

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL AMENDMENT 18 PUBLIC HEARING MEETING

**Hutchinson Island Marriott
Stuart, Florida**

March 13, 2007

Summary Minutes

Mr. Geiger: Good evening, ladies and gentlemen. I am George Geiger, Council Chair from Florida, and tonight I am chairing the public hearing on behalf of the South Atlantic, Mid-Atlantic and Gulf Fishery Management Councils. Kate Quigley and Mike Collins from South Atlantic staff are also present. We would like to thank you all for taking the time to attend.

The purpose of this hearing is to allow you to comment on proposed fishery management actions for the Atlantic Migratory Group of King and Spanish Mackerel. We are seeking your suggestions on the alternatives presented here for reductions to the king and Spanish mackerel total allowable catch levels and aligning the Spanish mackerel trip limits to the month of March.

You should keep in mind that the measures are proposed for regulation of the fishery and we are here to receive your comments on these proposed regulations. The councils will review the comments during their June 2007 council meetings and determine if the regulations should be revised or modified based on your comments.

The proposed actions are scheduled for submission to the Secretary of Commerce in July of 2007. Proposed regulations will be published in the Federal Register and the public will be provided with an additional comment period. This hearing will be conducted in the following manner:

First, Kate, from Council staff, will present the proposed management actions and the alternatives that the Council has considered. This information is contained in the public hearing amendment document and the public hearing summary. Those documents are located on the back of the table, and you're welcome to take as many of those copies with you to pass out amongst your friends, if you would like.

Then you will be invited to comment on the proposed management alternatives and any other aspects, including the other alternatives. All comments will be video recorded by staff and shall become part of the permanent record. Your comments will be supplied to the councils for their consideration. We ask that you limit your comments to the consideration of the measures in Mackerel Amendment 18. Kate will now summarize the proposed management actions and briefly discuss the alternatives that were considered by the Council.

Ms. Quigley: Thank you, George. What I am going to do is just basically provide an overview of what is included in the document that you have and then the larger Mackerel Amendment 18. Amendment 18 consists of three actions. One action pertains to Atlantic Migratory Group King Mackerel, and that's a TAC change that's being proposed. Then there are two actions pertaining to Atlantic Migratory Group Spanish Mackerel. One is a TAC change, and the other one is application of a trip limit to March. Currently the trip limit begins in April, April through November. What is being proposed is March through November, and I will go into more detail on all of these.

For the purpose of the first action with regards to king mackerel is to prevent overfishing of the Atlantic Migratory Group King Mackerel Stock. What is being proposed is a reduction in the TAC in response to the 2004 SEDAR stock assessment, which included data through part of 2002. The next SEDAR assessment is spring 2008 with potential changes to management occurring by March 1, 2009.

The purpose of the second action with regards to a TAC change in Spanish mackerel is to maintain sustainable management of Atlantic Migratory Group Spanish Mackerel, so what is being proposed again is a reduction in the TAC in response to the 2003 Mackerel Stock Assessment Panel stock assessment, which included data through 2001-2002 fishing year. The first SEDAR assessment of Atlantic Migratory Group Spanish Mackerel will in the fall of 2008, with potential changes to management occurring by March 1, 2010, or sooner.

The purpose of the third action is to extend the current trip limits for Spanish mackerel to track the new fishing year. What is being proposed is an application of the 3,500 pound trip limit from March 1st through November 20th.

This is to provide you with some data of what we're talking about. The third and fourth rows show Gulf Migratory Group and Atlantic Migratory Group stocks. The second column shows the current TAC. Again, you've got 10.2 million pounds for Gulf Migratory Group and the current TAC for Atlantic Migratory Group of 10 million pounds.

However, the SEDAR 5 King Mackerel Stock Assessment, going under the assumption of a 50 Gulf mixing rate, has identified a new best point estimate of 7.1 million pounds, with a range of 5.3 to 9.6, so a little bit of a reduction there. This is if the full Gulf and Atlantic TACs were harvested, so if the 10.2 million pounds and the 10 million pounds were harvested, this would result in overfishing, given the new stock assessment, and could put push both migratory groups into an overfished stock status.

Here is a little bit more information on the Atlantic Migratory Group Spanish Mackerel Stock Assessment done in 2003. The current TAC is 7.04 million pounds, and the new stock assessment identifies the best point estimate at 6.7 million pounds. If the Spanish mackerel is harvested at the current TAC of 7.04 million pounds, the stock would not be overfished; however, the stock would have a higher probability of being overfished and would be harvesting more than the MSY, and more of the MSY would be removed from the stock. This would not be sustainable over the long term.

The third action has to do with Atlantic Migratory Group Spanish mackerel catch limits. The current catch limit is 3,500 pounds per trip from April 1st through November 30th, and then there are other trip limits that apply after that. What is being proposed is to change the trip limit from March 1st through November 30th, and that is basically tracking the new fishing year. This is largely an administrative change. If the change is not made, fishermen could harvest unlimited amounts of fish in March, which could have a number of negative impacts.

So, Action 1, this is the TAC reduction being proposed for Atlantic Migratory Group King Mackerel. Alternative 1 is the no action alternative, to keep the TAC at 10 million pounds. The second alternative is the preferred alternative identified by the Council, and that would reduce the TAC to 7.1 million pounds. This is the best point estimate of the new ABC range, which is, as you can see on the bottom of that slide there, 5.3 to 9.6 million pounds.

The third alternative is a TAC of 5.3 million pounds, at the lower end of the ABC range; and Alternative 4 is a TAC of 9.6 million pounds. That's the top end of the new ABC range, so the preferred alternative is Alternative 2, which is the best point estimate of the new range.

There are four alternatives also for Action 2, which is a TAC change being proposed for Atlantic Migratory Group Spanish Mackerel. Alternative 1 is the no action alternative, so it keeps the current TAC at 7.04 million pounds. That's based on the old ABC range. Alternative 2 is the preferred alternative, which is a TAC of 6.7 million pounds. Again, that is the best point estimate of the new ABC range, which, at the bottom of the screen, you can see is 5.2 to 8.4 million pounds. Alternative 3 is 5.2 million pounds. That's the

low end of the new ABC range. Alternative 4 is 8.4 million pounds, the top end of the new ABC range.

Action 3, there are two alternatives. One is no action, to keep the 3,500 pound trip limit for April 1st through November 30th, which does not track the new fishing year. Alternative 2 is the preferred alternative, and that is to change the trip limit and extend to March 1st through November 30th.

So, here is just some listing out of some of the potential impacts of Action 1 for Atlantic Migratory Group King Mackerel. Alternative 1 would result in overfishing if the full TAC is taken. Alternative 2, which is the preferred alternative, would prevent overfishing. Alternative 3 would have a higher probability of preventing overfishing than Alternative 2. Alternative 4 would have a lower probability.

Under Alternatives 1, 2 and 4, the commercial quota and recreational allocation are still greater than recent catches. Under Alternative 3, the commercial quota and recreational allocation are below recent catches, and this could result in \$637,000 X-vessel revenue lost -- that's about 15 percent of 2006 estimated fishery revenues to the commercial sector -- and 446,000 pounds to the recreational sector. Also, an early commercial closure would likely occur in November or sooner, but, again, Alternative 3 is not the preferred alternative. Alternative 2 is the preferred.

Here is a listing of potential impacts for Action 2, which has to do with the Atlantic Migratory Group Spanish Mackerel. Alternative 2, which is the preferred, would prevent overfishing. Alternatives 1 and 4 would have a slightly lower probability of resulting in overfishing. Alternative 3 would provide the highest level of biological protection.

Under Alternatives 1, 2 and 4, the commercial quota and recreational allocation are still greater than recent catches. However, under Alternative 3, which is the lower end of the range, commercial quota and recreational allocation are below recent catches, which could result in \$588,000 X-vessel revenue loss, about 22 percent of fishery revenues estimated for 2006-2007, to the commercial sector. And, again, an early commercial closure would be likely to occur in February or sooner. Potential impacts of Action 3, which is the Atlantic Spanish Mackerel trip limit change, the action being proposed is not expected to impact the biological environment. The fishery would open in March under a 3,500 pound trip limit when other fisheries are closed, and higher prices and increased stability for communities, fishermen and their families are expected.

This is just a listing of future public hearings that we have. As we've talked about a little bit earlier, the next public hearing is in Stuart and then Marathon, Florida, and then to North Carolina for three, Hatteras, Morehead City, Wrightsville Beach, and then on to

South Carolina, North Myrtle Beach and Charleston. And just as a reminder, written comments will be accepted in the Council office through 5:00 p.m. on April 10th, 2007.

Mr. Geiger: Thank you, Kate. We will now open the hearing for your comments. First, we shall hear from those persons who have indicated a desire to speak on their registration card. If anybody has not filled out a card, we would like you to do so. Please include your mailing address. In making your statement, please come forward to the microphone so we may record your comments for the record. Also, please state your name for the record and the name of any organization for which you may be acting as an official spokesperson.

Mr. Stiglitz: My name is Richard Stiglitz, commercial fisherman in the state of Florida, probably 35, 36 years. We started this in the eighties, and we were told that if we would do this, that in time we would get our catches back, and we have not gotten any of it back, and now you want to take more of it away from us.

You can't take anymore from us. We need to at least leave it as status quo. I don't know how the guys feel about -- I think they probably want to change that March date. That I don't care about. I'm mostly concerned with the kingfish. But, if anything, if we're not catching the quotas, we need to raise our trip limits so these guys can catch their quotas. The fish are there, and we need to be able to catch them.

You guys are restricting us so that we can't catch our quotas. With the people falling out of the fishery -- that's the reason why we're not catching them. It's not that the fish ain't there; you're running the people out of the fishery. I am in the gillnet fishery. There's 15 of us left; and if this goes through where you take 30 percent, it's going to pass over into the Gulf, and they're going to take 30 percent.

We're allowed a half a million pounds in gillnets, and you're going to cut us down to 350,000. That gives us one catch of fish a year for the gillnet. And you can't keep going, you can't keep taking away from us. It's time to, you know, do what you guys promised us back in the eighties and start giving them back to us where it belongs. Thank you.

Mr. Baker: Mike Baker, Port Salerno, PSCFDA, which stands for Port Salerno Commercial Fishing Dock Authority. I want to go on the Spanish mackerel. I want to support status quo. I don't think we need to adjust the trip limit to 3,500 during March due to the fact that you already have a minus production in that area when it is just slightly north of the take reduction team plan for right whales, which does not allow nighttime fishing for Spanish mackerel in that area.

It all has to be daytime. So for that one window in March, when those fish are starting to migrate north, plus the fact that they have to be three miles offshore, and based on

weather conditions and that, when they're given an opportunity to catch this fish, I think they ought to land them. We need that volume from the fish house aspect.

Also, the fishermen need to produce those catches is why they are doing that, so I support leaving that status quo. The other thing I don't agree on is the stock assessment. I mean, we've got a really healthy biomass of Spanish mackerel, and the range went from Cape Canaveral down to Salerno this year, and there were fair amounts of fish caught in the beginning. The weather conditions haven't permitted us to catching them in the spring, but that's the variable nature, but that doesn't mean that the stock is not in a healthy mode.

On the kingfish, I think you've got a lot of evidence, and you're going to hear testimony from several fishermen that that's a healthy stock of fish, they're catching bigger fish, they're meeting their trip limits quicker, they're coming to the dock sooner on an average, and I think that quota needs to be increased and let these guys find them.

We do have a reduction in effort; we have seen that. We also have the greatest influence on recreational fishermen in this area. We know all these things combined is a problem, especially down during the roe season off Jupiter and Hobe Sound. You've got a lot of production down there from people that are recreational but want to be commercial. They land a lot of fish just by their sheer numbers.

So, with the injection of professionalizing the industry and giving those fish to the people that really deserve to fish them, I think that factor needs to be applied also. We always go taking cuts, and when you look at the variable influences on how the fish get produced, even down in – the problem with the Spanish mackerel, I think we expressed it a year ago that we needed to streamline who is commercial and who is not, because that's an easy, accessible fishery to get into.

It takes a minor amount of money to get involved in the Spanish mackerel cast netting, which takes place in state waters. So, what I'm saying, in summary, is I think we need to start looking at solutions to have this fixed. And, why is the stock assessment always in a declining fashion to where our TAC is closed year after year after year.

This is something that – you know, I think there's other variables that aren't being considered, and we've got to readdress that science. I'm not sure that's the best science that we're using to come up with the numbers that we have. Thank you very much.

Mr. Kane: My name is Dan Kane. I am a king mackerel fisherman. Reading your Draft Amendment 18 and reading your South Atlantic Update, you say that the king mackerel stock is now recovered but not to 1983 levels. They have recovered, but they are much

better than 1983. I got out of the navy in 1983, and the whole time I was in the navy, all I wanted to do was go back to king mackerel fishing.

When I got out in 1983, there was less than 15 full-time king mackerel fishermen. Now we have over 40 full-time king mackerel fisherman. The stocks are over twice of what you all are saying. I am not sure why; I've got some ideas. But, why do you want to lower our total allowable catch is beyond me.

On the east coast of Florida we're the only fishermen that have voluntarily lowered our catches. We volunteered to go to 50 head to rebuild these stocks. The stock has come back. I would like to see a hundred head a day year round, and we still won't fill our quota, because the amount of king fishermen left is very few.

We're like about 18 percent of what we used to be. The production at Fort Pierce is nowhere near what it used to be. The porpoise has pretty much run about half of the king fishermen out of Fort Pierce. They've just quit fishing. The sports at Fort Pierce can't catch those anymore because the porpoises has stopped this.

The amount of fish you have on the coast, like I said, is over twice of what you're thinking it is. These past two years have been phenomenal catches. This last year we had the kingfish spawning in May off of Sebastian, up off of Cape Canaveral. Meanwhile, they're still spawning down south where they're supposed to spawn. There's even a big ball of fish way down there in Delray of something.

I mean, we have a phenomenal spill of fish on the east coast of Florida; and why do you want to lower the total allowable catch because the stocks are increasing, by your own admission, and the stock is so much higher than you all are thinking. It's almost criminal to even think about lowering our catches.

I would like to see it a hundred head a day year round on the east coast of Florida. I think we deserve it. The fish are here. There's no reason to lower it. The price of fuel is unbelievable. The price of living is unbelievable. I mean, the fish are here. It's like you just want to stop us from making a good living.

And the stock has come back. You ought to talk to the fishermen and find out how many fish are really out there. Like I said, there's a lot of fish down in Delray Beach. Last year it was there for like six months. They're there again. It is a phenomenal show of fish. All the way up and down the coast for the last three years, there have been so many fish.

I don't know where you got the stock assessment out of in 2002. I don't know – it has nothing to do with what's going on now. There is more kingfish on our coast, you all

have no idea. Another thing is, there is like four of us, we go to Louisiana every year in the summertime, and I've got the new control dates and whatnot, and here it says on October 16th, 1995, control dates for the commercial fishery of king and Spanish mackerel in the Gulf.

The way I understand this, pretty soon us king fishermen won't be allowed to go to Louisiana to catch the fish. If we've got to fish here in the summertime, we're going to – give us another quarter million pounds, another 300,000 pounds on the Atlantic quota. Don't be lowering the TAC so we will be shut down, because if we can't fish in Louisiana, we're going to be here fishing. The four of us, we can catch the fish. There's plenty of fish, so to lower the TAC is criminal. The stock is two or three times of what you all are thinking. Thank you.

Mr. Bowen: My name is Mason Bowen. I am from Sebastian, Florida. I mean, you know, I'm not sure what you want us to say. It's like you're not going to hear any of us tell you how bad the fish are. We all feel like we have a bunch of fish to fish. I don't really understand where you get your figures.

I mean, do you take into consideration that from the years of the hurricanes, I wasn't able to fish for four months just because of the ground seas, which is non-stop – not for four months, probably three months. Another thing is my father was a commercial fisherman. We king mackerel fish.

Now, I have seen the population of fishermen, just because of retiring and people dying, to from -- in Sebastian you probably had 50, 60 guys and now there's only about 20 of us left. Do you take these things into consideration when you make these stock assessments?

What my point is what's happening is there's plenty of fish. The guys that are fishing are catching a lot of fish. When we have the weather and the opportunity to catch fish, the fish are there to be caught. But, you know, I'm trying to figure out how you got your figures from, because it's nothing like what I see.

I mean, we could certainly stand to have our head limit or daily trip limit increased from what I see. That would be a help to us, because of the fact we would be catching more quota and also because it's just the way the times are. Diesel fuel costs \$2.50 or \$3.00 a gallon. You know, a boat my father bought for \$10,000 costs me thirty or forty thousand dollars.

I mean, you know, if you actually want to see this fishery better off, I mean, let's get real about it. I don't understand you're going to lower the TAC because of information that

you got back in '02 or '03 or '04. This is '06 and '07. I mean, it seems like you're just behind times now. I mean, this is a rebuilding stock. This is very obvious.

I have been here all my life, and I can tell you what it was like when I was a kid, and I can tell you what it was like when things got tough. I can tell you now that what I see is a rebuilding stock of fish. I think that the Spanish mackerel fishermen say the same thing. I think Mike Webster would say the same thing. So, I just would like you to take that into consideration.

Mr. Geiger: Okay, thank you, all. You know, if anybody wants to come up after the meeting, I will sit here and listen to you and I will take any informal comments. I will try to explain where we are and how the stock assessment was entered into the system and what we're about. I can assure that all the other council members will hear your input, and we will also be exposed to the input from the fishermen down in the Keys, as well as from North Carolina through Georgia.

So, thank you for coming tonight. This hearing is officially closed.

(Whereupon, the hearing was adjourned.)

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