

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Doubletree by Hilton Oceanfront Hotel
Atlantic Beach, North Carolina**

December 10, 2015

Committee Members:

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Zack Bowen
Dr. Roy Crabtree
Charlie Phillips

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Mel Bell
Chris Conklin
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Dr. Brian Chevront
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Participants/Observers:

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Erika Burgess
Tracy Dunn

Dr. Bonnie Ponwith
Scott Sandorf
Kevin Anson

Additional observers attached

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Doubletree by Hilton Oceanfront Hotel, Thursday morning, December 10, 2015, and was called to order at 9:00 o'clock a.m. by Chairmen Ben Hartig.

MR. HARTIG: The first item of business is approval of the agenda. Are there any changes to the agenda? Seeing none the agenda is approved. The next order of business is to approve the minutes from our last meeting. Are there any changes, corrections, deletions to the minutes? Seeing none; the minutes are approved. All right, that brings us to status reports, National Marine Fishery Service, Commercial ACL report, Jack.

DR. McGOVERN: These are landings from the Science Center through today. They were updated from what's in your briefing book, and they were assembled by Sue Gerhardt in our office along with Dr. Ponwith's staff. These slides are presented in a similar manner as they've been done in previous year. There are cumulative landings from the fishing years of 2010 through 2014 and then monthly and cumulative for the current year.

Amendment 20B established earlier this year a northern zone and a southern zone. The northern zone has a quota of about 1.3 million pounds and the southern zone about 2.6 million pounds. We see that the northern zone quota is at about 18 percent, landings are 18 percent of the quota, southern zone about 32 percent and this is the cumulative and you can see where it compares. It is less than it was in all the previous fishing years.

Moving down to Spanish, here is Spanish set up the same way, and it has also a northern zone and a southern zone. The southern zone quota is about 2.7 million pounds and northern quota is about 662,000 pounds. The northern zone is at 85 percent of the quota, and it looks like we're not going to meet that quota this year based on projections provided by the Science Center.

The southern zone is at 25 percent of its quota, and the total landings so far this year are about 1.2 million pounds, and landings are less than they were in previous years. Then moving down to cobia, cobia now has an East Coast Florida quota of 70,000 pounds and an Atlanta quota of 60,000 pounds. The Atlantic group is at 74 percent of its quota and it's on the calendar year. The East Coast Zone is at 73 percent of its quota; and that concludes my report.

MR. HARTIG: All right the next item of business is the Recreational ACL report. Are you going to do that as well? Thank you, sir.

DR. McGOVERN: These are mackerel landings that are put together by folks in our office along with Dr. Ponwith's staff. They are set up just like the snapper grouper landings. It shows 2014 , final landings and also 2015 landings through Wave 4, and it includes both MRIP and headboat landings. These are for the 2013/2014 fishing year. Cobia met 82 percent of its recreational ACL, king mackerel 15 percent and Spanish 73 percent. Now this is for the current fishing year, and we see we have, as I have talked about before there is Atlantic East Coast Zone and East Florida Zone and a New York to Georgia Zone, and the New York to Georgia Zone has exceeded its ACL.

The East Florida Zone is at 41 percent, mackerel is at 19 percent and Spanish is at 32 percent. I think Mike or Nick at the last meeting talked about this overage of the ACL for cobia, and that

most of the landings are from Wave 3 off of North Carolina and Virginia. This shows the landings by sector for kind mackerel and also Spanish.

We can see the private sector dominates the landings, and this shows it graphically and that we're far below the ACL. For Spanish, again, the private sector dominates landings. We also showed the increase in the ACL recently and we're well below the ACL. Any questions on that?

MR. HARTIG: Yes, you've got a SERO up there for Spanish.

DR. McGOVERN: Well, we'll fix that.

MR. HARTIG: Any questions for Jack? I'm sorry I neglected to do that for the commercial landings, sorry about that.

DR. DUVAL: Remind me what the accountability measures are for cobia.

DR. McGOVERN: For cobia, if the sum of the recreational and commercial landings exceed the stock ACL and the stock is overfished, then the ACL is reduced the following year. Cobia is not overfished. But if the sum of the recreational landings exceeds the ACL, and that is going to be the case, the length of the following season will be reduced to the amount necessary that the landings don't exceed the ACT.

DR. DUVAL: That the landings don't exceed the ACT. Okay.

MR. BROWN: Jack, how do you calculate that?

DR. McGOVERN: How do you calculate the ACT or how do you determine the length of the season? Our folks would do projections based on past landings to determine when the ACT would be met. That is what we do for a lot of recreational species.

MR. HARTIG: I'll go right down the line.

MR. COX: Yes, I was going to just comment that we've really seen a good fall migration of cobia that we normally hadn't seen this year. In the last four weeks, we have really had some nice landings, almost like our spring run of cobia. It has been kind of unusual, but it has been good to see them.

MR. HARTIG: Yes, maybe with the warmer early winter they went back later, who knows?

MR. BOWEN: Dr. McGovern, that's a combined ACT with commercial and recreational, if that is exceeded you said combined?

DR. McGOVERN: No, you compare the landings to the total stock ACL, and so the recreational and the commercial ACL is exceeded and you have an overage in the recreational sector, then the following year the season length is restricted to the amount that would achieve the ACT.

MR. BELL: Yes, Jack, we've talked about that calculation for cobia. About when do you think we would be able to kind of know what the projection is for the season?

DR. McGOVERN: I think our folks would try to do projections at the beginning of the year, when we get all the landings in. But the really high landings are in Wave 3, so I expect that is probably when we would need to have an in-season closure next year.

MR. BOWEN: For the record, our constituents are going to go nuts when we close that cobia May/June. I mean you talking about public meetings and comments; we're going to get them. I just want everybody to be prepared, get ready.

MS. BECKWITH: I would like, I guess, some clarification, so when I start getting questions about this potential closure, because it will personal impact our charter guys pretty dramatically in North Carolina. How much of this was based on sort of MRIP? What are the PSEs around those numbers?

I mean, that sort of information would be useful, because if we're assuming as occasionally happens with some of our MRIP numbers. If the PSEs are really high, and that is causing the closure, then I would like to have the information in order to defend this potential closure if I have to do that.

DR. McGOVERN: We'll put together talking points ourselves for when we talk to the public. I could provide those to the council as well. But we do have information on the PSEs. I know that Mike Larkin in our office has contacted Dave Van Voorhees and Headquarters to verify that the numbers are correct and all that. We certainly will put together talking points and the discussion of the data and all that.

DR. DUVAL: Yes, I would suspect that the PSEs around cobia are not like something like hogfish or snowy grouper or blueline; that they're going to be much lower. I think the other thing that I was going to ask about is the framework procedure. If we're looking at this again, if we need to, we ought to think about adjusting the bag limit down to one fish.

I think this is something where if there was the kind of flexibility that HMS seems to have that we could provide the Regional Administrator, if we're seeing that those catch rates are going up so dramatically, having an in-season adjustment from that two fish bag limit down to one fish bag limit in order to prevent an overage of the ACL, and not put us in a situation where we might have to reduce the length of that season the following year would be a good thing.

We tried really quickly before the meeting to look up what the actual rule language in the Federal Register, and just didn't get around to it. But I would be interested in seeing that and getting Monica's perspective on the ability to do something like that so that we don't face these kinds of ugly situations.

MR. HARTIG: I certainly concur with that. I wouldn't like to see that happen.

MR. BROWN: Yes, ugly was a good word. I talked to Mel about this back at the September meeting and how this was such a huge percentage over the ACL and everything. Then all of a sudden I started catching a lot of cobia this fall and I was confused. If I had had to try to get a hold of staff and find out what was going on with the regulations, because I just didn't know

exactly. What I'm saying is, if I'm confused you know we need to have some sort of a good way to translate this to the public too, through some sort of method.

MR. HARTIG: Yes, and it sounds like Jack is willing to do that so we will. Any other questions, go ahead, Mel?

MR. BELL: I was just going to say that this was a very good year early on, our spring season our CPUE for cobia in our charterboat data and all went way up. Our landings went way up in federal waters, and then the state waters basically crashed. People were saying they were seeing a lot of cobia; yes, there were a lot of cobia out there, particularly on the reefs and all. It was a good year, which would result in good landings, which it did.

MS. BECKWITH: The amendment that has all of our new AMs moving through is which one?

DR. McGOVERN: It is Comprehensive AM and Dolphin Allocation Amendment and that doesn't address mackerel that is snapper grouper and golden crab.

MS. BECKWITH: Well, darn, wasn't that an oversight.

MR. ERRIGO: Pretty crowded at the table here. I was just looking at the MRIP numbers, I just wanted to add. It looks like in terms of numbers of cobia landed in the South Atlantic, we landed about the same number of fish in 2015 as we did in 2014, but the weight or the biomass landed is significantly higher.

Instead of like 875,000-ish pounds we landed like 1.2 million or something along those lines; according to the website. I know the weights from the Science Center are a bit different. Is it just that the encountered fish were significantly larger and therefore the biomass and that is how come we busted the ACL? It seems like we landed the same number of fish.

DR. McGOVERN: I haven't looked at the data so I can't answer that question.

DR. ERRIGO: It just seemed like an interesting conundrum, because catch rates are the same and have been, in fact, for the last three years we landed about the same number of fish, but for some reason in 2015 the biomass is significantly higher.

MR. HARTIG: Well, it will be interesting to go back and look at them and intercept how many of those recreational cobia were actually measured to get that number. That would be a really good place to start, to see what the difference was between the three years. Hopefully, we can do that.

MS. BECKWITH: Roy, give us a way forward. What framework amendment could we work through to at last assure that if we had to add in a step down to one fish in order to retain the season open? I know we don't like being reactionary, we're trying not to shove new amendments in. But closing the cobia season next year would be an atrocity.

I guess our guys would probably prefer to have a one fish bag limit than a full closure. Ideally, that verbiage would allow the two fish bag limit to stand unless it was projected to close a season

earlier. Zack has probably got something to add to that, but I don't know how to move this forward. If we can put some verbiage into – well we can't – into 26.

But just some ways forward, because we don't have a lot of species that are sort of the bread and butter species for the charter guys and this is one of them. With as much time as we spend taking care of the commercial needs, this is one that is pretty important. I can't let this one fall.

DR. CRABTREE: Well, maybe you just need to do a framework amendment, but you guys have a workload issue so you're going to have to set some priorities and decide what you're going to do and what you're not. Personally, I think step downs like this won't work, and if you want this fishery to stay open you just go to one fish.

I don't even know if that's going to keep it open, but with these step downs, by the time you get to the step down you've already caught most of it, and with the uncertainties of tracking the quotas and MRIP catch levels and all that. I suspect that is not going to be all that successful. I mean, you've just got to make some decisions about what you want to do. We can do frameworks pretty quickly; the trouble is we have too many frameworks and too many things we're trying to do.

MR. HARTIG: Kari, did you want to add to that or not?

DR. MacLAUCHLIN: No, I don't want to. That covered it.

MR. BOWEN: To Anna's point. Even reducing a bag limit, but also an increase in the minimum size limit, just to see if we can do everything we can to keep this fishery open. I'm with Anna. If it closes it is going to be a real hardship for the charter guys who have fought to just keep their business and to shift their fishery effort from the other hardships that we've bared since 2007, since the reauthorization. I want to do everything we possibly can to try to keep this fishery open.

MR. BROWN: You said one fish; you were talking about one fish per person or one per boat?

MS. BECKWITH: No, clearly one per person. I think the two fish bag limit has been great. It sounds like it's a weight issue, it is not a numbers issue. To me, that indicates that what the population is actually really healthy if the size of the fish is getting larger. We have a healthy population; unfortunately, we don't have another stock assessment that is going to happen on this species in the foreseeable future, so we're sort of stuck with what we've got.

If all of a sudden you're hearing that we've caught the same number but the weights have increased. I mean that is an indication of a healthy population. We're going to, I don't –

MR. BROWN: Is it two per person throughout our range? Commercial. Okay. Would we be able to change it to one per person with any type of a vote through this meeting? Can we make a motion to do that or not?

MR. HARTIG: I'm going to let the Chairman chime in here.

DR. DUVAL: The committee can do whatever it chooses to do. Roy is right though. We do have workload issues. I mean, you can make a motion to begin a regulatory amendment to reduce the bag limit to one fish, and we can see how the priorities fall out at Executive Finance. There are only so many slots to go.

I am sure, given what Dr. McGovern said, that the folks at MRIP are looking at those numbers, are looking at the average weights and we'll get some feedback on that, I would hope, by March. Just looking at the accountability measures that we have in the file, whether or not there is a payback currently looks like it is based on a moving average.

If the stock is overfished and the total ACL is exceeded, as Jack said, it is not overfished, it is that the total ACL is exceeded; and it looks like we're still using that moving average approach for cobia. There may be a shortening of the season, but I think we're just going to have to see how the numbers fall out. Just ask everybody to be mindful of the workload and not getting into this reactionary thing. I was just putting forward that it would be great if we had a little bit more flexibility in being able to adjust bag limits during the season.

MR. HARTIG: Jack, thank you for being patient.

MR. COX: No, that's fine. I know it would be devastating to our charterboat guys. I mean, it's huge, especially in the spring of the year in our area to close that season. We would need to do whatever we possibly could, dropping back to one fish per person recreational and commercial if we had to, just to keep access to that fishery. But to completely close it would be terrible. My other question is when is the spawning season of cobia? How many times a year do they spawn?

MR. BELL: I can only speak for what we see down there, we're real in tune with the spawning because it occurs, at least for that distinct population segment, so we see it peaks in May for us in side waters, but they are also probably spawning offshore as well around May. It probably starts late April, goes through July, but it sort of peaks for us at least on those inshore fish in May. That is why, I'll talk about that later, but we're taking some action ourselves related to state water stuff, spring. It may be that there are other groups that spawn later on, but that is what we see for sure.

MR. HARTIG: Yes, I don't know that spawning is going to enter into it. All the catches occur, well not all of them, but most of the catches occur during that timeframe when they spawn. We've got a healthy stock. We've got a really restrictive bag limit. If you all want to put that on here and we get it into priorities, I mean, somebody needs to make a motion that you want to see some analysis done with one fish.

MR. BOWEN: To Dr. Duval's point. You know, there is a small window where we catch these fish. The charter guys depend on them, and it is just like the MRIP landings show in that Wave 3, which I think is May/June. An idea just to throw out for the committee is changing the start date to the fishing year to maybe Wave 3. Charter guys, recreational guys in my area depend on them during that Wave 3 and then after the water gets hot, and I'm speaking for my area, they move on to spadefish or jacks or something else that are around the distance offshore. Maybe changing the start date to the fishing year to May 1st might help us a little bit; again just food for thought to the committee and we can decide as a group what we should or want to do.

MR. HARTIG: Well, it breaks into; you can change the fishing year all you want. The Wave 3 catches, what were the level of that one wave was, if that occurs again it doesn't matter really what you do to the season, because the wave is going to shut you down, period. Is it a function of the sampling frame again? I don't know. I don't know how that has worked out for cobia.

MR. BOWEN: Just for later in the day. Maybe keep this in mind, but when that charterboat electronic reporting amendment comes about, if we had that in place, we might not be having to deal with this right here right now.

MR. HARTIG: Well, I'm going to take Mark's question, but this is an extremely important fishery for you all and I understand that. I may, since you're having the discussion here can we have some more discussion between now and Full Council? Think about what you guys want to do and then at Full Council, bring a motion before the mackerel committee, before we end the mackerel committee, and we can get – no, just leave it at mackerel.

MS. BECKWITH: Sorry, I meant if we don't move it forward, then it wouldn't be on the list of considerations during the discussion in Executive Finance.

DR. DUVAL: I'm sure it will be up for discussion, because people are already talking about it and thinking about it. Whether or not there is a motion here or at full council, we're going to be discussing what slots are available to do anything. Gregg is at the table.

MR. WAUGH: Just to remind folks, in Amendment 18, this is Mackerel Amendment 18 when we set up the current regulations. What you considered was a commercial trip limit of two or one per day. You talked about reducing the recreational possession limit from two to one cobia per person per day.

You had an alternative to reduce recreational bag limit from two to one cobia per vessel per day. Establish a closed season for the recreational fishery and the final one was reduce the recreational possession limit from two to one cobia per person per day during the spawning season. That was specified as April 1 through June 30.

I think what you want to look at is a regulatory amendment that look at is a regulatory amendment that looks at the full range of alternatives. I think Roy has a valid point with the step down in that Wave 3 being so high, you are not going to be able to use a step down. You've got a range of alternatives that we looked at in Amendment 18, we can pull those up. But I think in terms of you all looking at this, you would want to add a regulatory amendment for cobia to the list, and then Executive Finance can figure out where to put that in.

DR. CRABTREE: I mean, under any circumstance, you aren't going to get this done in time to effect next year, because our next meeting is when, Gregg, March? Even if you took final action on a regulatory amendment then, likely the fishery would be closed before we got it put in place. You know, if you've got recreational fisheries, that it is important to you that they don't close. If they're even catching close to 75 percent of the ACL, you need to tighten it up. You need these fisheries catching 50, 60 percent of their ACLs, if you really want to be sure they are not going to close; because these catches vary a lot from year to year.

You've got to have a really big cushion or there is some likelihood that you're going to have good recruitment, a lot of fish, effort is going to spike up and it is going to end up closing. But I don't really see anything that could be done at this stage that would affect what happens next year.

MR. HARTIG: Well, it is exacerbated by the growth rates of cobia, they grow like dolphin. They grow very quickly. They get big very quick, so if you get a cohort that's moving through the fishery in any three years after the recruitment, you're going to have these great big fish that are going to cause some real problems.

DR. CRABTREE: It is unfortunate and maybe unforeseen by those who put this requirement in place, but I suspect for recreational fisheries, we often close the fishery because things have gotten really good. But because we don't have a stock assessment to tell us, we don't know whether high catches mean high fishing mortality rates, or it means high recruitment and lots of fish; and we don't have a real way to scale those. Without some sort of index of recruitment that allows us to see these year classes coming, and raise the ACLs before they hit the fishery.

We probably are going to quite often end up hitting ACLs and triggering accountability measures, because there are lots of fish, and that is going to enrage fishermen and we're going to hear more and more of the management doesn't match what I'm seeing on the water kind of thing. But until we figure out some way to deal with that, that is what we're stuck with at the moment.

MS. BECKWITH: It is interesting to hear you say that, Roy, because that makes a lot of sense that we should only be shooting for a 50 or 60 percent to assure that these fisheries are not going to close. And yet, when we only hit 50 or 60 percent of our ACLs, then we get it from the other side, the commercial guys saying well, you're not utilizing your ACL. You're not reaching your optimum yield; you know poke, poke, poke, prod, prod, give us your fish.

It is almost like the recreational are in a no win situation. We allow bag limits and access to the fishery that is going to achieve our ACLs in order to defend retaining our own ACLs, or if we assure that the fisheries are not going to close by our management choices; then we've got pushback from the commercial guys that it's not being fully utilized for the benefit of the nation.

It is an interesting situation in which we find ourselves. But I will say that again, and Michelle and I are going to keep beating this drum, a little bit like state quotas. We need to start writing into all of our new amendments the idea of a range of bag limits or trip limits that we can adjust as needed so we don't have to go through the whole framework process and put ourselves in this situation; and I don't know how we do that. Monica is thinking about it; but at some point we've got to get there.

DR. CRABTREE: I think that is why there has been discussion of some sort of temporary shift in allocations so that if you did see a jump like this you could pull it back. But yes, it is a real conundrum. You know the purpose of the framework is to allow us to make more quick changes on things. Part of our trouble is every time we do a framework, we add it up with a whole bunch of whole new alternatives and make it complicated, and then it takes a long time to do it. We need a certain amount of discipline for these things and keep them simple.

But under any event, if you're going to change these things, you've got to go out for public comment with the Rule, and that means it is going to take several months to get it done, generally. I'm not sure if there is a solution to that.

DR. MacLAUCHLIN: Just to remind everyone, the South Atlantic manages cobia through New York, and there is a substantial recreational fishery in Virginia. But we would take those to public hearing at least through webinar in the Mid-Atlantic, and then possibly going to a Mid-Atlantic meeting.

MR. HARTIG: On the record, Joe's not here, but we'll put a regulatory amendment on the docket during Executive Finance to address cobia. I think from the conversation we had today, that is what you all want to do. We don't have to be specific about what you really want in it now, but it will be in your priorities for you to look at; having said that. Mark.

MR. BROWN: I'm beating my head against the table right now, okay.

MR. HARTIG: Doug, you haven't said a thing, go ahead, Doug.

MR. HAYMANS: I was really thinking about what Roy was saying and that if we hadn't split this quota up, we would be okay right now. Similar to the way we set up the new northern zone for mackerel, where Florida and North Carolina can negotiate some quota. I mean, it would have been nice if we set this up in a similar manner, because we're under the overall ACL. But anyway, I was just thinking through that.

DR. MacLAUCHLIN: The Florida East Coast quota is because it is a Gulf stock, so you can't trade between the Florida East Coast and the Atlantic stock.

MR. HAYMANS: If we had set it up that way we could.

DR. MacLAUCHLIN: No, no, no, it is considered a Gulf stock so you can't. You are not working on those ACLs. That is why it is separate.

MR. BOWEN: I would just like to thank Dr. Crabtree for what he just said. It was like a light came on in my head when you said, and I'm paraphrasing, that we need to stay around 50 to 60 percent of our ACLs on the recreational sector, because our effort fluctuates so much. It just hit me like a ton of bricks when you said that. It makes me really rethink even snapper grouper yesterday about the sea bass and our limits. I just wanted to put on record, thank you for saying that because it is 100 percent accurate.

MR. CONKLIN: Well, I had some ideas on some stuff I wanted to include there seen in the draft amendment or whatever, but since you said we don't need to talk about that right now, we're not going to talk about it.

MR. HARTIG: Yes, what I would like you all to do is think about what you want in the regulatory amendment and what we can actually accomplish in a regulatory amendment. That is another thing, because some of that you may not be able to do in a regulatory amendment; what you're thinking about. But think about what you want in a regulatory amendment and full council in mackerel we'll put something up there.

MR. CONKLIN: Just one more thing. We're looking at protecting, you know bouncing ideas around for protecting hogfish, which aren't overfished or going overfishing up in our region here during the spawn and then now we're fishing cobia during the spawn and nobody is talking about having any kind of more restrictive limits on them during the spawn. It's kind of going against each other's ideas.

MR. HARTIG: That is going to be a discussion for another day. I understand how critical this is. Go ahead, Monica.

MS. SMIT-BRUNELLO: Just food for thought. The Gulf manages many of their species to an annual catch target ACT, and that is a buffer between the ACL and the ACT, so if they hit the ACT they haven't hit the ACL; but they manage to that and they have different management measures that are triggered because of that. But with that, they also have an ACT Control Rule, which National Standard 1 Guidelines recommended.

If you're going to manage to an ACT you have an ACT Control Rule, so there are some things to think about. You all have ACTs in some of your recreational fisheries, and I haven't pushed an ACT Control Rule too hard, because you are not managing to the ACT. But once you do, you should think about probably involving the SSC or whatever you need to do to come up with an ACT Control Rule. That is something for you to think about when you're considering all of these things.

MR. HARTIG: Well, we had a broad conversation this morning. I mean, we covered a lot of ground with cobia. I'll leave it at that. But thank you. I appreciate that insight. All right, so now we're going to go into Draft Amendment 26, and I'll turn it over to Kari.

DR. MacLAUCHLIN: Well, Attachment 3A is the Draft Document. Attachment 3D is the Decision Document that we'll be going through. You received a revised one. The only difference with the second one you received last week is that I added the Gulf Mackerel AP recommendations to it; and then the Gulf Mackerel Committee meeting report from their October meeting is in there, and then the Gulf APs meeting report.

I'm not going to go through those Gulf meeting reports; I will just have them in there for your reference. Just to remind everyone with Amendment 26, this will modify the management and stock boundary for Gulf and Atlantic king mackerel, abate the biological reference point and the ABC, OY, ACLs, ACTs, considers an incident catch allowance for Atlantic king mackerel caught in the shark gillnet fishery and then we have some management measures to establish a split season commercial quota for the southern zone.

Then an action to look at boundaries and trip limits for a new Florida East Coast Management Zone. There are several Gulf king mackerel actions to revise their ACL based on the new stock assessment, revise their commercial zone quotas, the recreational/commercial allocation and then modifying the recreational bag limit. The tentative timeline is for the South Atlantic to review this and approve for public hearing; select preferreds if you would like to do that. Then in January and February the South Atlantic and the Gulf will be holding their public hearings. The Gulf approved for public hearing in October.

In March they'll review public comments, take final action and then in April the Gulf will review and take final action; and we hope to submit that in April or May. You approved that purpose and need. That is in the document, June, 2015. I'll go right into Action 1. This would adjust the management boundary for Gulf and Atlantic king mackerel.

With the stock assessment, the approach used was at the mixing zone around the Keys. This action would adjust those management boundaries to kind of line up with the stock boundary that was used in the stock assessment. You have your no action alternative. Alternative 2 would establish that boundary at the regulatory boundary between the Gulf and South Atlantic.

The South Atlantic Council would be responsible for management measures in the new mixing zone, which is just south of the Keys. Alternative 3, which the Gulf Council selected as their preferred alternative and also the Gulf and South Atlantic APs also support; establishes a single year round boundary at the Miami/Dade/Monroe County Line.

This way the Gulf Council would be responsible for management measures in the mixing zone, which since the year three is that area south of the Keys with the lines in it. This would allow for the fishermen who are working in the Keys, they would have just the Gulf responsible for those management measures and give them consistency for the Keys fishermen. Again the Gulf selected Alternative 3 as their preferred, and then both APs also support Alternative 3 as the preferred. You can add or remove any alternatives or select a preferred alternative.

DR. DUVAL: I would like to make a motion to select Alternative 3 under Action 1 as a preferred alternative.

MR. HARTIG: Motion by Michelle, seconded by Chris. Discussion. Go ahead, Chester.

MR. BREWER: I don't necessarily disagree, but I would point out that you are going to have again the problem of being on one side of a Key and having one set of rules perhaps, and being on the other side of the Key and having a different set of rules. I kind of favor going up to the Shark Point Area or the Monroe/Dade County Line on the Gulf side for that reason.

DR. DUVAL: Definitely appreciate those comments. My thinking is that this area, by putting the boundary at the Dade/Monroe County Line you're getting all of that limited king mackerel gillnet fishery under one management unit, instead of us having to deal with a gear that is not legally allowed in that area within our jurisdiction, and that way we're not dealing with those cross-jurisdictional issues or trying to make an exemption for a particular gear. That was what I saw as the problem, so that is why I was putting this forward as a potential solution.

MR. HARTIG: All right that was what I was going to say, so any other discussion? **Is there any objection to this motion? Seeing none; that motion is approved.**

DR. MacLAUHLIN: The next action, Action 2 updates the reference points; so the MSY, MSST, MFMT, OFL, and revise the annual catch limit and recreational annual catch target for Atlantic king mackerel. This first part here on Document Page 7, is just the language that updates those biological reference points for the fishery management plan.

You approved this language in June, so you don't need to do anything. Moving to Page 8, Action 2-1, this revises the acceptable biological catch for Atlantic king mackerel. There are four alternatives here, the no action alternative, and then we have Alternative 2, which will revise the ABC based on the recommendation from the SSC for an ABC under a high recruitment scenario.

Alternative 3 would revise the ABC for under a medium recruitment scenario, and Alternative 4 revises the ABC for under a low recruitment scenario. Remember when the SSC reviewed the stock assessment they provided three different sets of possible ABCs, depending on if the council was comfortable setting those ABCs under a high, medium or low recruitment scenario.

I have these examples in Table 3 of what those would be, under each what the ABC would be. Now you remember the ABC is just the cap, and then you would set the annual catch limit either at that or under it. The South Atlantic AP recommended Alternative 2 as the preferred; that is the ABC under a high recruitment scenario, with a review after two years to evaluate if it's the appropriate ABC level.

The Gulf AP also recommended Alternative 2 as the preferred alternative. When we went to scoping in January, we did have several commenter's that felt that the council could set the ABC and ACL and the highest level possible. Folks reported there was an abundance of small fish, and that they felt there is a period of high recruitment.

There haven't been any hurricanes and other conditions that the fishermen felt supported setting it at a high recruitment scenario. There were some folks that felt like the council should be a little more conservative and set it at a medium recruitment ABC.

MR. HARTIG: I would just add that as Kari is talking to you about what the AP has done, we also had a meeting down there in our area. I actually bought a projector and joined the technology of this century, and actually projected the PDF for the fishermen, to let them get acquainted with this so when they would come to hearings they'll be able to give some good comments.

But they also had a number of suggestions that came out of that meeting. As we go through this, there were about 35 meeting there, three members of the AP and the Chairman of the AP was at that meeting. It was a good meeting; it was a good diverse group of fishermen from the whole breadth of Florida.

It was good, we had some compromises and we'll be able to actually shorten this document some as we go through it, which was a very good thing. I'll add those as we go. On this we would need a motion for one of the recruitment scenarios, based on the SSCs suggestions. The AP made that recommendation and the fishermen from our area also supported that high recruitment scenario for the ABC. Oh, go ahead, Jack. Chester.

MR. BREWER: I would like to move that we select as our preferred Alternative 2 under Action 2-1.

MR. HARTIG: Motion by Chester second by Chris. Discussion? Is there any objection to this motion? Bonnie, go ahead.

DR. PONWITH: Just from the standpoint of discussion. It is a challenging situation, because typically the ABC advice comes from the SSC and is a definitive number, and it gives you a starting point to discuss how to interpret that in terms of applying an ACL. It is less common when there is a range of alternatives available for ABC; and ABC again is this science oriented advice, it is the advice that the SSC owes you.

The fact that they would give you a range to me means that there is scientific uncertainty in terms of that recruitment. Certainly as you contemplate the choices available to you, you want to think in terms of that scientific uncertainty not the management uncertainty, which is what you're taking into consideration when you set the ACLs.

The thing that raises a concern is when we see the advisory panel, not that they made a recommendation but that it is accompanied by a, with a review after two years to evaluate if it is the appropriate ABC level. When I see that it is what mechanism would you use in two years? Is it another stock assessment? Is it a fishery independent collection, where you're looking for recruitment patterns?

Is it polling the industry in how many small fish? Where would a threshold be to know whether you had a high, medium or low? There are some concerns around that. Just speaking purely from a science standpoint, to me it seems prudent to reside in middle ground on this, in terms of tolerance for risk that you're wrong on making a selection on the ABC advice.

Because that is really what it's about, not how many fish do I get out of this but more what is the tolerance of the council for a risk from a science standpoint that the choice they make is wrong? Again that risk comes as a double-edged sword. If you are too conservative its foregone fishing opportunity, if you're not conservative enough it is chipping away at the biomass of that stock in a way that may compromise the long term sustainability of that.

MR. HARTIG: Bonnie, I really appreciate that. I appreciate the scientific insight that goes into this. This is plowing new ground, basically. This is the first time we've actually been able to convince the assessment scientists to give us a range if we happened to see a good recruitment year class coming in.

Now, the new year class observations are anecdotal, they absolutely are. They haven't been through the science protocol; they haven't been reviewed by the scientific community to say that you have a high recruitment. Now, having said that it is also only one year that we've seen these fish enter the fishery, they will become cohorts this year.

From this point, from what we're thinking is at the end of this season we would go back and ask the Center to rerun the projections, look at the recruitment and look at the landings that have occurred, look at the size, the comp data that we have. That is, I think, how we would want to proceed with this review. We had talked about this some at the assessment itself, and how we could do it. I think the intent now would be to make sure that we go back at the end of this season, to find out from our scientists if it was; and if it comes out that it's not, we can change it the very next year we could change our catch levels through the expedited framework process in one year and have new catch levels for the stock.

For me, I don't think with what we've set up, now I don't know if we can accomplish that. I mean that is going to be working with you and your assessment scientists, but they were onboard when we talked about it. Their being onboard and you being able to figure out how to do it are two completely different things, and I understand that.

But the intent the SSC said we should do this, the AP said should we do this, and the fishermen's group that we had that I was a part of said we should do this. To me, as we step outside the box in this type of a scenario. If we can include the science side in being able to do that; I think it would go a long way in the future of looking at how we do these types of things when we get a little more flexibility in the process.

Hopefully, we can work together and make this happen, because this is like I said, the first time this has happened and it looks like it is a really good idea to try and do. We can get the industry season anecdotal update in recruitment. Now, we go do the science side after we have cohorts entered in the fishery and say; is that really what is happening? I think we can inform all of your concerns by doing that after this year's catch. We've got a motion, we've had some discussion. Is there any other discussion?

DR. McGOVERN: Given Bonnie's discussion or rationale, I would like to make a substitute motion for Alternative 3, instead of Alternative 2; given the scientific uncertainty and all the rationale that Bonnie provided.

MR. HARTIG: Substitute motion by Jack, is there a second to Jack's motion? Second by Anna. Go ahead, Jessica.

MS. McCAWLEY: I think, if we choose anything other than the high recruitment scenario, then we can't choose the SSCs ACL, maybe?

MR. HARTIG: Yes, that is the other complicating factor in this situation. We had a recommendation that we could have some flexibility in choosing the ABC, but the SSC went ahead and suggested an ACL that we should pick. That again is another wrinkle in how this was moving forward.

There are moving parts to this. That is an observation that I was not aware of. I don't know how you want to proceed with this from here. I think the intent was to step down possibly the high recruitment scenario in the ACL portion of this amendment. That would accomplish some of what you're trying to do, Jack. I don't know if it gets you to all the way where you want to go.

We have a substitute motion by Jack, we have a second. Further discussion on that? Okay, all those in favor of the substitute motion; raise your hand. Three in favor, all those opposed; four opposed; the motion fails. That brings us to the main motion, which was ABC at the high recruitment scenario. Is there any further discussion on that? Is there any objection to that? Seeing none; that motion is approved. I think we're going to get somewhere near, so we'll see. The next Action 2-2 will be revise the ACLs, commercial quotas and recreational ACT for the Atlantic migratory group king mackerel. Kari is getting something up there now, I think.

DR. MacLAUCHLIN: Action 2-2 sets the ACLs, which would set those commercial quotas for the southern and the northern zone and the recreational annual catch target for Atlantic king mackerel. Now in Appendix E in the Draft Amendment 26 document, we have the document that shows how the northern and southern zone quotas will work with a new stock boundary.

When you set those percentages in 20B, those will be adjusted based on the new stock boundary and all of that information about how those will be recalculated is in Appendix E. We've talked about that before. We have the no action alternative. Then we have the Alternative 2, which sets ACL equal to OY equal to ABC. This is a South Atlantic AP recommended.

Alternative 3 sets the ACL at the deterministic equilibrium yield at F at 30 percent SPR, which is 12.7 million pounds for all four years. This is the South Atlantic's SSC and the Gulf AP recommended this in November. Alternative 4 would set the ACL at 75 percent of that deterministic equilibrium yield, which is 11.6 million pounds.

Then Alternative 5 establishes the ACL at 90 percent of the ABC, based on the ABC level that you select in Action 2-1. I have the tables in here that would show what the possible outcomes would be with your ACL equals ABC under high, medium and low. Then Table 5 shows what it would be under 90 percent of your ABC under high, medium and low. The South Atlantic AP recommendation was Alternative 2, so that is setting the ACL equal to ABC under a high recruitment scenario in 2-1.

There were some members that had concerns about that if the high recruitment ABC was not appropriate. That is why that motion was amended to add that recommendation to look at it after two years. There were some AP members who expressed concern about how long a framework amendment would take if you wanted to change the annual catch limit.

The Gulf AP selected Alternative 3, which is the South Atlantic SSC recommendation for 12.7 million pounds. They felt that that constant catch for those four years would help protect the stock if there was an issue with recruitment. It would be more conservative annual catch limit than Alternative 2, and would not affect either sector, because the landings have been below those annual catch limits in recent years.

When we took it to scoping, we did have several commenter's from the public that supported setting that ACL at the highest level possible, so under the high recruitment ABC; because of that anecdotal information that we have received from fishermen about the small fish and good recruitment. You can add or remove any alternatives, and you can select a preferred alternative. On Page 13 I just have the alternatives so you can see them without all the tables and that information.

DR. DUVAL: This is a tough one. I am more inclined to fall in line with what the SSC has recommended, just because I think that having a stable ACL is better for the fishery, and it seems like it would be something that the industry would support. Obviously, we've gotten a lot of comments in favor of keeping things at the highest level possible. I would not be, given that we have selected the high recruitment scenario under Action 2-1, I would not be comfortable at setting ACL equal to ABC. If we were going to do something like that, I would suggest bumping it down to setting the ACL at 90 percent of the ABC. I would just love to hear some discussion from other folks regarding those different alternatives.

I have said my personal preference is for something as for the SSCs recommendation of Alternative 3. That is 12.7 million pounds. Our existing ACL right now is I think 10.4 million pounds, so that is still to me a significant jump and that would provide some stability, but if there are other thoughts around the table about setting ACL equal to ABC or some percentage of the ABC.

I could be swayed into supporting setting ACL at 90 percent of the ABC, which is I guess Alternative 5. I would just note that four years out it drops the total ACL below the 12.7, which is down to 11.4 so even below what the SSC had recommended. I would like to hear some more from other committee members.

MR. HARTIG: Yes, before I take discussion. You've got to be a little bit careful about how you compare what was taken out of the Atlantic previously to what is being taken out now, because you've added that East Coast Gulf, over a million pounds of catch during the winter is now within the Atlantic stock of king mackerel.

That is why the numbers are higher. You have to look at it in the context of, you know you're adding a substantial amount of harvest; both on recreational and commercial into this stock, based on that timeframe going back into the Atlantic fish from the Florida East Coast Sub Zone. That is something you've got to wrap your head around as we go through this.

MR. BREWER: I agree with Monica, did I say Monica, M, M what's the difference?

DR. DUVAL: I'm flattered you would equate me with Monica, Chester.

MS. SMIT-BRUNELLO: I like it when you agree with me, Chester.

MR. BREWER: I am going to start over. I agree with Dr. Duval. I mean, the slightly more conservative alternative here seems to make sense. I would like to see a constant catch; I like to see ACL at least influenced by SPR, which is what this is doing. I understand SPR and have worked with that in the past.

This looks like sort of the middle of the road. We took the high recruitment scenario, now we can take the middle of the road. Even though, Ben, I understand what you're saying, I think we still don't run over what we've seen the historic catch be. It just seems like a pretty good way to go, to me.

DR. CRABTREE: Generally speaking, I would recommend against setting the ACL equal to the ABC, and there ought to probably be some buffer in there. But maybe it is too late in this amendment. But at some point I would like to see us get to setting an ACT below the ACL and managing actually to the ACT so the quotas are set at the ACT in all those things.

That way you can be pretty sure you stay below the ACL, and if we went to that we could set the ACL at the ABC level if you wanted to, and then set the ACT at 90 percent of it or something and manage to that. That would be a way to reduce the frequency that we have these ACL overruns that we worry about. But this document may be too far down the chute to look at those kinds of things.

MR. HARTIG: But it goes back to what Monica suggested earlier, looking at an ACT Control Rule. That is something we probably ought to do. We probably ought to do it across. I've had the same concerns as you, Roy. I mean we've done what we can for the reporting issues. I mean, for the commercial fishery we've got about as good as we can get it now.

I wasn't ready to do that until we got to where we are now. But now that we're there and we continue to see overages of some fisheries, I think we ought to react to those and probably go in that direction. But that is just me. Where are we? We have a motion from Chester, oh okay.

MR. BREWER: I move that under Action 2-2 that we select Alternative 3 as the preferred alternative.

MR. HARTIG: Motion by Chester, seconded by Chris. Further discussion? Go ahead, Roy.

DR. CRABTREE: I guess, as I just said, I would like to see us set the ACL a little below the ABC, and Chester's motion would set it equal to the ABC, right? No. How much? I'm sorry then.

MR. HARTIG: Other discussion?

DR. DUVAL: Yes, so just thinking about the additional catch that has been added to the stock. Previously, it was 50 percent of the harvest within the mixing zone when it was going all the way up the Florida East Coast was I guess allocated towards the Atlantic stock, and then 50 percent was allocated towards the Gulf stock. Correct?

MR. HARTIG: It's a little more complicated than that but yes; in general you're absolutely correct.

DR. DUVAL: Okay, so roughly. But now that entire chunk from the Miami/Dade Line forward, all is being tallied against the Atlantic ACL and only 50 percent of the harvest occurring within Monroe County is being tallied against our ACL, right?

DR. MacLAUHLIN: The way we've been looking at it is kind of what would be considered the new Atlantic king, which is with the mixing zone the stock assessment used. When we calculated that part for the mixing zone, it was kind of complicated where it was like 50 percent of this during this period and 50 percent during this period. Relative to the rest of the region it is a really small amount. Mostly, we've been focusing on any king mackerel landings north of the Dade/Monroe Line.

DR. DUVAL: Okay. I guess - just trying to read into this a little bit. Perhaps some of the concern about using a constant catch at that equilibrium yield at the 30 percent SPR level, is that it potentially might not allow for increased harvest due to the change in the mixing zone boundary that is going to be tallied off against our accounting sheet, given the possibility that we are having some good recruitment. Am I capturing that concern appropriately? No, I'm not talking about the mixing zone.

DR. MacLAUHLIN: You are talking about the Florida East Coast Zone.

DR. DUVAL: I'm not talking about the Florida East Coast Zone; I'm talking about the whole Atlantic stock. I'm just trying to make sure that I capture and understand some of the concerns that have come from the AP and the public, with regard to preference for setting the ABC at the high recruitment scenario and then setting the ACL equal to the ABC.

My understanding is that, given the fact that we are now accountable for all of those Florida East Coast landings, both commercial and recreational, there may be some concern that if we were to use a constant catch scenario, there might not be enough ACL there to account for the additional harvest that is going to be tallied against our tally sheet; I guess is the most simplistic way I can think of putting it. We just need to be mindful of that. I thought you had some, yes those graphs.

DR. MacLAUCHLIN: I have on the screen, and these were just for reference. I didn't want to overload everyone with a million tables and charts and everything, so I have them kind of on an "as needed" basis. I had made these graphics for Ben when he was going to meet with the fishermen last week.

What we have here, and I have to kind of explain it, because I didn't do a good job with this. But what this shows is we have our fishing years on the bottom here. Over here are the landings, king mackerel landings in the Southern Zone. That counts as whatever used to be called Atlantic or Gulf it didn't matter. If it was caught north of the Miami/Dade to South Carolina/North Carolina line, it was counted as these king mackerel landings.

The orange and blue up and down, these are the landings; either using a March through September, which is the light blue ones or the orange one which is March through October. Those are the two different seasons you were considering for Season 1. But they are about the same; you can see in a couple years maybe it's a little different.

The dark blue line is what Season 1 Southern Zone quota would be, based on those 12.7 million pounds. Then Alternative 3 and then this green one is the 75 percent of the Alternative 4, basically. You guys are considering this blue one. What you can see in the Southern Zone under this scenario, where this is at 60 percent of that Southern Zone quota would go to Season 1.

Most of the time they are going to be fine, but every once in a while if you have years like you had from 2009 to 2011, it is going to close early possibly. Ben can talk about what happened in those years, this is a big concern about what if we have those years. But overall, in Season 1, which is March through October, depending on what happens in March, usually in April, they could be shut down by August or September.

They probably would lose a little bit, a few months, two months or something. I don't think any projections would say they would shut down early, but in most years totally fine and the past few years much lower than what they would be allocated. Then in Season 2, which is October through February or November through February, same thing. We have the landings over here on the Y axis and then the yellow and the gray show what the actual landings were, and under those 12.7 million pounds, which is that blue line on top the landings from what the historic patterns have been, they will always be fine in Season 2.

It is just Season 1, and I don't think even if you sat that ABC equal to ACL under a high recruitment scenario, you still are going to have years. This is what that would look like. Here are the landings. Just whatever happened, the environmental conditions that allowed the fish to come in around 2009 through 2011, those years. It was a big year. But it is not common. Under any scenario, really, you would have a possibility of having an early closure due to that.

MR. HARTIG: The bottom line is we could possibly have closures, those two years are outliers. They are outliers because they were cold, 2010 was one of the colder winters we had. We had Gulf fish come around on our side again, which has not happened very often, and then we had the fish that normally stay off the Cape in Daytona in the winter. Everybody came together.

The Gulf fish came around to us off Jupiter. The winter fish that normally stay off Daytona came down to Jupiter, so everybody was in one spot off Jupiter; which used to happen commonly back in time. In fact, on a yearly basis, when winters were much stronger and colder, we would have that setup almost every year.

But due to the temperature changes of the winter that rarely happens. When all those fish came together in an area where they're close to shore, within three miles of the beach, you had a lot of effort and you had a lot of catch. That is what happened in those two years. I'll stop there because I'll have something to say later.

MR. BOWEN: I think that is an excellent point. In your professional experience or opinion, do you foresee that? I guess how often now does that happen, and do you expect it in the near future?

MR. HARTIG: You don't know, because it is a function of weather. If we have a very, very cold winter, it may happen this year. I mean with the El Niño they are talking about a really severe winter in the southern part of the United States during the later portion of the winter and into the early spring.

It could happen again this year. We'll see. Most years like Kari said; we'll be fine. The dynamics of the stock now has changed. There is a graph in there she has that shows you how over time when most of the fish were caught. But that is changing now, because the wintertime fishery is actually having more of an impact than the summer fishery is now.

We're facing conditions in our area in the spring and summer now, where we don't have access to the fish for very long because of the conditions. The water is much colder, we have more upwellings, and the fish are much more flighty. That dynamic is going to change. We are not going to be able to catch the level, no matter what the stock does.

I don't care how many fish you put in the ocean. If they are moving up and down the beach where we can't go, we're not going to catch them. I've been wrapped around the axle on this, I can't tell you how many different ways, upside down and crossways I've looked at this, trying to figure out where we should be. But I understand the concerns. The other part of being able to look at this after next season with the scientist, is to be able to look at this and they can give us another catch level recommendation based on if they see the recruitment, they see the catch levels, and they see cohorts. They could inform the next time we look at this and possibly give

us, say well, you could take more fish or you could take less fish; however it works. You could be more informed about how you move forward in two years.

MR. BOWEN: You're the mackerel expert here in the fishermen. If you don't mind, do you mind taking off your Chairman's hat for a second and tell us what we've heard from Dr. Crabtree, we've heard from Dr. Duval, we've heard from Chester. I would like to hear from you on where you think we need to be; if you don't mind.

MR. HARTIG: No. After looking at this upside down and backwards, I think we should be a little more conservative going into this in the beginning, knowing that possibly we will have access to rerun projections after this next season to see where we are. I just think it is prudent, based on – it is a big change – the Atlantic stock, as Jack said, the landings aren't going up much in the Atlantic stock as it is currently managed now. There is a problem there.

The basic thing I see is that the wintertime fishery you see in this recruitment, the problem is we need to move that recruitment into the Atlantic stock in older and larger fish. That is why I would be a little more conservative. That is the bottom line. That is the bottom line that I see. Being a little more conservative here would help to do that.

MR. CONKLIN: Just curious, I know that a lot of people travel around to fish in that fishery, and some of those landings were higher around the time of the oil spill in the Gulf there. Did you see any effort from fishermen from the Gulf showing up in your area to fish, because they couldn't over there?

MR. HARTIG: Well, the effort, our guys fish a lot in the Gulf; rarely do we see Gulf come to the East Coast, it's a rare thing. I mean they have higher trip limits. It doesn't make much sense for them to come on our low trip limits. That is one thing I'll say for our fishermen, they fish under these low trip limits that they supported way back.

They fished on these trip limits when they couldn't catch the allocation and continued fishing on them, and now that they can they kind of would like to take advantage of it; and I see that. But still, the stock to me is in a state where we need to move some of those fish forward into the older ages and sizes, and then we'll be good.

Then I would be in the position, when we see a good year class coming, to be able to allow those fishermen to take advantage of it, because there is a selectivity difference in the fishery. The wintertime fishery is a trolling fishery. They catch smaller animals. The spring and summer fishery, a lot of live bait fishing, we catch bigger fish. They would be able to take better advantage if they could fish on those fish when they are smaller, up to about 12 pounds. You would like to see them on the years when you know you had the good recruitment.

You had a decent stock. If the middle wasn't missing in the stock right now, I would say with the new year class and if we could have that from the science say yes that's true. Then they could have higher catch levels. It is just right now I think we need to focus on the stock a little bit more. Sorry I lost it. Don't put me in the fishing mode; we'll get way off track. **All right, is there any more discussion of this motion? Is there any objection to this motion? Seeing none; the motion is approved.**

DR. MacLAUCHLIN: Action 3 is the incidental catch allowance of Atlantic king mackerel caught in the shark gillnet fishery, so a little background on this. Prior to Amendment 20A, fishermen who participate in the shark gillnet fishery off the coast of Florida have commercial shark permits and commercial king mackerel permits.

They use gillnets, which is not a king mackerel approved gear. But before 20A they would sell the king mackerel that were caught in the shark gillnets, which is only two per person, with about three crew members onboard, so not that many fish. The fishermen asked that the council consider setting up some kind of incidental catch allowance so they can retain and sell those fish caught on the shark gillnet trips.

We have the no action alternative and then Alternative 2, which allows the retention and sale of the king mackerel caught with gillnet as incidental catch in the gillnet portion of the commercial shark fishery, for vessels that have valid shark directed commercial permit and a valid federal king mackerel commercial permit.

The king mackerel must be sold to a dealer with a Southeast Federal Dealer permit and for the shark gillnet trip off the EEZ of Florida. No more than two king mackerel per crew member can be onboard and sold from that trip, and for shark gillnet trips in the EEZ north of the Georgia/Florida line no more than three king mackerel per crew member can be onboard and sold from the trip.

Alternative 3 is identical to that except that it sets the limits based on Southern Zone and Northern Zone. For the Southern Zone it would be no more than two king mackerel per crew member onboard and that can be sold from the trip and Northern Zone it would be three. Just a note, the limits under Alternative 2 would be the same as how things were set up before 20B when you set up the Northern and Southern Zone, and it aligns with what the bag limits were.

That is what they were fishing under. Those were set for Florida and then for the rest of the region. But we're trying to move towards being consistent within our Northern Zone and Southern Zone, just to make things easier. That is what Alternative 3 would do; it would set the limits for all of the Southern Zone.

We don't have any fishermen participating in this in South Carolina and Georgia with the shark gillnets and selling the king mackerel, so it wouldn't affect anyone there, it would just make those regulations and the language slightly less complicated. The South Atlantic AP supported Alternative 3 as the preferred alternative, and the Gulf AP also supported Alternative 3.

Then when we did scoping, we had members of the public who, in general people supported allowing the incidental catch. These are commercial trips and as long as the vessels have the king mackerel commercial permit and a shark permit. There is a table in here, Table 6 that gives you a little information, including the number of participants with shark and king mackerel gillnet, when they could sell those under a bag limit. You can see there is a really small group of folks. There is probably little chance that anybody would take advantage of this.

MR. HARTIG: Questions for Kari? Zack, did you have something?

MR. BOWEN: Well, when she used the terms consistent with what we were doing, I'm trying to get back here. I'm prepared to make a motion with the presentation I've just seen. If the committee is wanting one.

DR. DUVAL: Just one thing to note, Kari, that there is an exemption for the use of gillnets north of Cape Lookout.

MR. BOWEN: I move we select Alternative 3 under Action 3.

MR. HARTIG: Seconded by Michelle. Further discussion? Is there any objection to this motion? Motion passes with one objection. All right Jack, you had a question?

MR. COX: Sure, I'm not on your committee, but I would just like to ask Chester why you objected to the motion.

MR. BREWER: I'll tell you privately.

DR. MacLAUHLIN: Can I have just a little more on the record about why you support it, Alternative 3?

MR. BOWEN: It was the preferred alternative for the South Atlantic AP and also the Gulf AP, and when you used the term consistent with what we're doing in our other regulations. I'm all about it.

DR. DUVAL: Yes, I think it is going to be easier having this consistent between the two zones, now that we've divided these between zones; so that's one thing. Then the other thing is, these are fish that are going to be dead anyway. The fishermen were previously allowed to do this; when we put 20A in place that disallowed bag limit sales.

Fishermen have had to discard those fish since then. I think we would like to avoid dead discards when at all possible. I think the levels that are allowed here, because they are exactly the same as what was allowed previously, it is not going to increase any catch and is certainly not going to create a directed fishery. The intent in here is to minimize dead discards.

MR HARTIG: I am going to ask the Chair. We're at the end of our time. How do you want to proceed? Do you want to do the rest at full council or do you want to try and proceed a little more today? There is some stuff that we're going to go through that is going to take some more time, I'm going to tell you up front right now. We can get through the Gulf actions within five minutes, so let's do the Gulf actions and then come back in Full Council and do the others if you want to stay on schedule.

DR. DUVAL: Yes, I think we can do that and then we can move into Data Collection, and if there is any extra time at Data Collection before lunch we could come back to Mackerel.

MR. HARTIG: Okay. Moving to Page where?

DR. MacLAUHLIN: We are going to Action 6. We'll come back and talk about Actions 4 and 5, they are a little more complex. If you can scroll down in your document to Page 25, this

modifies the annual catch limit for Gulf king mackerel. They have three alternatives, a no action alternative. The Gulf Council preferred Alternative 2, which sets their ACL equal to the ABC recommended by the Gulf SSC.

You have those provided in the table there. Then Alternative 3, which establishes the constant catch scenario for the Gulf king mackerel annual catch limit for one of the time periods in Option A or B, and the ACL selected during those selected time periods may not exceed the ABC recommended by the Gulf SSC. The Gulf AP also recommended Alternative 2. Your committee actions are to add/remove any alternatives or options and possibly select a preferred alternative or options.

DR. DUVAL: I will go ahead and move that we select Alternative 2 as a preferred under Action 6.

MR. HARTIG: Second by Zack. Discussion. These are Gulf centric, they pertain to the Gulf. This is what they want to do and normally, we're in concurrent; normally, we're in concurrence with what they want to do. In this case we are. Is there any more discussion? Is there any objection to this motion? Seeing none; that motion is approved.

DR. MacLAUCHLIN: The next action revises the commercial zone quotas for Gulf king mackerel. Because the management boundary is going to be revised in Action 1, basically what that does is it takes the Gulf Florida East Coast Subzone that was part of the Gulf management system, out of their allocations and opens up a little bit more of how their proportions work.

You have the no action alternative. Alternative 2 revises it by taking the Florida East Coast Subzones proportion and equally allocating it to the rest of the other zones for the Gulf. Alternative 3 takes the Florida East Coast Subzones proportion and reallocates it to each zone based kind of on their proportion of how much they held.

Then Alternative 4, which is the South Atlantic AP and Gulf AP recommended, it was actually proposed by the Gulf AP in March, and it sets it as 40 percent for the Western Zone, 18 for the Northern Zone and 21 percent each for the Southern Zone handline and gillnet. Table 10 shows you these percentages; and you see how they are compared to each other, so this is the current proportion under how this works.

Because the Florida East Coast is coming to Atlantic management instead of Gulf management, they are going to take that proportion and redistribute it. Alternative 2 is equal redistribution, Alternative 3 does it kind of based on what they already had, and Alternative 4 the Gulf AP proposed that and they basically were negotiating that.

They wanted to give the Northern Zone a little more, a little bigger chunk but still be sure that the other zones did have an increase that was fair. That is why you have these numbers that are a little different. Again, you can select a preferred and it is Alternative 4 which was recommended by the Gulf AP and the South Atlantic AP. The Gulf Council has not selected a preferred on this.

MR. HARTIG: Before we get there. I don't know that it is appropriate for us to choose a preferred before the Gulf does.

MR. BOWEN: I would make the motion that we do not pick a preferred at this time.

MR. HARTIG: We don't need a motion, but thank you for doing that. We've gone into some detail. A number of our fishermen are going to be impacted by how this goes, how this fish that comes from our area is added into the Gulf allocation scenario. Okay, Number 8.

DR. MacLAUHLIN: Number 8 looks more complicated than it is. You have, and this is on Page 28, so you have under all the alternatives except Alternative 1 where it says South Atlantic approved and Gulf approved. What happened is the Gulf had updated their language in each of those alternatives, so I wanted you guys to see what you okayed in September.

But I would like for you to approve these editorial changes that the Gulf made. It doesn't change what would actually happen, it is just the Gulf changed the way they wrote it. In Alternative 2, this would revise the recreational and commercial allocations for Gulf king mackerel, transferring 5, 10, or 20 percent in those options.

The Gulf has rewritten it. It still does the same thing, but it has rewritten it based on what the actual percentage would be. Alternative 3 revises the recreational and commercial allocations where it would transfer 2 or 5 percent annually until the recreational sector lands 80 percent of its allocation, and then it would stop doing that.

They are trying to set up these waves where over time they can kind of gauge how the reallocation is going, instead of just giving a chunk to the commercial. They are looking at this because the commercial ACLs in those zone quotas, they usually close early in season. The recreational, there are some recreational landings left on the table.

The next one is to transfer a certain percentage either 5, 10 or 20 percent from the recreational to the commercial until the recreational reaches a predetermined threshold, which are in Options B, E, and F; and then when that threshold is met, it would go back to what it is now, which is 68 percent recreational, 30 percent commercial. That is what you guys have written. The Gulf also added new Option C, so we will need you guys to review that and approve adding that in there.

Then Alternative 5 establishes a sunset provision, so making any changes to the sector allocations after a predetermined time period, the sector allocations would go back to what they are now; 68 percent recreational and 32 percent commercial. We have three options, which is 5, 10 and 15 year period. I have some tables and other information for that. In October the Gulf made some language changes to those alternatives, added Option C under Alternative 4. You guys would need to review that and track it.

The Gulf AP recommended that the Councils abstain from reallocating any king mackerel from the recreational sector to the commercial sector until they look at some additional options for utilizing that excess quota, such as increasing the bag limit. Then again at their November meeting they recommended Alternative 1, but if not, then Alternative 5, Option A; making sure that if there are any changes to the commercial recreational allocation that there is a sunset of five years put on that. What I would need for you guys to do is review and approve; adding Option C under Alternative 4 and then review and approve the Gulf changes to the language in Alternatives 2 through 5. Then you can select a preferred if you like.

DR. DUVAL: I move that we approve the Gulf Council changes to the language in Alternatives 2, 3 and 5 under Action 8.

DR. MacLAUHLIN: Can we make it Alternatives 2 through 5? I miswrote that; too many actions.

DR. DUVAL: Sure.

MR. HARTIG: The addition of Option C under Alternative 4 is included in that. Okay. As long as I'm clear. **I have a motion, second by Anna.** The motion is to approve the Gulf Council, well Michelle you already said it, right? Okay. Any discussion on this motion? Go ahead, Chester.

MR. BREWER: I would just point out that we've already had the discussion about the 50 or 60 percent of the recreational quota and this thing is moving towards 80 percent of the recreational quota, which causes me a little concern but not enough to vote against this.

MS. BECKWITH: Well, and I just wanted folks to take a quick read through this section, because this may be something that when we get to dolphin or some of the other discussions, this may be a framework that we can use to sort of do shares from commercial to recreational; not exactly the way they've worded it, but a starting point.

MR. BOWEN: Chris and I just had that same sidebar discussion, so yes point taken and noted.

MR. HARTIG: All right, any more discussion? Is there any objection to this motion? Noting Chester's comments, **the motion is approved without objection.** Okay, Action 9.

DR. MacLAUHLIN: Did you want to select a preferred under Action 8?

MR. HARTIG: No, we're not going to.

DR. MacLAUHLIN: Okay. Action 9 would modify the recreational bag limit for Gulf king mackerel. There is a no action alternative. The current bag limit is 2 fish per person per day. Alternative 2, which the Gulf AP recommended is increase the bag limit to 3 fish per person per day, and the Gulf Council preferred alternative is a bag limit of 4 fish per person per day.

We have Figure 11 here that shows you, this is the bag limit analysis, the number of king mackerel harvested per angler. Again, the Gulf selected Alternative 3, which is 4 fish per person per day and the AP recommended Alternative 2; 3 fish per person per day and recommended that there be no closed season for the recreational sector under any management measures. You can add or remove any alternatives and possibly select a preferred alternative.

DR. DUVAL: I move that we select Alternative 3 as a preferred under Action 9.

MR. HARTIG: Motion by Michelle, second by Charlie. Zack, did you have some discussion on this; you and Chris?

MR. BOWEN: Yes, sir. Just a personal feeling, I'm not sure I feel comfortable setting a Gulf's bag limit. I don't fish over there, don't have customers over there. I'm going to abstain.

DR. DUVAL: To that point. The Gulf Council has already selected this as their preferred, so we have to agree with whatever their preference is in order for this to move forward, so it is really more about the procedural thing.

MR. BOWEN: That's fine, thank you, I'll just abstain.

MR. HARTIG: I appreciate your concern.

MR. CONKLIN: Yes, I was just going to add the Gulf Council they voted on it when I was over there and it carried 13 to 3.

MR. HARTIG: I appreciate that.

DR. MacLAUCHLIN: Some of the concern is that in the Gulf the duly permitted vessels are allowed to sell the bag limits of king mackerel off the charter trips. That was one of the concerns of setting it so high at 4.

MR. HARTIG: Okay, we're not going to get into their business. **All right, is there any more discussion? Is there any objection to this motion? Seeing none; that motion is approved** and that brings us to the end of what we're going to try and do this morning, so we'll have other business later.

(Whereupon, the meeting was adjourned at 10:45 o'clock a.m., December 10, 2015.)

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**South Atlantic Fishery Management Council -
December 2015 Council Meeting
Atlantic Beach, NC**

Date: Thursday December 10, 2015

Committee: Mackerel

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10 Dec 15

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