one of those that have to live with having to go sixty nautical miles to go catch 1,250 pounds of kingfish and, to me, it's ludicrous and it doesn't make any sense. People talk about fuel costs and I always put in the wear-and-tear on the gear of having to go sixty nautical miles in whatever weather out there to catch those fish. Whether it's thirty, forty, fifty, or sixty, it's a big wear-and-tear on your engine. That's, to me, the biggest cost in doing all of that and it's not even the fuel and so I totally support going for Alternative 2 myself.

MR. WICKERS: I want to say that I support this motion. I am not a commercial fisherman. I'm a charter fisherman, but I have a lot of respect for the commercial industry, and when it comes to fishery management, not only the Gulf Council, but also the South Atlantic Council, if you live in the Keys and you make your livelihood off the Keys, you always feel like we're the stepchild of the councils and we don't get respect down there and I don't know why, but that's just the way it is.

It's just like this one here is 3,500 pounds above the line, but if you go down in the Keys, they've got to run fifty or sixty miles to get fish and they get 1,250. The overhead is three times or four times as much and it doesn't make sense. It's not fair. It's the same thing with the snapper grouper.

You know they had an option that they could have possibly, when they did the grouper closure over the gag grouper, 1 percent of our catch in the Keys is gag grouper, but guess what? We make exceptions constantly for the Carolinas and when it comes to the Keys, they couldn't make one exception for us.

I just don't buy it that way and it shouldn't be that way. It should try to be more equal and fair and I mean it's like we've -- Florida, we've always made exceptions for the Carolinas, like with the bag limits and the trip limits and the whatever, but, here, we ask for one exception with the grouper, at the height of our season, and they close it for four months, over a fish that we catch 1 percent.

DR. MacLAUHLIN: I am going to bring it back to the motion.

MR. WICKERS: Yes, I think I got carried away there. Anyway, I am bringing it back and I'm just letting you know that we do feel slighted there, because not only in this issue here with the kingfish, but also with the grouper. You could go down the line. It's just not right.

MR. HERRERA: The other thing I wanted to say about fishing down there in Key West is, unlike the rest of the state, everybody gets a one-two punch and we only get one punch. Those fish come -- I have seen it where they don't come until January, or even mid-January. Like last year, they came a little early, in December, but they're there for a short period of time, two or three months, and it's over and done with. It's not like the rest of the state that gets a one-two here, and we're talking about the two seasons. We only have one and often we are really punched by all this.

MR. M. BOWEN: You know I'm all for supporting the fishermen and what they want in the different areas. I am not -- I am basically an Atlantic guy and I know what would be best for me here in this, but I am going to abstain from this vote, because I respect these two guys and I would also like to see -- I mean the preferred is 4 and these guys want something else and so I am abstaining.

MR. ENGLISH: I've got one comment. When we went and changed it and we reallocated the Gulf stock to part Atlantic and part Gulf, I actually thought all those fish would stay in the southern end of the Gulf and they took the majority of them and put them up to the northern end of it and I was kind of took back by that, why they would do that. I will support these guys right here. I believe their motion is correct and I believe it's the right thing to do and so I will support them.

MR. LAKS: Any other discussion? I guess we can take a vote. **All those in favor. Everyone, but Mason is abstaining.**

DR. MacLAUHLIN: Moving on to Action 8, this is Revise the Recreational and Commercial Allocation of Gulf King Mackerel. This has come up before and there are some tables in here to give you a little context about it. In recent years, the commercial landings have kind of bunted up against the commercial ACL for Gulf king mackerel and recreational landings were usually 30 percent, sometimes up to 50 percent, of the recreational ACL.

The Gulf Council wanted to look at ways to either move some of that recreational allocation to the commercial, so that the total ACL, which is this column over here and you can see how much has

not been landed, to move some of that to help reach the total ACL and give a little more to the commercial sector.

Going back up the page, at their meeting last week, the Gulf Council did select the no action as their preferred alternative and so that would keep it at 68 percent recreational and 32 percent commercial, and there was a lot of discussion about that and I would probably let Ryan summarize that, if he wants to talk about that a little more, but then we have Alternative 2.

This would be a permanent reallocation and so you have the three options under there. One would move 5 percent of the recreational to commercial, 10 percent, and then 20 percent, and those would be permanent allocations until they are changed again.

Alternative 3 sets it up to where it would be kind of just a conditional one, where either 2 or 5 percent of the stock ACL would be transferred to the commercial allocation, until the recreational lands 80 percent. Then it would stop there and so basically it would build slowly and then it would stop if recreational landings increased.

Alternative 4 would be a conditional transfer in which, under the options, 5, 10, 15, or 20 percent would go from recreational to commercial, but what would happen is, once the recreational landings hit a certain percentage of their ACL, then it would revert back to what it is now, 68/32.

Then Alternative 5 was a sunset provision, so that if there were any changes made to the allocations, it would go back to a 68/32 after five, ten, or fifteen years. I am not sure if Ryan can come up and speak a little bit more about why, in the end, the Gulf Council, at their last meeting, has decided to select no action as their preferred alternative, but it is -- The alternatives are a really great way to kind of look at if this comes up ever for any of the Atlantic stocks. It just doesn't have to be a permanent change in the allocation. There are other ways that you could look into it that would try to be as fair as possible to both sectors. I will open it up there and let you guys talk about it.

MR. LAKS: Is there any discussion?

MR. KELLY: This is pretty interesting here. I would like you to take a look at Alternative 4. Alternative 4 was suggested by Councilwoman Leann Bosarge. She's from a commercial fishing family over in Mississippi, fifth generation. She looked at the landings here and the disparity in the landings and the commercial fishery on kingfish meeting their quota in the Gulf of Mexico and the recreational side underfishing it by more than three-million pounds for over a decade.

She said, there's something seriously wrong here, and so she came up with a proposal that is absolutely nothing short of brilliant in its simplicity and its manageability, and that is we take and look at these stocks each year, and let's address first kingfish in the Gulf. Three-million pounds left on the table each year? The biggest problem is that we underfish kingfish in the Gulf of Mexico and that's probably why we have a problem, is we're not making room for new recruitment.

How do we correct it? We go and catch those fish. Now, if there is three-million pounds there, let's consider, as Ms. Bosarge put forth, reallocation by looking at recreational and commercial each year, in 5, 10, 15, or 20 percent increments. That's innocuous enough.

You pick that percentage, and you can pick 5 percent, which is the least amount of fish, and then you can also, on the other side, set the most stringent of caps, that as soon as the recreational sector would hit 75 percent of their quota, you've got to revert and start giving back. It's a checks-and-balance system that's absolutely brilliant.

Just to put it in comparison for the South Atlantic here, we've only got one stock of dolphinfish. Dolphinfish close commercially on July 1 and fourteen-million pounds are allocated to the recreational sector in the Atlantic, 1.1-million pounds to the commercial side. They haven't fished more than seven-million pounds since God knows when and we're closing this fishery in the middle of the season, at actually the very start of the season for south Florida, or all of Florida in the Keys?

I mean that fishery is up and down this entire seaboard and we have the same situation that happened with yellowtail snapper. 1.5-million pounds were allocated to the recreational and 1.6 to the commercial and they closed us down because we -- We couldn't get a dolphin sandwich and so now you're after a yellowtail snapper sandwich, which increased demand there, but the recreational left over 750,000 pounds of yellowtail sitting on the table, when we could have harvested those fish and instead, it's shut down on October 31, right at the height of our tourist season and highest dollar for the fish, et cetera.

The biggest concern are these are underutilized species, and so there was a strong recreational movement in the Gulf meeting to preserve that. It was, hey, we don't want to give it up and we'll never get it back. That's not true.

You look at Alternative 4 and you say, man, this really is workable and if the council had this as a standard operating procedure, it would be so simple for them to apply it, without going through these lengthy amendments that take years sometimes to come to fruition, to make these adjustments annually, and, again, you can pick the most restrictive of allocations and then the most restrictive of caps, so that you're not even anywhere near exhausting the recreational potential.

**If we caught that three-million pounds of kingfish in the Gulf that the recreational aren't harvesting, it wouldn't even get us anywhere close to their caps and so, therefore, my recommendation, and my motion, is that we select Alternative 4 in Action 8 as the preferred.**

MR. LAKS: Is there a second?

MR. HERRERA: I second.

MR. LAKS: Bill, I would like to say, just to get it on the record, that I don't really have a problem with the transfer. The one thing that I hear in all of these discussions that I never hear being brought up is, as a charter boat captain, just because I don't catch something and I leave it in the water, it doesn't mean that it's not valuable to me or that I couldn't go get it the next day and have an alternative fish to catch for a targeted species.

I tell my customers all the time that you'll have more fun catching what you didn't want to catch than not catching what you did want to catch and so the fear I have in this is that I'm trying to promote any conservation on the recreational side and they're throwing it back and somebody else

is catching it, but I don't have a problem, and I think it's something that definitely needs to be looked into with the transfer.

Also, you have to understand that the Gulf group goes over their quota a little bit and so when you start moving a little bit over and then the overage -- So you're getting your 5 percent and it becomes 7 percent and your 10 percent becomes 12 percent and so it's something that needs to be looked at and worked out, but I never hear a discussion of leaving a fish in the water as being valuable to me as a charter boat.

MR. KELLY: Mr. Chairman, in response to that statement, these fish have already been allocated for harvest. They have been buffered and uncertainty has been factored in by the Scientific and Statistical Committee. We are not going out on a limb and we are not jeopardizing conservation in any way, shape, or form.

We have, by the very nature of the three-million pounds that have gone uncaught for fifteen years or more, we have put tens of millions of pounds back in there, not only in the stocks that went unharvested, but in the recruitment that they've generated. The reality is we've got too many old fish in the Gulf and that's part and parcel of it, because we're restricted harvest so bad that we're not freshening up that population each and every year.

This absolutely would have no negative impact on the resource and if, by picking the lowest allocation and the most stringent of caps, it would protect you and every charter boat fisherman out there and your customers, because as soon as you hit that cap, everything goes right back to where it was. Thank you.

MR. SWANN: Kari, can you summarize how the Gulf AP felt about that and why they did not consider Alternative 4?

DR. MacLAUCHLIN: I will let Ryan.

MR. RINDONE: For Action 8, the Gulf AP looked at the recreational landings from the 2014/2015 fishing season, which were 53 percent higher than they were for the previous fishing year. That showed presumably a large increase in effort on the part of the recreational fleet in targeting king mackerel and this gave them pause to reallocating, because they thought that these fish were originally recreational fish and it was for that group when these were allocated and so they should have the fairest shake and any chance to catch those fish given to them before they were moved to the commercial side.

We have heard public comments which are not unanimous with that or not concurrent with that assessment by the AP. There are other fishermen who want to see some of that quota moved over and so the Gulf Council did prefer Alternative 1, following the Gulf AP's recommendation, but they did comment that they did expect to hear from the public as to what the public thoughts were, and we do our public hearing run at the end of February and the beginning of March, to see if this is in fact a universal sentiment or if something else does need to be considered.

MR. SWANN: I may not speak for all recreational fishermen, but it certainly makes sense to me what Bill is saying. If we determine what the ACL is and it's already targeted to be harvested and

it's not harvested -- It doesn't really impact anything and so why not utilize some of those fish if possible?

MR. RINDONE: That was something that was discussed at the last Gulf Council meeting, was the idea that leaving the recreational fish in the water serves as an additional buffer, but the important thing to remember about the way that the stock assessment works is that when the assessment says you can catch this many fish, it expects that you're going to catch every last one of them and that's how it determines what you can catch the next year and the following year.

If you go over or under on any given year, technically it throws off how many you could have caught the following year, depending on whether you went over or under. Now, obviously going under doesn't hurt you in the following year. If you were harvesting what it says you could harvest in the following year, but you harvested less in the previous year, you probably have a little bit of a buffer, if you will, built in and so that's one thing to consider. The assessment is a computerized mathematical model and it tells you to go catch a million fish, it expects you to catch a million and not 700,000.

MR. SWANN: So the impact of if I don't catch a million and I only catch 800,000, the following year, does your model consider how close to that recreational ACL they got?

MR. RINDONE: When the model sets up the projections projecting what you can catch into the future, the only way that it considers it is if in 2016 you catch what you can catch in 2016 and then, based on those removals, it establishes for 2017 and, based on removing all of the 2017 fish, how many you get in 2018.

It doesn't account for underages, which is why both the Gulf and the South Atlantic Councils have requested reruns of the projections every year or other every year, for so long as there are underages in the ACL, or the combined recreational and commercial sectors not catching their allocations. The councils want to try to afford fishermen the greatest opportunity to harvest the greatest amount that they can, based on what science is saying that they can harvest, but, to do that, those annual or biennial projections would have to be performed by the Science Center. That takes about three months to run those.

MR. WICKERS: I had a question for you. You said that the recreational catch went up 53 percent over last year? What was the catch, percentage-wise?

MR. RINDONE: Of their ACL?

MR. WICKERS: Yes.

MR. RINDONE: 62.3 percent.

MR. WICKERS: So even though it went up 53 percent, it's still at 62 percent out of 100 percent?

MR. RINDONE: Yes, sir, of the recreational ACL.

MR. WICKERS: What was the reasoning that you thought that it went up?

MR. RINDONE: The reasons that we've been offered, and, again, this is just one year of data that we've had coming in, where we've had adjustments to how MRIP collects the data and they're sampling more hours and over more areas and they have improved several different areas where in the past they've had deficiencies, and so that could be one reason why they're seeing increases in the recreational landings.

It could be due to effort shifting, due to constraints in other parts of the Gulf recreational fishing environment, if you will, such as shorter red snapper seasons or related to other aspects of the recreational fishery.

We have seen how changes in sea surface temperature can impact migration patterns of king mackerel, and, speaking personally, I have seen bait closer to shore, more so this year than I have in the last few years, and large fish follow small bait and so we've been able to catch kingfish closer to shore and so it might be easier for fishermen in smaller boats to access kingfish now.

MR. WICKERS: But in all of your recollections, you don't think it's had anything to do with the economy starting to improve and people starting to fish again?

MR. RINDONE: Social and economic indicators are something that the SSC typically takes into consideration when they're examining how they're going to set the ABC in reference to the overfishing limit and, from the stock assessment standpoint, we've talked about different ways to include those metrics and are still developing ways to judge things like how changes in fuel prices and boat sales and other marina economic activity and just the general economy itself, how that impacts catch per unit effort over time.

Those tools are being worked on and there are lots of people that have published a lot of interesting information on them, but, at this point, we don't have a universal way of applying those sorts of metrics into the stock assessment, to have them actually have a direct impact on how the overfishing limit is determined.

Those sorts of things tend to fall more onto management uncertainty and so when the ACL is set in reference to the ABC, social and economic considerations can come into play at that point, as opposed to where the ABC is set in reference to the overfishing limit.

MR. WICKERS: Say, for instance, that we support this amendment, the one that he just made a proposal for, because it still seems to me that, even though it increased by 53 percent, which sounded like a big hunk, we're still at only 62 and that means there is 38 percent of the fish that are still swimming around out there that was so-called targeted.

If we wanted to try it out to see, I mean it's not like it's mandatory every year that they would have to increase it. In other words, say next year it increases by another fifty-something percent. We're still going to be under the 70 percent range and would it be a problem to see if this actually works? I mean, to me, it's got all the safeguards in it and the only thing it's doing is allowing some people that are trying to make a living off the sea to make a living on fish that's already been said that you could catch and it's not going to hurt anything. Do you see a problem with that?

MR. RINDONE: Mathematically speaking, the options which are selected for Action 8 are dependent on the options which are selected in Action 9 and which examines modifications to the

recreational bag limit of king mackerel in the Gulf. The Gulf Council originally preferred raising the recreational bag limit to four fish per person and has revised that preferred alternative to Alternative 2, which is three fish per person.

The reason why they chose to do that is, one, the AP recommended three fish per person, and the recreational bag limit analysis indicates that increasing the bag limit could raise the recreational landings anywhere from 0.9 percent on the low end to 21 percent on the high end and it depends on which of two methods is applied to determine how those increases might follow.

One of them says that people who are currently discarding fish would keep those fish if they were allowed to keep three fish or four fish, and then another one says that everyone who catches two fish and keeps them would also keep three fish and would also catch and keep three fish and would also catch and keep four fish. An important caveat to that is that the number of fishermen that are even catching two fish is a fraction of the total recreational fishing population.

MR. KELLY: I know that you have other things to consider, but, one, at two fish, you know they're not getting anywhere near where they would endanger the action and at three fish, plus a 5 percent reallocation, you still wouldn't get us anywhere near that cap of 75 percent if we set it at that.

One of the things that we like about this is this is moving forward and it gives the councils flexibility in fisheries management. The old style is, hey, if you go under your quota, that's fine and you get a pat on the back and okay, can we have those fish next year? No. If you go over the quota, especially in the commercial fishery, now we want paybacks. You're killing everything and you've got it now and we want it back next year.

MR. ENGLISH: One quick comment. Giving fish from the recreational sector to the commercial, you're giving to the consumer and that's my point.

MR. LAKS: Good point. Are we ready to vote on this?

MR. RINDONE: You need to select one of Options a through d as well as one of Options a through g.

DR. MacLAUHLIN: You don't have to.

MR. KELLY: I would like to reiterate my motion. **My motion in Action 8 would be the preferred would be Alternative 4, Option a, transfer 5 percent of the recreational allocation to the commercial sector, and then Option e, revert to the status quo sector allocations if 80 percent of the adjusted recreational sector ACL is landed.**

MR. LAKS: Is there a second?

MR. HERRERA: Yes.

MR. LAKS: Are we ready to vote on that? **All those in favor; all those opposed. Okay.**

DR. MacLAUHLIN: Remember we want to go through quickly the for-hire amendment and we have twenty minutes left and the hearing starts at 4:00 and so we're kind of confined with the end. Just remember that in your discussion, to make sure we leave a little more time for this.

Action 9 is the Recreational Bag Limit for Gulf King Mackerel. The current bag limit is two fish per person per day. The Gulf recently changed their preferred alternative, last week, to Alternative 2. They did have Alternative 3 and that's why the South Atlantic also has that. The South Atlantic is not picking a different preferred and we expect them to also select Alternative 2.

For now, the Gulf Council preferred is Alternative 2, three fish per person per day, which the Gulf AP also recommended, and the South Atlantic preferred is Alternative 3, which is four fish, and that was the former Gulf Council preferred and so that's why the South Atlantic has that, too.

MR. WICKERS: **I make a motion on Alternative 2.**

AP MEMBER: I second.

MR. LAKS: I don't think we need a whole lot of discussion on that and are we ready for a vote on it? **All those in favor. It's unanimous.**

DR. MacLAUHLIN: That's it for Amendment 26. Of course, you guys know right after this we are doing a hearing and you are welcome to also provide public comment as an individual as well, but I wanted to go ahead and move into our last discussion topic and we have the For-Hire Amendment.

I just have the summary in here. Public comment is also being taken at this hearing afterwards and so you can also comment as an individual as well and what this amendment will do is it considers mandatory electronic reporting for charter vessels and it changes the existing reporting requirements for headboats and it would apply to charter vessels and headboats in the snapper grouper, dolphin wahoo, and coastal migratory pelagics in the Atlantic only and so the federal permits are required for these when they're operating in the EEZ.

We have three actions in there and I'm just going to go through these and the current preferred alternatives. Action 1, the operators of charter vessels would report electronically, and so what the preferred alternative would do is that they would be required to report electronically, weekly or at intervals shorter than a week, if notified they're required to do that. The reports would be due by the Tuesday following each week that ends on Sunday.

Action 2 applies to the operators of the headboats. They would have a new deadline and so under the preferred alternative, it would be weekly, or at intervals shorter than a week, if notified, and the electronic reports would be due the Tuesday following each week that ends on Sunday, instead of the Sunday.

Alternative 3, the operators of charter vessels would report catch locations the same way that the headboats currently do. Under the preferred alternative, the charter vessels would report electronically by latitude and longitude and in degrees or minutes, or by clicking on a headboat chart. The headboats currently do this.

MR. WICKERS: I would like to say that I think this is overly burdensome for the charter vessels and I only know what's going on with the commercial guys and I just think this is the -- The next thing we're going to have to have is the VMS and the whole mess and, personally, I think, and I know that operators of our fleets, think that is kind of an overreach. I mean a voluntary system would be okay, but not a mandatory system.

MR. WAUGH: This doesn't have anything to do with VMS at all. There is no intent. The council already took out an amendment looking at VMS and they have no intent of moving forward with VMS. The commercial guys currently fill out three logbooks. They all have to fill out a catch logbook and 20 percent fill out a bycatch logbook and 20 percent fill out an economic logbook and so headboats are already doing this now and this is just bringing the charter up to what the headboats are doing and I will be giving a short presentation and I can give some more explanation there.

MR. WICKERS: This is electronically though. If you're going a logbook, that's not electronic.

MR. WAUGH: Our intent is to move the commercial guys -- They want to go to an electronic logbook. There is no platform now, no federal platform, for them to do that and they're working on that voluntarily. The headboats currently report electronically. They are doing weekly electronic reporting now on the headboats and so, yes, we're proposing to bring the charter boats up to that and then, as soon as we get a platform ready, the commercial -- They want to report electronically now. It's much easier than filling out the paper logbook.

MR. WICKERS: It just seems like this is more of an overreach. It seems like every year there is more and more regulations and more and more -- Anyway, I would like to make a motion or whatever.

MR. LAKS: You can make a motion if you want.

MR. WICKERS: **I would like to make a motion that Alternative 1, no action.**

DR. MacLAUHLIN: Under --

MR. WICKERS: **No action on all three.** You know it seems like by the time -- Especially in the Keys, we have so many different regulations and rules and this and that and the other and three different management councils and the state and --

MR. LAKS: Is there a second for that? No second?

MR. KELLY: I would like to second that, but I also want to qualify it and can I do that?

MR. LAKS: You can second it and then qualify it.

MR. KELLY: All right. I will second and with these thoughts in mind. I think it just deserves more discussion amongst charter operators and headboats in the South Atlantic. The concept is being rather warmly received in the Gulf of Mexico, but they're dealing with some significant issues over there of sector allocation and the possibility of catch shares and so forth, which has

been very problematic in both the commercial fisheries over there and the recreational side, as they consider those possibilities.

Absolutely no VMS and then it has to be the appropriate medium. When they develop an app that I can get on my iPhone and I can do this -- Certainly on the charter/for-hire side, you want to show the value of the fishery and I would surmise that the majority of the fish that are being caught on the recreational side are being caught by guided anglers and that's almost a no-brainer and so those are my thoughts on it, and I just wanted to clarify that, because, Bill, you're right that there's like nineteen different licenses and permits that a charter boat needs right now just to go out and catch anything, and so additional burdens need to be thought out and your sector needs to have the opportunity to do that.

MR. LAKS: I'm a charter boat operator and I think this is extremely important. We just talked about allocation and moving it and nobody knows what we catch. Nobody knows where we're fishing and nobody knows who we are and how many boats are actually operating in the fishery.

If we're going to go down this line of wanting data and complaining about data, you have a giant hole with a big fleet of the fishery that's going to provide it and so I think this is extremely important and I think you have a major section of the fishery, besides the commercial fishery. I don't think it's that invasive to write down.

I commercial fish too, and I don't find it that invasive to write down what I catch commercially and I don't see why I couldn't do it on a charter. What I would like to say is I think that if we do this though that it has to be in conjunction with making the permits limited access, because if you're not going to be able to enforce it, then you're just getting bad data.

If you have people that come in and it's voluntary thing, because they gave up their permit, because for twenty-dollars they can go buy another one, then you're not getting good data. You're getting bad data and that's worse than no data and so I just wanted to bring that up, that I think it's extremely important.

Nobody ever checks to see what I catch and if I want to show what I'm catching, so when it goes to a stock assessment they can say, look, there's all these extra fish, well, you know, this whole fleet, nobody knows that they catch. I think it's extremely important. It's important for the commercial guys in the stock assessment to show that there is all these other fish out there and the total catch will go up. I don't think it's that burdensome to write out what you catch. I mean most charterboat people are writing down what they catch anywhere for their own logbooks.

MR. OLSEN: My question is I notice everything is weekly and why did they not try to maybe do something monthly? The permit that South Carolina is under, we have this already in place and it's been in place for a long time and it's very helpful for the South Carolina DNR. I just wondered and weekly seems kind of -- It just seems like too much reporting there. We currently do it by the month.

MR. Z. BOWEN: We did look at that alternative and we wanted to mimic what the headboat is currently doing now and so this is kind of the same thing and we thought that recall bias might be an issue. I mean I understand you're from South Carolina and I've seen those reports and papers,

but do you actually fill those out every month or do you do it more frequently and just send it in once a month? That's just a question that I have.

MR. OLSEN: We fill them out. Now that they've gone to the computerized one, we have a logbook and it's a pain in the you know what.

MR. Z. BOWEN: Yes, the three colors.

MR. OLSEN: Yes, the three colors and you've got to send it -- The computerized system allows you to go ahead and I have found it's easier to just log in there and do it every day, because once you do a few of them, it's very simple.

MR. Z. BOWEN: Therein lies the answer right there.

MR. OLSEN: But it's got to be computerized and are the headboats doing a computerized?

MR. Z. BOWEN: Yes.

MR. OLSEN: I did not know that and so I have no issue with that.

MR. Z. BOWEN: You can do it daily or nightly when you get back from your trips, but you just have to make sure that it's sent in by the, if this goes through, by the Tuesday following the Sunday of that week, but you can actually fill it in nightly or daily when you come back to the dock, but it just needs to be turned in by Tuesday of the following week.

MR. LAKS: I just think we can't say that you don't see what we're catching if they don't require us to tell them what we're catching and so, like I said, I know that I never get stopped and nobody ever checks what I catch and it's important to put down what I catch and, again, having a limited access permit with it is going to stop people who shouldn't be fishing in the federal waters and being right next to you.

If you let people out of it -- I believe in the paper that they've put out about the headboat survey, they say that people jumping in and out of a fishery is a problem and noncompliance is a problem, because it's not limited entry.

If you can get a permit for twenty-dollars and you don't fill everything out, law enforcement can't even really make a case for it, because they can't go to court when a judge is going to ask them, well, what do you need to get this and they're like, twenty-dollars. That judge is going to -- Nobody knows the difference and so I think that's something that really needs to be conveyed to this.

MR. WICKERS: The problem that you've got is that if you force people to do something, what makes you think that they're going to give you the right data? I mean the precedent now is somebody calls you on the telephone and wants to know what you caught and how do they know what you're saying is correct?

That's a voluntary system and just because you're going to say, okay, you are required to send this report in on this day, what happens like what -- Like I recently retired and we have a hired

individual that runs my boat. Now, the boat is in my name and they call me, because I'm the one who has the permits on the boat and not the guy that was out fishing. Am I supposed to call him every day and say, well, where did you fish and -- I mean, to me, it's just another layer of burden on an industry that we don't really need any more burdens.

The thing is, it's like when they used to do the surveys and stuff. A lot of -- I won't say what, but I mean just knowing, in general, a lot of people think, well, I don't really want them to know what I caught.

MR. LAKS: Therein lies the problem.

MR. WICKERS: There is a lot of people like that. All right and so that's going to change it?

MR. LAKS: Well, you could say that for the commercial guys, too.

MR. WICKERS: I don't really want them to know where the heck I fish.

MR. LAKS: I'm sure the commercial fishermen don't want people to know where they fish too, but they supply the information.

MR. WICKERS: But how do you know it's accurate? I mean that's why they put the box on the boat, to see if they were telling the truth?

MR. LAKS: I don't have a box in the Southeast. My point is that if you can't be professional in the business and get this data so it gets into the stock assessments and to see what we catch and the effort that goes into it, you're just in the dark ages and we're stuck in the same thing over and over and over again and you can't complain that we're not getting this and not getting that when we're not providing any information.

MR. WICKERS: I don't know, but I just know that the Charter Association in Key West, when they heard this, they just about had a heart attack.

MR. LAKS: Are any of them dual-permitted boats?

MR. WICKERS: I don't know what that means.

MR. LAKS: Do they have a commercial permit, too?

MR. WICKERS: Some of them.

MR. LAKS: Do they fill out their logbooks for commercial fishing?

MR. WICKERS: Yes, they do.

MR. LAKS: Then it shouldn't a problem.

DR. MacLAUHLIN: Do you want to take a vote?

MR. LAKS: Yes, why don't we take a vote on this motion. **All those in favor. This is for no action. All opposed. Okay.** Would anyone like to make a substitute motion? Would anyone like to make a suggestion that the council pursue this?

MR. M. BOWEN: I'm a commercial guy and so I don't know what's good for the charter guys. I mean I've heard good comments on both sides of it and I can tell you it's a burden and it sucks.

MR. SWANN: A question. What is the requirements for charter vessels now under the Action 1, Alternative 1, no action?

DR. MacLAUHLIN: There is no reporting.

MR. LAKS: Unless you're selected, but zero have ever been selected.

MR. SWANN: Interesting. My feeling is that if you are utilizing a public resource that you should report what you're utilizing.

MR. WICKERS: That is not entirely true. They have people that come down to the charter docks and they interview customers and they write down what you catch. Some of them will even measure them and that's been going on for quite a number of years and so it's not like they don't know what you're catching.

MR. LAKS: The problem with that is half of my customers can't even find their car, let alone know what they caught.

MR. WICKERS: That's my whole point.

MR. HERRERA: I just wanted to say that in the commercial sector we have tons of accountability and, believe me, if they're suggesting anything having to do with VMS or anything where they are tracking you, I will oppose it 110 percent, because that's the biggest burden I've ever had to take.

However, I've got to agree with Ira that there needs to be accountability for the fish being caught in the recreational sector altogether, so we know what is being extracted, because, if not, it's just a guess and that's why I laugh every time they say the recreational sector has this many pounds caught. Who is that? Show me that number. Show me who has got that number.

By putting accountability measures on the recreational sector, we are able to actually count the fish, like we do have in the commercial sector, and we can actually have true data, true, and not a guess and not anything. That's why I just want you to know why I support the accountability and not the tracking.

MR. KELLY: My concern is, as I mentioned when I seconded this motion, is has this been out for public hearing or scoping at all?

DR. MacLAUHLIN: It's at hearing now.

MR. KELLY: Like I said, I think it needs to get out there and we need to get the feedback from industry and that sector and what their concerns are and maybe we should consider a substitute

motion here that at this time no action, pending appropriate scoping and public hearings, at which time a decision could be made at a later date.

MR. OLSEN: I am going to refrain my making any more -- I am currently under the same and the scrutiny of this is something I'm already applying in my business anyway and so I'm in agreement, with maybe some tweaks to it.

DR. MacLAUCHLIN: Bill Kelly, was that a motion, or are you saying the AP doesn't make a recommendation at this time?

MR. KELLY: I would ask, since we should have made a substitute motion before, I would go back to Mr. Wickers and ask him if he would be willing to amend his motion to include --

MR. WAUGH: You don't need to amend it.

DR. MacLAUCHLIN: You can make a new motion.

MR. KELLY: Okay and so what direction do we take here?

MR. WAUGH: A new motion.

MR. LAKS: Can you give a suggestion instead a motion?

DR. MacLAUCHLIN: I mean, yes, you can provide it as kind of a little more informal recommendation to the council.

**MR. KELLY: My recommendation and my motion would be that the AP defer action on this For-Hire Reporting Amendment, until such time as it has been appropriately scoped and public hearings have been conducted to get additional input from the charter/for-hire and headboat fishery.**

DR. MacLAUCHLIN: So the AP not make a recommendation until down the road?

MR. KELLY: Right and I think if we need to --

DR. MacLAUCHLIN: You don't need a motion for you guys not to make any recommendation.

MR. WICKERS: I will second what he just said. That was a motion.

DR. MacLAUCHLIN: That the AP not make a recommendation? That's was your motion?

MR. WICKERS: Until --

MR. KELLY: Until appropriate responses have been considered by --

MR. WICKERS: Other than this piece of paper, we never even got to talk about it.

MR. WAUGH: While Kari is getting that, we're going to do a public hearing and I would hope that all of you all would stay around. It's going to be right next door and I will go through a presentation with more information. That summary was just provided to you all. We didn't want to hit you with a lot of paper, but there is a presentation and there's an amendment that's available from our website. They are doing a hearing tonight in Key West as well. We did one last night in Duck Key and so we are in the process of doing public hearings.

The current schedule is for the council to look at public hearing comments in March and take action on all alternatives and final approval will be in June and so you all would likely not meet again by June. If they stick to that schedule, you all could certainly provide your comments via mail or email or so forth. That would be welcome.

MR. Z. BOWEN: Just so you're aware, and this has not been made aware to you to this point, but, to respond to Bill, we had a public hearing in Georgia, and, in Georgia there is a very limited number of federally-permitted vessels, last week, but the people that showed up were 100 percent in favor of the electronic reporting.

MR. WICKERS: How many showed up?

MR. Z. BOWEN: We had four comments.

MR. WICKERS: That's what I thought. Could I make one comment? I would just say that until you find out what the people that are being affected actually feel about it, which is what the purpose of the scoping process is, I think it's too soon for this board to say what we think they may like. I know what my organization told me to say and I've already said it and there is people coming over to this meeting tonight that's going to talk and they're going to be talking in Key West and I think all of that should be considered before the AP goes on record. That's just my feeling and that's why I seconded his motion.

MS. JEFFCOAT: I was at the hearing in Georgia and, at first, I was a little apprehensive with Action 3, the alternative where we would have to report our location, and it was explained to me that this was not going to be a dot on the map. It was going to be a grid. It wasn't going to be an exact location.

I was approached by the local DNR and I will be volunteering to carry one of these monitors on my boat. It's going to be provided to me and I don't have to have the location turned on while I'm driving or while I'm fishing or anything. I can put all my information in it while I'm there and then when I get back to the sea buoy, if I want to, I can send it in. I don't have to give that exact location. They're not looking for that, at least at this time, and I don't see any reason why that's going to change at the moment, but it was easy and it was simple.

I fish and I write down everything that I catch and what my drift is constantly, every time I move my boat. I'm already keeping these records and if I can just punch them into a little iPad or a phone or something, that's pretty quick and so I'm all for it and everybody that was there was all for it.

MR. WICKERS: You're a lot more technologically involved than most captains.

DR. MacLAUCHLIN: You have a motion on the table.

MR. LAKS: We need to take a vote on it. **All those in favor, four; all those opposed, three.**

MR. ENGLISH: I've got a question, Ira. I've got some things I would like to see us work on for the Spanish mackerel industry and how do I go about doing that?

DR. MacLAUCHLIN: Well, it's time to wrap things up here, because the public hearing is getting started. I think that if you want to entertain a motion for that, with either no or limited discussion --

MR. LAKS: Do we have time?

DR. MacLAUCHLIN: This could be something -- Actually, Steve, when we start putting together the agenda for the next AP meeting, which may be in the fall --

MR. ENGLISH: I would like to get this on that agenda.

DR. MacLAUCHLIN: Then we can add that on.

MR. ENGLISH: We don't need any discussion, but it's just three things I would like to see discussed on the agenda.

DR. MacLAUCHLIN: We can talk about it after and we will add it on there. I think we may need to wrap it up and adjourn the meeting.

MR. WICKERS: There is no new business part?

DR. MacLAUCHLIN: We are out of time.

MR. LAKS: I want to thank you all for putting me up with me for the first time and I guess we're done.

DR. MacLAUCHLIN: Meeting adjourned.

MR. LAKS: Meeting adjourned.

(Whereupon, the meeting was adjourned on February 3, 2016.)

Transcribed By:  
Amanda Thomas  
February 2016

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_



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South Atlantic Fishery Management Council

Mackerel Advisory Panel:

Wednesday, February 2, 2016

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