

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL ADVISORY PANEL

**Crowne Plaza Hotel
North Charleston, SC**

April 7, 2014

SUMMARY MINUTES

Mackerel Advisory Panel

Robert Pelosi, Chair
Tim Adams
Jodie Gay
Tom Ogle
Bill Hickman

Ronnie Houck, Vice-Chair
Stephen Swann
Andy High
Bill Wickers
Judy Helmey

Council Members

Ben Hartig
Chris Conklin

Dr. Michelle Duval

Council Staff:

Gregg Waugh
Dr. Kari MacLauchlin

Dr. Mike Errigo
Julie O'Dell

Other Participants Attached

The Mackerel Advisory Panel of the South Atlantic Fishery Management Council convened in the Crowne Plaza Hotel, North Charleston, South Carolina, Monday afternoon, April 7, 2014, and was called to order at 1:00 o'clock p.m. by Chairman Robert Pelosi.

MR. PELOSI: I guess we can get started now. First I want to welcome you to this year's session of the Advisory Panel for mackerel. Let's go around the room and make sure we have all the introductions.

MR. OGLE: Tom Ogle; Beaufort, South Carolina. I'm a recreational fisherman.

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

MR. HIGH: Andy High from Wrightsville Beach; commercial fisherman.

MR. GAY: Jodie Gay, Hampstead, North Carolina; ex-commercial. I do a lot of tournament fishing now and tackle manufacturer.

MS. HELMEY: Judy Helmey; Miss Judy Charters, I charter fish in Savannah, Georgia.

MR. SWANN: Steve Swann; recreational fisherman; Atlantic Beach, Jacksonville, Florida.

MR. HOUCK: Ronnie Houck; commercial fisherman, Florida.

MR. PELOSI: Bob Pelosi; recreational and somewhat commercial; Stuart, Florida.

DR. MacLAUHLIN: Kari MacLauchlin; council staff.

MR. ADAMS: Tim Adams; Sebastian, Florida. I am a commercial fisherman.

MR. WICKERS: Bill Wickers; Key West, Florida. I am a charterboat captain.

MR. PELOSI: We certainly have a quorum with as many of you that came this afternoon. Our next thing is to approve the agenda. I think you all have a copy of that. If you don't have copies of that and the amendments and the things that we're going to discuss, they are over on the table there by the door.

Does anybody have any objection to the agenda? If not, we'll go with the agenda as it is written here. Speaking of the minutes of the last meeting, we need to have approval. Did anyone have any conflict with the notes?

MR. GAY: Bob, I did have four minor corrections. I had to call back. I had left my notes at home. I called back to my wife and got them a while ago. All I've got is what it was supposed to say; I don't have what it says. On Page 61, where I was speaking, it should read "I can't imagine". I don't know what word was there. On Page 68, me speaking again it says "I don't know how enforceable it is". Page 71, the word "something" should read "someone". On Page 82, Bill Wickers is not checked as present and he was indeed there.

MR. WICKERS: Yes, I was.

MR. PELOSI: They can pick that up from the tape, I believe. I have two things. Page 62; we voted and in parentheses it said “vote not taken on the record”. I believe what we did was we had a show of hands. It was unanimous in one case and there was no opposition, so we just went on. The person writing the minutes can’t really see hand signals several months later when they’re doing this. I just wanted it to show that on Page 62; on that motion there was no opposition to it. There was one abstention, Dick abstained from it.

Then on Page 72, likewise on the vote that was taken there. We just did a show of hands, so I want the record to show that the motion passed. That one passed with no opposition. Other than that, I entertain a motion the minutes be approved. Bill Wickers makes the motion; Tim Adams seconds it. All in favor, aye; so I guess we got that taken care of. Kari, do you want to take us through the Joint Amendment 20A?

DR. MacLAUCHLIN: Well, what I am going to go through first is just to give you guys an update on some of the amendments that you have reviewed at the past few meetings and where they are at and what is going on. The first one is Joint Amendment 20A. The councils approved this last fall and it was submitted to NOAA Fisheries.

I sent you guys an e-mail a week or two ago, I think last week, about the published proposed rule. Where this one is at now is that it has gone to NOAA Fisheries. It is under review and you can give additional public comment on it. Then when they publish the final rule, they address all the comments.

The council has already approved this for submission and they won’t review that again. This is the one that prohibited bag limit sales of king and Spanish mackerel in the South Atlantic except for state-permitted tournaments. Then in the Gulf it prohibited bag limit sales except for state-permitted tournaments and then also king and Spanish caught on for-hire trips on duly permitted vessels; but that is only in the Gulf.

Then also it removes the income requirements for the king and Spanish mackerel federal permits. That is 20A. I e-mailed out the link to the NOAA Fisheries Bulletin that has all the information, where you can get on and you can provide comment, if you want to comment on that proposed rule. You can also get on their website and go to Fishery Bulletins, and it is under there. That is 20A, moving along.

MR. WICKERS: I was wondering; this advisory board has consistently recommended to the South Atlantic Council that the bag limit sales be allowed. It has been consistent from day one. For many, many years it was the South Atlantic Council that basically kept the Gulf Council from prohibiting, because they always in the earlier days wanted to prohibit bag limit sales.

Both councils had to agree; and when it got to the South Atlantic Council, the South Atlantic Council did not go along with the Gulf. Therefore, the bag limit sales remained in place for 20 years. Now, I still don’t understand it, because it is an extremely important thing in the Keys for bag limit sales for all fish and not just the kings, but especially the kings because that is our main winter catch.

A lot of our boats are dual. We have commercial permits and we have every permit under the sun. I think on my boats I have 11 permits, because we have to have state permits, we have to

have South Atlantic, we have to have Gulf, we have to have special things for the Sanctuary. We have permits of all types.

But, anyway, what I would like – and I don't know whether it is allowed, but I would really like if there is a way, because I can't imagine there couldn't be a way, that since the Gulf Council has not agreed with the South Atlantic Council and they would allow bag limit sales; I would like to recommend to the South Atlantic Council that they take our advice and go along with the Gulf on this. Now, you said it is out of their hands now, they have already sent it, but there is no way that they can have a review on that or something?

DR. MacLAUHLIN: Well, the only way the AP, if you wanted to, would be to approve a motion – if everybody is in agreement with that – to recommend to the South Atlantic Council that they look at bag limit sales again in another amendment. Now, 20A has been submitted so they won't change that one. They could change that in a future amendment. That is really the only way you could go right now.

MR. WICKERS: Do both councils have to agree, though, for it to go and be implemented?

DR. MacLAUHLIN: Well, the councils have to agree on their preferred alternatives. They don't have to have the same rules in each region. Both councils have to approve the other council's whatever they preferred. In this case the Gulf decided they wanted to allow the sale from the king and Spanish on for-hire trips with a duly permitted and allow state-permitted tournament sales in the Gulf Region. The South Atlantic also decided to do that.

MR. WICKERS: Well, the Gulf stocks are all the way up to Volusia County up until, what is it, March 1st or something?

DR. MacLAUHLIN: Well, the bag limit sales are prohibited in the Gulf Region, the landings.

MR. WICKERS: Because I know we fish under the Gulf of Mexico stock up until March 1st. Then on March 1st all our fish change to Atlantic fish. You are saying that up until March 1st we could sell our bag limit fish; but after March 1st we couldn't?

DR. MacLAUHLIN: No, because the South Atlantic Council has jurisdiction over that area. Even when you're fishing on the Gulf stock on the South Atlantic side of Florida, the South Atlantic Council has jurisdiction. They are not allowing bag limit sales on the South Atlantic side of Florida for those for-hire trips, only for state-permitted tournaments.

MR. WICKERS: Well, can you explain if the Gulf Council controls the Gulf stock, how would that be? I'm a little bit confused; I know they always had to agree in the past.

DR. MacLAUHLIN: They do have to agree, because it is a joint, but they have to have the same preferred alternatives under the action. The councils manage just their areas, just the fishermen. The Gulf stock/Atlantic stock that we use, those are biological boundaries. Those are set up by the scientists.

The Gulf has jurisdiction and makes the rules all the way through their jurisdiction in Florida on the Gulf side of the Keys and everything; and the South Atlantic has jurisdiction. Even though

you are fishing on Gulf king mackerel for part of the year, it is still the South Atlantic and the South Atlantic Council; they make the rules for that. That was the agreement.

MR. WICKERS: I'm not quite sure about that one. Anyway, I would like to make a motion that we ask the South Atlantic Council to reconsider that, especially in light that the Gulf of Mexico has a different proposal.

The proposal that the Gulf is proposing is the one that was supposedly for years the one that the South Atlantic Council had originally come up with; but for some reason it didn't fly. Really to this day I don't understand. Now the councils have reversed themselves. **I would like to make a motion that we recommend to the South Atlantic Council that they reconsider the bag limit sales.**

MR. PELOSI: Okay, a motion has been made by Bill Wickers. Is there a second to the motion?

MR. GAY: I'll second it, if nothing else for discussion.

MR. PELOSI: Jodie seconded the motion.

MR. GAY: I wouldn't mind hearing what the arguments were at the table with the council, Ben, how we arrived here.

MR. HARTIG: Well, first, Bill, I would like to know if your motion is specific to charterboat sales or bag limit sales, because those are two different things and the Gulf has approved charterboat sales and not bag limit sales.

MR. WICKERS: Just bag limits on a charterboat.

MR. HARTIG: Okay, your motion is specific to charterboat sales.

MR. WICKERS: The only reason it is specific is because I thought you all have to agree on the wording. We've always supported bag limit sales as long as you had a commercial license or whatever, because you can't sell them unless you have a commercial license. I know the Keys are unique and everything, especially now this new confusion is that even though we're fishing under the Gulf stock, we are under the South Atlantic's rules. In all these years I've never heard that before.

MR. HARTIG: To be honest with you, the way Kari explained it is probably not my understanding of how it was in the past as well.

MR. WICKERS: I know it is not mine.

MR. HARTIG: That if you're fishing on a Gulf stock of fish, that you would have to go under the South Atlantic's interpretation of bag limit sales – South Atlantic rules on bag limits sales if you are fishing on a Gulf stock. That I did not know.

DR. MacLAUHLIN: You understood 20A to mean that in the mixing zone, when you are fishing on Gulf stock that you can have bag limit sales on the for-hire trips?

MR. HARTIG: No, in the mixing zone, my understanding of that was that we weren't going to allow the sales, because it was in the mixing zone and there were both fish we were considering. But when you get to just Gulf fish in the Keys, this is news to me. It wasn't my understanding that the South Atlantic regulations would apply to Gulf-caught king mackerel, specifically Gulf caught. But that is a mixing zone as well, Gregg, isn't that right, and Kari; that area in the Keys is considered a mixing zone as well?

DR. MacLAUCHLIN: My understanding is that in the South Atlantic the bag limit sales, in the jurisdiction which is the council boundary which cuts through the Keys on the South Atlantic side of that; regardless of what you're fishing on, if you're fishing in South Atlantic waters, even if it is a Gulf stock, because it is a mixing zone area you cannot sell those fish. That was the South Atlantic's jurisdiction had to do with the council's jurisdiction.

MR. HARTIG: Well, that makes perfect sense, but I don't think I understood exactly that was what would transpire after we did this, to be honest with you. I did not know that based on the migratory patterns of the fish, that if you're fishing primarily Gulf fish in Bill's area of jurisdiction, that South Atlantic rules would apply to those fish.

DR. MacLAUCHLIN: Okay, this is in any of these documents. I put all the maps in there. From April to October it is still – even though the Gulf group and the Atlantic group; this is where at this time – and this may change after SEDAR 38 – the scientists believe the Gulf stock is over here, the Atlantic stock is over here, because the Keys in this area are a mixing zone; but this still applies to South Atlantic waters at the council's management boundary, which is going to come through the Florida Keys. April through October you are fishing here; and it would be you are fishing on Atlantic stock of king mackerel. If you're fishing on the South Atlantic jurisdiction, you cannot sell the fish caught on the for-hire.

MR. WICKERS: But we don't catch kingfish in October, okay? When the boundary switches and it goes up to Volusia County and now we're on the Gulf stock; you are still telling me that we have to abide by Atlantic rules? That makes no sense to me, because the commercial guys, they have to fish under Gulf rules. The trip limits, everything is all set by the Gulf.

MR. HARTIG: I still can tell you that our intent was to not allow sales of fish through that east coast mixing zone or the east coast subzone. That was definitely one of our areas that we wanted to get those bag limit sales discontinued. As far as the rest of the boundary, I am not sure what we're doing.

Certainly, this motion may be appropriate for us to look at this and for the council to really consider and talk about what we really wanted to have done. The other thing is we just reconsidered the bag limit sales on reef fish and we allowed that to – not the bag limit sales, but we allowed reef fish; the captain and crew bag limit we allowed them to retain that. There are things that we have looked at, and we've gone back on and changed. I think if you all want to bring this before the council for further discussion and for us to discuss it; I think that would be appropriate.

MR. WICKERS: I still want the motion. This is under discussion. I was just wondering what seemed to be after all these years a major sticking point, because this council was the one that has always been supportive for almost 20 years on the bag limit sales and now we have a reversal

and the Gulf Council – I know councils change. That is why you have one or two new members, and all of a sudden the vote changes and stuff.

But it just seems like over the years we've made a very, very good argument as to why the bag limit sales, especially on the charter industry in the Keys it is like we're – it just seems odd that you can go out on your day off and commercial fish with all our licenses and then the next day you've got five people on a boat and they want to leave you the fish.

They are welcome to have them. We welcome to clean them up; they will take them. But we have especially in the winter months like with the kings; about 70 percent of our fish, the people don't want them. They fly down there and what the hell are they going to do with them? It has always been like they can give them as a tip.

If I went out now and we can't sell the kingfish, I don't even know is it okay if I, say, gave it to a commercial fisherman? Are we allowed to even give them away? We're like what do we do? Can you give them to anybody? Can anyone give away a bag limit caught fish?

MR. PELOSI: Bill, I would think you could give them away; but whether that person could sell them or not, I don't know. That is a gray area. I just want to just go ahead and call the question on this. Your argument is well known. I do say one thing is that the support for the sales has been eroding.

I've even changed my attitude, because I always sold my bag limit and now I can't because the dealers won't buy them. They won't buy bag limit fish, because they count against their commercial quota and they think that is wrong, which is their right to do so. Anyway, can we go ahead and call the question? Bill's motion was for the council to recommend that they reconsider the bag limit sales. Now, didn't you put a thing on there for the charterboats?

MR. WICKERS: Yes, for the charterboats; the same wording that the Gulf Council has adopted. How does it read? It reads caught on a for-hire trip and that the vessel has both a for-hire and a commercial vessel permit. At least you all would be consistent.

MR. PELOSI: Okay, that is the motion, and it has been repeated by voice and it is made by Bill Wickers. **All those in favor raise your hand please, six in favor. Those opposed; we have two opposed. The motion carries** and perhaps Ben can explain a little bit to the council what the reasoning is.

MR. HARTIG: If I may Bob; Jodie asked the question why is the council going down this road. It has been one way for us to try and professionalize the fisheries and get a separation between commercial and recreational. Although Bill makes the point, it has for years and years and years; the charter fishery is a different gray area type of fishery in that it may be an avenue where you might want to allow some bag limit sales. We continue to have the motion made by the Dolphin and Wahoo Committee every time they meet to reconsider dolphin and wahoo sales specifically for the charter industry. This is something the council will talk about again.

MR. WICKERS: One of my main arguments was that when people would say to us, yes, we run a charterboat; but if anybody thinks that it is like all fun and it is not a commercial enterprise, you have the wrong idea of what a charterboat is. A charterboat is just like anybody that makes

money off the ocean. You have to make everything count, and that is all we've been asking for. That is why you do more than one thing; you have to. Thank you.

MR. OGLE: How does this fit into what I was reading about the Amendment 20A whereas tournaments could sell bag limits if it was used and if the money proceeds went to charities. Now, has something changed with that or did you add this to those ideas or where does that stand?

MR. PELOSI: I think that stands by itself; and that is pretty plain.

DR. MacLAUCHLIN: Both councils decided that they wanted to let the states – if they wanted to allow tournament sales of king and Spanish; that was okay. The councils wanted to just give that to the states, but they specified a state permitted so there would be some kind of license program and reporting program like in North Carolina.

MR. OGLE: But that is stipulated to – the proceeds are stipulated to go to a charity; is that correct?

DR. MacLAUCHLIN: If the state specifies that.

MR. PELOSI: I believe that is for a charity like an artificial reef foundation or something like that. It wasn't particular a charity or food for the poor or something like that.

MR. HARTIG: While we were talking about those boundaries, I would just like to mention in the assessment there has been some substantial changes in the boundary determinations. The Volusia/Flagler County Line for the mixing zone has been moved all the way down to Dade/Monroe County Line.

There will be a small mixing zone off the western part of the Keys and then a line. I can't remember exactly where the line is drawn from Key West; but from Key West west and into the Gulf, those will be considered all Gulf fish. There will be substantial changes in this next assessment based on who is who and how they figure out what fish is what. Stay tuned.

DR. MacLAUCHLIN: After I have finished giving you guys the updates on the other amendment, one of our council staff, Mike is going to give a little presentation to you guys about what is going on with the boundary and everything. I'm going to move on to the next amendment that is under formal review.

That is South Atlantic Framework Action 2013. You guys reviewed this last year, and then the council approved it in the fall and it was submitted to NOAA Fisheries. Then I also sent you the proposed rule where you can comment on this also. This is the one that had the provisions to allow transfer at sea for Spanish mackerel harvested with gillnets when one set went over the trip limit.

It basically set up these very specific conditions, and it was modeled after the otter trawl scup fishery in the Mid-Atlantic. We used the same kind of system that they set up there. It says specifically what the conditions have to be and then how the transfer can occur. It also modified the king mackerel trip limit and the Florida East Coast Subzone in the mixing zone. That one is

under review and you can provide comments online, you can look at the Fishery Bulletin, or I sent you all a link with that one.

MR. PELOSI: I might just mention that the way they have it set up with the online stuff, it is very, very easy now to make comments on these fishery things as they come forth. It is not like it used to be where you had to write a letter and so forth. In just a few statements you can say you are in favor or you're not or you don't like this or that. It is very easy now with the computer and the online and so forth. Okay, what do you want to talk about next?

DR. MacLAUHLIN: Okay, next I am going to tell you guys a little bit about what is going on with some amendments that are still under development. One of them is Amendment 20B. You also reviewed this one at your last meeting and it has several actions in it. It has a fishing year change for the Gulf zones and then a trip limit change for the Gulf hook-and-line king mackerel.

Here are the actions in 20B. You reviewed this and you gave your recommendations for all of these. It was expected to be approved by both councils in the fall; but they have different preferred alternatives for this Action 2 that changes the fishing season for migratory Gulf group king mackerel for the eastern and western zone.

Actually that one is just for – they were looking at the fishing season for the western zone. The South Atlantic Council has decided to take no action in changing the western zone fishing year; but the Gulf Council wants to change that fishing year to start September 1st. The Gulf Mackerel Committee actually met this morning.

They reviewed the South Atlantic's decision to select no action to change the fishing year for the western zone; and at this point the Gulf Council has decided to keep their preferred. Right now the amendment cannot be submitted until the councils are all in agreement on what preferred alternative they want.

The South Atlantic Council recommended just taking out that piece that would change the western zone fishing year since the councils can't agree on that and put it in another amendment later, so the rest of this can go through. As of this morning, the Gulf Council is not agreeing with that. We will see what happens. If not, it will come back to the South Atlantic Council in June and they will review that.

Until the councils have the same preferred alternatives it will just go back and forth. The other amendment that is under development in this one is Framework Amendment 1. This one is the amendment that will update the Spanish mackerel ACLs. I also want to comment on the name of that amendment.

Usually we call these framework actions or framework adjustments. We decided with the NMFS Regional Office that we needed a consistent way to name these amendments; so we decided we would just start calling them framework amendments and we're going to start at Number 1. This is just like a framework action.

There are specific things that the council can change, bag limits, trip limits and stuff like that through a framework amendment and then updating the ACLs. Framework Amendment 1

updates the Spanish mackerel ACLs, because we just got the stock assessment results for Atlantic and Gulf Spanish mackerel. It increases both of those.

It increases the Atlantic Spanish mackerel ACLs from 5.69 million pounds to 6.063 million pounds; and then it increases the Gulf by double or something like that. It is very high, 11 million pounds or something. The Gulf Council approved that today. That one would be submitted, and they will get those new ACLs hopefully this year for Spanish mackerel.

MR. PELOSI: Okay. the update on SEDAR 38.

DR. ERRIGO: My name is Mike Errigo. I work for the South Atlantic Council, and I attend the South Atlantic SEDARs. I will let you guys know what is going on with SEDAR 38. Unfortunately, I don't have that terribly much to say; just let you know mostly what happened at the data workshop. Not much happened at the assessment workshop, because there was a lot of data workshop stuff that didn't get done that they mostly did at the assessment workshop.

At best, I got to see a preliminary continuity run for the Gulf; and that was it. It didn't really mean much, because the definition of the mixing zone changed quite a lot. I will show you what the new one looks like. Ben was saying about what that one looks like. First, I will talk about the mixing zone, and then I will just tell you a couple other things that they were having trouble with and that they were deciding on at the assessment workshop.

The old mixing zone, as a lot of you guys are aware of, went from the Volusia/Flagler line down to the Monroe/Collier line. The new mixing zone just goes from the Dade/Monroe line to the South Atlantic/Gulf of Mexico jurisdictional boundary. I will show you the picture of what that looks like. All the data, the landings, the effort, all the indices; everything has to be redone for the new mixing zone all the way back to the beginning of all the time series.

All the models have to be run with the new data series for everything, so everything could change. I will show you it is probably going to have the largest impact on the South Atlantic. Here is the old mixing zone. This is the winter mixing zone all the way up to the Flagler/Volusia line; and around the bottom of Florida all the way up to the Monroe/Collier line. Here is the new mixing zone; so here is the Dade/Monroe line right there and then here is the Keys.

This is the jurisdictional boundary between the South Atlantic and the Gulf. I will just show you a blow up of that. This smaller piece; this is the new mixing zone. Everything here is Gulf. All of this part of Florida here that was originally mixing zone is now South Atlantic all the time. It is not part of the mixing zone anymore.

There was some new information – well, it is not new information. It is information they were able to put together now that they weren't able to do before. Then they looked at some stuff in a new way and were able to refine the estimate of where the mixing zone is. This is just an example of what they looked at. This is commercial landings for November, December, January, February, and March.

The X axis here, Texas, Louisiana, Mississippi, blah, blah, blah, all the way; and then these are the Florida counties here. The red line here, that is the old mixing zone; and then these are

landings. These peaks, these spikes here, those are the landings. These are Gulf landings on this side and South Atlantic landings on this side.

Then they were able to see how we get these waves of landings coming down the Florida Coast and a pulse of Gulf landings that basically ends right here at the Monroe/Dade line. But this pulse of landings that comes in from the South Atlantic doesn't mesh; and it doesn't mix in with the Gulf landings very much, just a small amount of mixing like here and that is it.

That is why they were able – they said there is really no mixing going on up here at all. That is why; and they used this – they had recreational. I think it was headboat CPUE graphs that looked just like this, and they also had temperature. They looked at temperature graphs similar to these and stuff like that and were able to show that there is really not a lot of – they couldn't show any mixing in that northern Florida above like Miami.

They said it is very, very unlikely that there is a lot of mixing going on; so they refined what the mixing zone looks like based on looking at this information. That is the big change for SEDAR 38, and that took up a lot of the time in the data workshop actually. It is going to change the indices. These are the old indices.

This is what they would have looked like with the old boundary for the South Atlantic. Here is the MRFSS ones here. Most of them have a downward trend at the end except for the North Carolina trip ticket. But the new indices, I've seen some of the reruns and they don't look like this actually. They are different; they are much higher.

They don't have these steep declines at the end like that. The mixing zone – and I have seen the Gulf reruns also; and they don't hardly change at all. It seems that this change in the mixing zone boundary is going to have a big effect on how the South Atlantic assessment will run. It doesn't look like it will have such a huge effect on the Gulf, but it will on the South Atlantic.

In the original models they had to stop all the indices at the mixing zone line. The new models will be able to run the indices all the way down to the new mixing zone lines; and apparently that is making a big difference. Then these are just some of the other things that they are trying to deal with. Shrimp bycatch; they did not have any shrimp bycatch in SEDAR 16.

They are having a shrimp bycatch time series in the new assessment; but they are going to have to use a different methodology than they used in the Gulf. Apparently the shrimp bycatch in the Gulf is enormous; and according to observer data which they have now, which they did not have in SEDAR 16, it is much, much smaller in the South Atlantic than it is in the Gulf.

They are trying to use that observer data to scale the SEAMAP trawl data smaller, to project backwards. They are trying to figure that out. They had problem with the growth curves. Mackerel grows really oddly compared to like most of the snapper grouper species. They grow extremely fast in the young ages, from the ages of 0 to 1. Then most of the information is 2, 3, and 4 year olds. Then they seem to continue to grow all the way out into 17 and 18 years of age, which is odd. Usually they taper off; so they are trying to fix those problems.

They also are thinking of using the El Niño southern oscillation so they have an index; it is either warm or cold. They are thinking of trying to use that to inform catch-per-unit effort information.

In warm years you would expect to see a lower CPUE and in cooler years you would expect to see a higher CPUE; so they can scale the CPUE from all the commercial and recreational sources.

Instead of seeing this was a really bad year because the CPUEs are all low; it might be that maybe it was a really warm year and it was just harder to catch king mackerel; and so they can scale that with this. I'm not sure if they will use it or not. That is something they were considering.

Unfortunately, the assessment workshop was really bogged down in several problems. The next webinar is coming up in several weeks; hopefully, we'll have more information then. These issues here, I don't have any more information on, but the mixing stock has been determined and it is going to look like this for the assessment.

MR. WICKERS: Yes; on what you just hit on about the warmth – on the issue that you just said about the warm and the cold; I can tell you from anecdotal evidence that the warm and the cold make a huge difference. The colder the winters that we get in the Keys, which are very few anymore; but historically if we had what we would consider a really cold winter where it was down in the 60s a lot and even 50s; we would have kingfish just everywhere; I mean Gulf side, Atlantic side, every place.

The years like this year where the cold fronts never make it that far; I know that you all had it terrible up here, but they got about halfway down Florida and then they would stall. Our average day has been around anywhere from 70 to 85 most of the year. We've had a terrible kingfish season off of Key West. That definitely has a bearing. It is not so much I don't think that they bite; it is just that they don't migrate as far.

MR. ERRIGO: The reason why they are considering that is because they have seen trends. There is someone who is doing their PhD thesis who is looking at all the data, and she has noticed the trend in I think it was the El Niño southern oscillation – trends in that and catch-per-unit effort in the different sectors.

MR. GAY: Mike, from what I understood what you said; at least on paper the mixing zone will change, but in reality has it changed? Has science been wrong all along or is it something actually happening down there that is changing in reality?

MR. ERRIGO: They actually discussed that quite a lot at the data workshop, both of those things. In reality there probably haven't been that big of a change in the mixing zone from SEDAR 16 to now. What has changed is our understanding of what is happening and our information that we have and the way we're able to look at it. But, also there probably has been some change in mixing and the way the fish are migrating and mixing over time. It is very difficult to track that because we don't have the studies ongoing.

But, if you go way back to was it SEDAR 5 I think was one of the earlier SEDARs for king mackerel to now; there most likely has been a change in like how much mixing is going on in these areas. We couldn't track that but whatever limited information they had then, and then the limited information we have now shows there is a difference.

But mostly this change is due to the fact that we're able to look at the information in a different way, and we have some new information that we can look at that helps us. We weren't able to look at the landings like that by county over time before, but now we're collecting data in a different way.

We're able to look at the landings by county and we can watch the landings migrate towards the mixing zone; but we don't see a lot of mixing going on until way down here. It is a bit of both. There is some change in the mixing zone, but not to the degree that you see that change.

MR. GAY: Can I follow up? I see Ben has moved to the table and I'm glad, because I know we do have his and some other expertise in that area that have always convinced those of us that aren't from down there that there really is a mixing zone and that we've got fish coming from both directions in that area. I am interested in hearing this. At the same time when you said it will have more effect on our assessment than the Gulf assessment; will it adversely affect our assessment or will it make it look better?

MR. ERRIGO: Well, that is a good question. I cannot tell you for sure. All I can say is I saw some reruns of the indices, which were not the final reruns, and the downward trend wasn't as bad as it looked in those indices in this right here; but that does not say anything about how the model will come out.

It really can be unpredictable what it will say in the end; but a lot of things will change. A lot more fish are going to be added to the South Atlantic stock now than were in the past, because you are not splitting those fish between the South Atlantic and the Gulf. They are all going to the South Atlantic. What it will say, I really don't know.

MR. HARTIG: I think Mike gave a very good explanation of what occurred. We brought our industry scientist, Peter Barile, in and he brought the migratory patterns as they change within a week. It was weekly landings going down the coast by county. That precipitated the assessment group to really look at that and focus on that, and they took it to another level.

They looked at it in the Gulf and in the Atlantic and they traced how these movement patterns are. On average the patterns have changed enough where there is not that much mixing occurring in the old mixing zone. They were confident about moving it that farther south. I wasn't as confident moving it to that distance.

In 2010 we had a really cold winter; and in that winter the Gulf fish did move around to the Palm Beaches where that was traditionally where those fish had met. Now, all the fish from the Cape that they normally catch moved into the Jupiter area; and all those fish that moved around from the Gulf moved to that area.

That biomass that I saw in that timeframe was as high as I had seen in the sixties, which I hadn't experienced anything since then of that biomass. I could run two miles through a school of fish that never quit. I was convinced that was what had happened in that year, that everything got pushed together and then we did have that really strong Gulf influence; and that the Gulf had recovered was the other question in everybody's mind.

In 2006, when we did the last assessment, the last year of the fishery-independent survey showed this giant spike in recruitment for age zeroes, the smallest fish that they harvested. The assessment scientists said be careful because we don't know how this is going to translate into the fishery.

Fish at this size, within three or four inches long, we really don't know how that is going to translate; but those fish in 2010 would have been five- to six-pound fish, and that is exactly what we saw in 2010 in the east coast. We saw fish of that size and tremendous biomass. It translated and the Gulf stock really received a lot of benefit from that year class.

That is a rare even now;, and they weren't as concerned even though I brought that up, well, look what happened in 2010. Well, we're not really concerned, because on most years that is not what is happening. In most years they are not making that trip around into Palm Beach, and the fish from the Cape aren't getting pushed down that far.

I think realistically we'll manage the fish as what they really are now, on average much better. That is really the way we should be managing. Now the impacts on our side; we know that the fish aren't doing quite as well, although we've seen some increases in recruitment just recently, in the last year or two; some of it showing up this winter, some of it showed up last year in some observations that we saw in our area.

There is some recruitment – and Tim mentioned some smaller fish in with the mackerel again, which is another great thing to see. We may be on the cusp of another good year class coming into our fishery, which is great and we really need it. In the assessment itself the fishery doesn't look that bad, because we still have a lot of older age fish in the population, which is really interesting.

The tournament samples we do plus some of the fish that we sampled in the live bait fishery off the east coast of Florida shows we do still have a pretty good contingent of larger fish. We're just missing the central part, what everybody targets, what the recreational targets. You know, their selectivity, what they target is those 10-pound fish on trolling gear; and that is what the commercial gear primarily targets are those 8- to 10-pound fish.

Those are what are missing. It is not that the whole stock looks horrible; it is just that center part of the stock is really missing. If this year class translates into a good year class and it fills in, we should be fine. It is just unfortunately this assessment won't take that data into consideration, because it is a year out of the data that we're using. I think on average our stock is poised to look better in the future. I hope that helped.

MR. PELOSI: Thank you, Ben. I might also mention that during the eighties when a lot of this information on the mixing zone was made, we had three 100-year freezes. I am 69 years old, and I have seen 5 100-year freezes in the last 40 years. We have had some weather, and now we seem to be on a warmer trend and things are looking a little different than they did before; so I can see where that mixing zone has changed. Are there any other comments?

MR. HARTIG: I would just say, Bob, to your point about temperature; we had some presentations at a climate conference that the Mid-Atlantic Council put on about a month ago.

We could be right on the cusp of another ice age; so stay tuned, the mixing zone may change again.

MR. PELOSI: I have been saying we're just coming out of the last ice age. You know it was only 10,000 years ago. Anything else, Mike, you wanted to report on?

MR. ERRIGO: That's all I had unless there are other questions. I would be happy to answer any, but that's all I have.

MR. GAY: It's not a question, it is just a comment. Ben, as you get away from the table; this is a conversation you and I have had for years. Throughout all the fisheries in my observation of paying fairly close attention for 30 years; when a stock has already corrected and is helping itself come back is when all of a sudden it goes to hell on paper. When you start getting hit with a bunch of regulations when it has already fixed itself, we've seen it species after species after species. I think this will be the second or third time I've seen it on kingfish.

MR. PELOSI: Okay, I guess we can move on to the update on the progress of CMP Joint Amendment 24.

MS. MacLAUCHLIN: The next three amendments that we're going to talk about are three amendments that we don't have documents for yet. We just have these kind of discussion documents. The first one we're going to talk about is Amendment 24. This is Attachment 2, and there are some hard copies over there. This one is the one that talked about moving allocations or an ACL shift, which I will get into what that is.

What the council has directed staff to do is to put together an options paper. We took this to scoping in January, so we did get some public input. Then we're going to take that and staff input and your input into the options paper that we will present to the council in June. Then the council will decide how to move forward.

At this point there is no really set timeline. We don't have an amendment yet, so we just kind of have this document that has some general information and some ideas that the staff has put together. What I want is for you guys – I have some specific questions to see what you think about what we should do and your recommendations and we're going to incorporate those into the options paper for the council, and then just anything else that you want to comment on.

A little background on this is that the Gulf and the South Atlantic were talking about this for Atlantic Spanish, looking at Atlantic Spanish and Gulf king mackerel, because over the past few years the commercial sector has bumped right up against or even gone over their sector ACL, and the recreational sector has not hit their ACL.

The total ACL, the stock ACL for Atlantic Spanish and Gulf king hasn't been exceeded, so biologically this is fine. It is not affecting the stock; but is there a way either to reallocate, so move some of that recreational allocation to the commercial or some kind of in-season ACL shift. That is what the South Atlantic Council is interested in looking at for Atlantic Spanish mackerel.

Right now the Gulf king mackerel; the Gulf council has decided they're going to wait until the SEDAR 38 that Mike just talked about is finished, especially because of the changing boundary and everything before they really do anything with king mackerel; but they are leaning a little more towards just reallocating between commercial and recreational. That is what they're looking for.

We have a couple tables in that document. Table 1 is Atlantic Spanish; this includes the South Atlantic and Mid-Atlantic regions. I put in the past few years, 12 years or so. I have this white column is the total ACL, the stock ACL. It was 7.04 and then in Amendment 18 it went to 5.69 million pounds.

Then I have the percentage of that ACL that was landed in this green column, so you can see that the total ACL hasn't been exceeded; so biologically that is good. It is not hurting the stock in the way we have this set up. Then over here in this pink column or orange, I have a percentage of the sector ACL that was landed; on the left side commercial, the other side recreational.

You can see that especially in these last three years the commercial has actually exceeded their commercial ACL, so there wasn't an in-season closure. They fished all the way through the year; but then when they finalized the landings and got everything put in, they realized that they had gone over.

Well, there is no payback, because the total ACL wasn't exceeded and that is how it is set up for king and Spanish mackerel. However, the commercial is going over; and if that is tracked in a way that it can be projected when 100 percent of the commercial ACL is going to be met, there may be an in-season closure for Atlantic Spanish mackerel, commercial.

But then on the other side you can see that the recreational is using 40 to 60 percent of their allocation. The council is thinking what if we move some recreational to the commercial. I also have in here Table 2; that is the Gulf king mackerel, and it is a similar situation where here is the total ACL for Gulf king in this white column. It is 10.8 million pounds.

Then in the green column the percentage of that total ACL that was landed, so you can see that the Gulf king total ACL is 50, 60, 70 percent or so. Then over here in the pink column where we have commercial, you can see the commercial butts up and has even exceeded that commercial ACL for Gulf king.

Then over here on this furthest column is how much of the recreational ACL was caught; and you can see it was 30, 40, and 50 percent. The Gulf Council is kind of going to wait on the Gulf king to really dig into that until after the stock assessment; so probably the South Atlantic may move forward with the Atlantic Spanish mackerel by themselves.

What I am going to ask from you guys is your input on what to do about the Atlantic Spanish mackerel. Some of the questions that we asked when we scoped these in January was, number one – one question that came up is do you want to reach the total ACL; and then, secondly, what are some ways that you could do that.

I have the maps in here just for your reference, so everybody can look at the maps. For Spanish mackerel, this is Figure 3. You'll see over here it has – this line here at the South Carolina/North

Carolina, it says northern zone/southern zone. That is actually proposed in Amendment 20B, where there is going to be an allocation to North Carolina north and then an allocation to South Carolina, Georgia, and Florida. That is just the commercial ACL.

That is waiting in 20B when the council can agree on that one action with the Gulf fishing year. I just have that in there to remind you that once 20B goes through, there will be these separate commercial ACLs for that northern zone and southern zone, if it goes through. We've just got to keep that in mind.

Some of the general topics from the public input included the written testimony that people gave, written comments people sent in and then also just informal discussion with me and with Ben that we had at the scoping meetings. There was some support for reallocating – this is for Atlantic Spanish specifically – some concern about the validity of the recreational data through the MRIP and the MRFSS data.

There were some folks that brought up, well, they weren't confident that the MRIP data is actually representing the recreational catch, and so maybe that recreational percentage is so low for how much of the recreational ACL they caught, because they weren't confident that the data was correct.

There was some support for an in-season mechanism to move part of a sector ACL to the other sector if one sector hasn't met a certain percentage of its ACL by a certain time of the year. That is what we're going to talk about because that is what the South Atlantic Council is interested in. Then there was also consideration of the variation of recreational and commercial landings in the different zones and subzones for Gulf king mackerel; that came up.

Then there was discussion of the value of leaving fish in the water instead of reallocating some of the recreational ACL to commercial ACL. Those were just some of the comments we got when we were on the road. What we have in here is these are drafts. This is staff. We put these together just so we could kind of start to think about what the actions would look like, what the council is going to need to talk about.

We came up with three actions. The first one is establishing a threshold that would trigger that ACL shift for Atlantic Spanish. Then the next one is how much would be shifted; and then the next one talks about the framework procedure for reallocating. Here is our draft. These will have already changed, because we've been bouncing them back and forth coming up with ideas.

Staff will present those to the council – we'll say what do you think – then they will edit and arrange and tell us what they like and what they don't like. These are all just ideas, nothing is set in stone, so now is the time for the AP to say this is how we think, this is what we like, what the council should think about.

The first one establishes the trigger threshold for the ACL shift, and we have our no action alternative as always. Then Alternative 2 will trigger a recreational to commercial with one trigger. The next one has two triggers. Basically we have these subalternatives, and it says at what time of the year that we will look at this and the recreational landings have to be lower than a certain percentage. These are ones we just threw in; the first wave of the fishing year, which is actually MRIP Wave 2, March and April.

If in that first wave the recreational landings are less than 10 percent of the recreational ACL, that will trigger the shift; after that second wave, which would be May, June, recreational landings are less than 25 percent of the recreational ACL; after the third wave, which is July, August, recreational landings are less than 40 percent; and then after the fourth wave, which is September, October, the recreational landings are less than 50 percent.

What we wanted to present to the council are some ideas about the timeline; at what point in the year, how far should you wait before you make this decision to shift the ACL, and then what is the performance threshold basically for the recreational sector, like how much should they have caught for them to be able to not shift any of their ACL?

We've looked into kind of the general trends of recreational landings when they're coming in throughout the year. There are no really discernible patterns about – sometimes there are really high landings right off the bat in March when the season opens. In the spring Atlantic Spanish recreational landings are really high, and then sometimes it doesn't happen until August, and then sometimes it doesn't happen until the fall.

We can't really see a pattern overall in the region. There may be some more localized patterns in how the recreational anglers are catching Spanish mackerel. That is our first one if you guys want to just comment on at what point in the year you think this should happen; that they should even start to consider it, and then at what level they think this should happen.

MR. GAY: I feel like I am dominating this meeting; that I'm the only one with anything to say. I missed the argument as to why this is necessary. I know that the idea of being able to borrow on this ACL thing; as far as if one sector exceeds its catch, being able to borrow some, if you will, at least on paper some fish so that it is not declared overfished by either sector as long as the total ACL is not exceeded.

I believe that idea was born on this advisory panel in fact and spread into the council and on from there. I am reminded when I first started fishing many years ago a dear friend of mine who is now gone who was one of the eldest in our fishing community, if Andy and I started arguing on the radio, would tell us to not stir it, it might stink.

I think that Andy knows who I am talking about, but I think applies here. If the idea that we're working with now, the working hypothesis now isn't blowing up, this one can definitely blow up. I mean nothing can make the council, I don't believe, or NOAA look worse than if suddenly the commercial sector has borrowed fish from the recreational sector and the recreational sector ends up getting closed as a result of it. I think it really opens up for a lot of issues.

MR. PELOSI: Okay, thank you. Bill, you have a comment?

MR. WICKERS: Yes, looking at the low amount of recreational fish being caught percentage-wise, why hasn't there been any consideration to increase the bag limit? I mean, if they are not catching enough fish, that would definitely increase the catch, right, if that is what you're worried about.

DR. MacLAUHLIN: Well, we actually had the council discuss that because there are other ways, like if the council wants to increase the percentage of the total ACL caught or the

recreational ACL caught, you can look at are there any closures or closed seasons, is there some kind of obstacle in the way? They talked about bag limits, which is 15, and that had been raised at one point. That is something the AP can comment on. Would that help them reach the recreational bag limit?

MR. WICKERS: What I'm looking at here, other than one year since 2001, they didn't even hit 50 percent in the Gulf. This is Gulf, right? I remember in the eighties and nineties or whenever we first started all of this, we used to exceed the recreational limit. Because they used to have such a tight quota; both the recreational and the commercial would overrun. We kept telling them that there were a lot more fish out there and they finally started increasing it. I knew that we hadn't been reaching the catch, but I wasn't quite aware that like in 2011 and '12 it was only like 33 percent.

DR. MacLAUHLIN: Are you talking about the Gulf king mackerel:

MR. WICKERS: Yes, I'm looking at this – is that what we're discussing here?

DR. MacLAUHLIN: Well, really, the Gulf Council has decided they want to wait until after the stock assessment for king mackerel is done.

MR. WICKERS: Yes; that is the one I was looking at.

DR. MacLAUHLIN: It is in there, we can talk about it, but Table 1, the table right before that is Atlantic Spanish mackerel. That is kind of what the South Atlantic; they want to go ahead and move forward and we want to get some input on it.

MR. WICKERS: But if you do it in the Spanish, what I'm saying you most likely would possibly review it and decide maybe for the kings, too, correct? I know that originally came here. I was just thinking that before, like Jodie said, you would start an uproar. The obvious thing would be to increase the recreational bag limit first maybe before you did that.

I have no problem. If you have a fishery that is underutilized, I personally don't have a problem increasing the commercial catch. If it is going to cause a problem, that would be one thing. If you went from two fish to three fish, on paper you are increasing it by 50 percent per person catch.

MR. PELOSI: Okay, we're trying to talk about Atlantic Spanish here, Bill. Some of your points are well taken. A couple of comments I have; and one question is how quick after the fourth wave of fishing is that information known?

MS. MacLAUHLIN: That was one of my questions I asked Mike actually, and he said the wave data are ready like exactly 45 days, one and a half months after that. That is what was tricky about these later waves are waiting until September/October; which is sometimes when the recreational catch kicks in. You wouldn't be able to even evaluate how much of the recreational ACL had been caught until mid-December, in which case you only have like two months left, which may still be fine for the commercial sector.

MR. PELOSI: When does our year for Spanish start?

DR. MacLAUHLIN: In March.

MR. PELOSI: In March; okay, that would be possible. The other thing that I can see looking at that; I believe a lot of the fish come from Florida right in our area, right, Ben? I don't know what the figures are for the Carolinas and Georgia and so forth.

MR. HARTIG: Yes; I can't remember what the percent of the commercial production is, but, yes, a lot of the commercial production comes from Florida. I don't know about the recreational numbers, and I have always wondered about those, Bob, about where the recreational catches of Spanish occur. That is probably something we should find out.

MR. PELOSI: Yes, because there are a lot of recreational fish caught; but I think that number has gone down in our area for a couple of reasons. One, we're just coming out of this recession; and there wasn't as much effort by the recreational sector. The other is that some of the recreational people don't want to go down and get into that mess of boats down there, and so some of the recreational fishermen are just avoiding it.

Also, you can see where the percentages went way up in 2009, right there in the beginning of the recession, and there were so many people who had lost their jobs that seemed to be out there catching mackerel, and I didn't see those boats this year. I didn't see new boats. I didn't see boats coming from up and down the coast, and I didn't see west coast boats. There was, I thought, a lot less effort on the commercial part. Would you agree to that, Ben?

MR. HARTIG: Yes, overall a couple of things. The mullet fishery was so good this year that many people didn't come; they did so well with mullet. Then the cast net fishery itself wasn't that good; it was only for a very relatively short period of time. Those guys are primarily cast netters and they didn't participate in the fishery much this year.

The cast netting wasn't as good as it is in some years when we have good recruitment. Overall I think I would agree with you, Bob, I didn't see as many recreational fishermen there this year and the commercial participation wasn't as strong as it has been in recent years. Some of them went king fishing, some of them have done some other things.

MR. OGLE: If there is any question about the validity of the recreational catch, the MRIP, how can you go to any of these Subalternatives A, B, C and D until you get that one fact settled and you have got confidence in those numbers. I think we're dead in the water until that happens.

MR. HARTIG: Well, the council has to use MRIP, period. I mean, we have to use that; that is what we use. That is what is available. That is the best science we have; we have to use it. Are there methods being used every year to try and make it better? Yes, there are things that are being done to try and make it better. They are talking about going to one wave.

They are talking about possibly some kind of electronic reporting for recreational fishermen. You are probably aware this is going through the whole country. It has a groundswell of support behind it. I think eventually we'll see some kind of electronic reporting in the recreational fishery. I don't know how it is going to be done or who is going to support it or how much money it is going to cost, but I think that the people want it. The recreational fishermen want it. I think that sometime in the near future we're going to see some indication of that.

Florida has gone to I think a reef fish stamp, haven't they, Kari, for red snapper on their state license; so they are trying to identify and make some better identification for reef fish fishermen in that fishery. I think even though there are questions about MRIP, it is what we use. It is what we have to use; and that is the standard by which we're going to manage.

That is the number we use. The other thing I would say I think it would really help, Kari, on that table, Table 1, just get rid of the past quotas; substitute in there what the allocation is now for every year. That way you will go back and you'll look at the percentages caught and how what we are allocated now would impact the percentages for all those different years.

That way you will have that whole timeframe based on what we have now; and you will see the impacts to each group. That way you can look at it through that whole time scenario; and you can see how much fish you could shift between the two sectors based on what we have now, which is the most important part of what we're trying to do today.

That would be very important to have that information. There are different ways, and staff has really settled in on doing it between waves. You could look on a yearly basis and shift some part of allocation for that year just on a yearly basis. There are different ways you could do this. Based on a longer timeframe, maybe you look at five years or you look at what has happened in the last five years; and the percentage based on what we have now, how much percent can we shift?

Do we shift it forever; no? What problems will that create for the fishery? If the fishery does go over, Jodie, which you brought up a great point, what happens if the fishery goes over? Well, there are no paybacks in Spanish; so if they went over for one year, the council would address that and change that for the next year.

Most of our AMs for the recreational fisheries we use a three-year average; and if they go over persistently, then we subtract a portion of that. I'm probably not explaining it right, and Gregg could probably catch me up on how we exactly do the AMs for the recreational fishery, but I know it is not based on an in-season closure for Spanish, if I'm correct.

I don't think there is an in-season closure of Spanish, and we monitor the landings for persistence because it is a healthy fishery. In that case, you wouldn't have a big impact if you went over in any one year. I think we can do this if you all think it is appropriate. I think we can do it in a fair way where we really don't impact – I don't think we need to shift 100 percent to each one in any one year.

I think we can get an average that looks like it won't impact the recreational fishery, and we don't go over the entire allocation, which I think for sustainability that is a very important part. I think we can do it, and I think there are some other options to what Kari has outlined that I was thinking of to do this. Other discussions to come.

MR. SWANN: It would seem to me that what Jodie says has a lot of validity about stirring the pot; but it would also seem to me that it would make sense to look at potentially increasing the recreational limit as well as transferring the remainder at the end of the season, maybe a little bit of both rather than one or the other, perhaps.

MR. PELOSI: A comment on that is a couple of years ago right here we heard that the recreational had too many fish, 15 was too many, they didn't need that many fish. I don't know if it was put into a motion, but there was discussion and we decided just to leave it at 15. I just wanted you to be aware of that.

MR. SWANN: Yes; and I recall that now that you mention that. It kind of makes sense, but still I think if you're talking about taking from the recreational and giving to the commercial, it is going to cause problems.

MS. HELMEY: I kind of agree with what Jodie said. To take into consideration the recession and if you ask me how many boats I see every day when I go fishing, it is nice to have the ocean to myself. I am the only one out there other than a few charterboats, and that is about it. What happens if you start pushing all this?

I am not against giving it to the commercial; I'm just saying what happens; because we all know if you start doing something, you can't change it back. It takes years to change something. What happens if you start changing it to the commercial and then we get people who finally decide to go fishing again; what are we going to do then? They end up closing us, because we've given everything to them.

DR. MacLAUCHLIN: Just to clarify quickly; this is an in-season shift that the council is looking at. Basically it would happen at some point in the year; and then at the beginning of the next fishing year, it would go back to 55 commercial and 45 recreational every year. That was what was of interest to the council and to some folks that we talked to in that it would go back every year. It would reset itself to the original one.

It is not a permanent shift in allocation. It would just happen at whatever point in the fishing year, and so it was flexible. I also wanted to point out that we don't have to – you can recommend to the council or you guys can talk about this; it doesn't have to be only recreational to commercial.

It can be set up where it can go either way. In the future if things start to shift and the recreational landings start to go up and there is more effort over there and the commercial starts to go down; you can move some commercial to the recreational or something like that. We're talking about it in terms of taking some from recreational and giving it to commercial during the year; but it doesn't have to be that way. It can be written in. I just wanted to clarify that it is not a permanent reallocation; it is just for that year.

MR. PELOSI: I think what the council is just wanting us to do is to give them some recommendation of what type of a trigger to go with. I think if we were to say to shift 5, 8 or 10 percent from the recreational to the commercial, that wouldn't go over too well with recreational fishermen; but if there was a trigger that a certain percentage could go if it hasn't been caught, that might be more agreeable. I personally think in a couple of years it is going to probably go back to what it was historically as we come out of the recession and the fishing goes on.

MR. HICKMAN: I might be kind of talking out of school a little bit; but are we missing maybe an underlying point that I'm hearing from a lot of my fishermen in our area and I am personally experiencing? We were talking before the meeting about what is happening to the Spanish

particularly in our area. They are just not as abundant nearshore in the last three or four years as they have been previously.

We start looking and at talking with other fishermen in the shrimping industry; they are not catching shrimp nearshore like they have previously been catching in the last three or four years. Everybody in my area is talking about beach renourishment. The fact is that beach renourishment has a reverse effect.

The reverse effect is that where is all that sand going that they have to pump up on the beach year after year? It is washing back offshore, up to a mile in our area, covering up all that muddy bottom that baitfish and other fish come in to feed on. Therefore, these Spanish and other fish don't have the bait to feed on that recreational fishermen are fishing nearshore; and there are no fish there for them to catch.

In my personal experience, I've had to move further offshore because the Spanish aren't there like they used to be. I was just talking to Andy before, and last year he moved offshore, caught a tremendous amount. I just am thinking of the discussions that I've been involved with in the last year with the Corps of Engineers and with other people about what is happening to our soft nearshore bottoms as a result of beach renourishment that is driving our fish stock further offshore, because there is nothing there for them to feed on but sand.

There is no mud for the organisms to attract the bait fish that attracts the Spanish and king mackerel nearshore. It is driving our fish offshore. I spoke with a gentleman in Jacksonville, Florida, about this. He says there is no question about it; our fish are being driven offshore because our bait fish nearshore is not there.

Are we missing the point that it is not being discussed by the council, by the Atlantic States Fisheries or the National Marine Fisheries? I've talked with people engaged in this process with the National Marine Fisheries, persons here in Charleston, and other people with NOAA. This is becoming an increasing concern with those people about the soft nearshore bottoms not being included in the EPA studies for beach renourishment.

It seems that the EPA studies for beach renourishment and our soft bottoms was left out of the assessment; because if they put our soft bottoms and nearshore bottoms in the process of beach renourishment, they could not issue the permits for beach renourishment because it would disturb and destroy our soft bottoms. Are we missing the entire point of why the recreational nearshore fishermen are not catching the fish that they previously caught because the fish are not there? They are being driven offshore because there is no bait for them to feed on. Thank you.

MR. PELOSI: That is a good point. I saw something that we've had – I don't know if it was in the minutes here or something that the council doesn't really have input on beach renourishment projects. Maybe the council could ask for some help there. In Florida we don't like the beach renourishment projects, but for other reasons because we don't have soft bottom. I don't know what the answer is there because the council really can't do much about great beach renourishment.

MR. HICKMAN: Well, it is being looked at and investigated.

MR. PELOSI: Well, glad to hear that. Tim.

MR. ADAMS: Bob, if you would like, I'm prepared to make a motion.

MR. PELOSI: Yes, that would be a good idea, go ahead.

MR. ADAMS: **Well, I would make a motion that the advisory panel accept no action at this time.** The reason is that I think a lot more discussion needs to be had on this particular subject given the fact that there are other options available just through the discussion that I've heard that might be more appropriate than what the staff has presented to us.

The other question that I have, too, if there is going to be a shift in the boundary lines, which you have proposed, that might create some problems on the commercial allocations as well that we need to address to ensure that North Carolina and the northern areas of that get the allocations appropriate for them to where they don't wind up being inadvertently shut down sooner than what they normally would historically; and also allow us in Florida and the southern zone to continue what would be our sustainable amount of harvest.

I know there are some triggers or options available there that we can still continue to fish after the quota has been met; but if we could set down and discuss the feasibility of not having to go that route, but yet not put another sector out inadvertently; I think it is a little premature with what we're dealing with here on these options to go ahead and try to accept one.

DR. MacLAUCHLIN: **Just to clarify your motion; I'm going to put the advisory panel recommends no action at this time for Atlantic Spanish mackerel.**

MR. ADAMS: **No action at this time for Atlantic Spanish mackerel.**

MR. PELOSI: **Do I have a second for that motion?**

MR. HICKMAN: **Second the motion.**

MR. PELOSI: Bill, you've had your hand up a while.

MR. WICKERS: Yes, under discussion here, I kind of agree with the motion. Looking at this table, it seems like the culprit here could be that after 10 years they decided to drop the fishery catch down to 1.35 million pounds; and then you wondered why the commercial catch keeps going over. You took about 650,000 pounds or more from them.

If they went back to the 7.4, which was a historic one – I don't know the reasoning behind that, obviously, because there didn't seem to be a problem. That may be the culprit right there. You would have to take a look at why did they go down so much if there were a lot of fish that wasn't being caught and yet they still reduced the catch. I don't know – anyway, that is just a comment.

MR. GAY: When we first started discussion of this, I was 100 percent certain that no action was the correct thing to do here. With the clarification from Ben, which brought me to the realization that there is no hard quota that would result in a closure mid-season; I am not as certain it is the way to go; but without seeing some landings data and when these landings are occurring, where

and what months, it is kind of hard to take an educated guess at which one of these alternatives might possibly fit.

DR. MacLAUCHLIN: I'm just trying to get input from you guys. It is at the very beginning stage. We have already – you know, staff likes to give them something to say this is what it would look like maybe if you like it; so as of now these are completely changeable. They haven't even told us what actions they want in there.

We're putting together things that we think they would need to think about, so just any kind of input, even if it is like, well, if you're going to do this, it should be at this point in the year at least or something like that. Just your comments that you guys are making right now; I am going to be able to relay to the staff when we're doing this and to the council. Nothing is set in stone; it is so incredibly at the beginning stages.

The next time you guys see this you will have all that information. You can look at the recreational landings by state and you will be able to see that. Just right now we're trying to really wrap our heads around what direction to go in. One thing that has come up is your concern about should the council look at this at this time or anything? They are interested in it, so it would be great to get some recommendations from you guys about if you are going to look at this, how to go about it.

MR. PELOSI: I think, Kari, we really need more information before us to make intelligent decisions on it. Jodie, did you have something else?

MR. GAY: Yes; just before we leave it, I made this comment to Andy off the record, but I would rather make it on the record, too. We are looking at Amendment 24; next we'll be looking at Amendment 26. When in the heck do we pat ourselves on the back and say we did it? It seems we're never done.

MR. HARTIG: That is a good point. One of the problems we've had, Jodie, as you are probably well aware of, is when the council got involved in the ACL Comprehensive Amendment for three years, a lot of things got put back on the back burner. We have some things we approved in 2004 for king mackerel that we didn't move forward, that had been already approved by the APs.

That is one of the reasons you're seeing this now. The other thing is keep in mind with this reallocation, it is not a reallocation; it is just moving allocation in one year. One of the council's charges is to obtain OY on a continuing basis, and we're not doing that in a number of our fisheries.

The optimum yield for the fisheries is not being obtained, because some of the portions of the fisheries aren't producing their level of catches. We're not getting OY out of our fisheries, and it is not the best benefit for the nation to get OY. Now, there are other arguments in a recreational sector that may -- what is OY for recreational fishing? Is it the experience of being able to catch fish very easily? Certainly, OY can be couched in that discussion.

But the other part of that is in all of our assessments now you will see stocks that you have never seen except almost virgin in the past. By the time we've managed the stocks at the levels of the

assessments we have now, there will be a lot more fish in the water. To me, once we manage at that level; that you need to try and take what the assessment says you can take. Trying to maintain OY, like I said, that is one of our charges and that is what we're trying to do.

You will see us do this in a number of different fisheries down the line. We're going to talk about it in snapper grouper as well and trying to shift this. Judy makes a great point about the number of offshore fishermen and Bob talks about people coming back. Well, I'm not so sure. If you look at how much it costs to buy a boat to go offshore these days and the amount it costs in fuel prices; I'm not so sure we're going to get to the level of recreational anglers that we had in the past.

If you think about in Florida in particular about what we had in the past; we had a bunch of construction people in Florida, a lot of them. They were good fishermen and they had the boats, and they went fishing every time they could. Every minute they had they went fishing and they caught fish. They're gone.

The new people who come in aren't going to be as experienced anglers, aren't going to be those meat hunters that we had; so we're going to have a whole new group of fishermen that entered the fishery, maybe not near as hardened as those in the past or as good a fisherman. We're just going to have go look at this as time goes on and shift things back and forth as we need them, I think, in order to try and get the best benefit of our fisheries for the nation. That is kind of what the council is looking at in the long term in trying to deal with these issues.

MR. HOUCK: I don't believe this is premature; I think that it is going to be for one year. It is not like this is permanent. Why not try it? Look, we've been through hard times. We've worked hard to get this stock back healthy again; and here we are arguing about giving some to the commercial or giving some to the recreation. Why do we need to argue about it? We worked hard for these fish. If they want to give us some, let's take some. It is foolish.

MR. WICKERS: I would say that I've seen the same thing down in the Keys. There has been a dramatic drop in the amount of people using their boats because it is just so expensive. Boat prices and resales, you can tell a boat is worth about half of what it was ten years ago. But what I would say is if the stocks are healthy enough to have an ACL like that and your percentages are the way they are; obviously, you need to take a really hard look.

If people are not going out and fishing as much, allow them when they can afford to go to catch more fish. People that maybe could go out once or twice a month, maybe, now they only go once a month or once every other month or whatever; but when they do get to go, don't restrict them as much as you have in the past.

If there are more fish out there for them to catch, let them catch some. If there is more for the commercial guys, increase the quota. The point like I'll get back to is I still don't understand why that MP was dropped if there was – in other words, obviously the statistics were showing that it was a healthy fishery. That should have increased it and not dropped it.

MR. HARTIG: Well, that is a great observation from the assessment, but the assessment comes out with an MSY and a catch level based on what they use in their data. Really, if you look at 6.03, which is our new MSY for Spanish – or new ABC, rather; it is not the MSY, it is the new

ABC. That is pretty close to what the average catches are over time if you look at that. It is probably pretty close to what is sustainable for the long term, so they are not far out in what that is. The only problem we have now is the distribution of catch between the two sectors.

If one sector isn't catching theirs and one is, then the commercial may need just a little more so they don't go over. That is something the council is interested in looking at. I would agree with you from what I've seen in this document that it is going to be hard to make any concrete suggestions on how the council should move forward.

If you don't think we should move forward at all, if you don't think this is the right way to look at this in the future, we need to know that as well. I do think from my standpoint looking at this, there are things that I would like to see different. You heard me the table I would like to see based on the catches that we have now in place would be much more informative to me than what we have in the past. Then you could really look at the percentages and say, well, this is what we have now and, yes, we could shift this possibly.

MR. ADAMS: Ben, I don't think it is that we don't want to see any kind of a change. I think it is something that the council should address and probably make recommendations later on that are more appropriate to fit what we're trying to achieve. I just don't think that we need to try to put into place any of those subalternatives right now.

There is too much information that we don't have. You had a good suggestion of taking the average of all of those landings over that timeframe and maybe combining those to get a total ACL and then divvy it up equitably amongst the two user groups. That I like; but I'm uncomfortable with trying to accept anything other than option no action at this time; later on, absolutely.

I think we're going in the right direction as far as looking at it and trying to consider what we need to do in the future; but now is not the time. I think we would be shooting ourselves in the foot to go into it blindly thinking that what we've got on the table now would be appropriate and it is the only way to go. It is not. I think with a little more discussion we can come up with something a heck of a lot better. Not to discredit or put down anything that the staff has recommended there; we just need more information and I don't want to move that hastily on it.

MR. PELOSI: Tim, I think we're trying to interpret it that the council wants to do something right now; and I think they are just trying to feel us out. Looking this thing over, I would like to see a model based on the third wave of fishing, which is the July/August; which wouldn't really come out until October 1st or about the 15th – they say it takes about a month, a month and a half – just to see the model and what it would look like.

Then we could have something to really make a recommendation on; but I think maybe we should ask them to look into something like that or if you have a different time and then come back next year with a model with some numbers and poundages and suggestions as far as what percent to move from one sector to the other; I think that might be the way to do it.

MR. ADAMS: Well, we can either vote it up or vote it down.

MR. WICKERS: Yes; there is a motion on the floor, isn't there?

MR. GAY: Ben and others, I am still uncertain and maybe I missed it. With it set up the way it is now where one sector can borrow from the other at the end of the fishing year to keep from exceeding the total ACL; until we get closer to both sectors exceeding their ACL, why is anything necessary? As long as one can borrow from the other, it looks to me like we're good for the immediate future until both sectors start getting close to or exceeding their ACL.

MR. HARTIG: Well, we can't borrow yet; that is the thing. This is something we're trying to do. This is something that we would like to try and do to get closer to OY and some of that unused ACL. By law we can't do it yet, because we haven't set up the process to do it. The council is interested doing it in a number of fisheries.

You know how this council has managed over time, Jodie. We don't want to go over the total ACL. That is something that we don't want to do, and we don't want to impact an assessment. If it happened in any one year, the council would certainly make changes to make sure it didn't happen again the next year to the best we can.

I don't think you are going to see this council manage at such a fine point where we move the total that you could move over to a particular fishery in any year. I don't think you are going to see us do that. To me, I think you look at a reasoned percentage over time – and I have looked at Spanish in some detail.

I've looked at all the numbers that I asked Kari to put up earlier. I've already gone through the numbers; this whole time series based on 6.03. To me, I looked at how much the recreational had left in their highest year of landings and maybe shifting that over. You take the highest year – this is just another option I'm thinking of – the highest year recreational, and that is all you ever shift for that one year.

You may shift that once, and that might have happened – I think that was only in one of the outliers of the ten years in the past. To me, I think it is going to be a conservative move that this council makes to try and shift some fish over to make sure we don't go over the ACL and that we don't impact the recreational fishery. I think we can do it.

I certainly understand you not wanting to go forward with any specifics today. I don't think that really was what we really wanted you to do in the first place. We wanted really for you to look at kind of what the staff had; is this what you would like to see in this direction? You've actually told us, no, which is great. You said, hey, we want to see more things.

We want to see more information brought to the table before we can make any concrete judgments on this and that is great. We just finished scoping on it, so we're in the early stages. We went out and we didn't have real specifics in this amendment to go before the public and tell us how you would like to see it.

That is really what we're asking you to do here today; tell us how you would like to see – if you want this to go forward, tell us how you would like to see us do it. I think we can bring the next time you all meet something before you which has more options, after you look at the real impacts of what our current ACL will do, I think that we can do.

DR. MacLAUCHLIN: I have to talk with Jodie really fast, because I'm taking notes and everything what everybody is saying. You were talking about there is an existing accountability measure where there is not a payback unless – like a sector can exceed its ACL; there is not a payback the next year unless the total ACL has been exceeded; that is what you were talking about?

MR. GAY: Correct, yes.

DR. MacLAUCHLIN: They are kind of borrowing from that total ACL to avoid a payback. That is in effect. What I understood your comment is if the green column – if the total ACL starts getting close or going over that total ACL, then look at shifting back and forth or something like that?

MR. GAY: My understanding was we realistically, as you just said, can shift back and forth. One sector can borrow from the other at the end of the fishing year so there are no subtractions from the next year. That is what I thought we were talking about.

DR. MacLAUCHLIN: That is correct; but for the commercial, if they are projected to hit that ACL, they can trigger an in-season for the commercial, an in-season closure.

MR. CONKLIN: I have a little bit of a broader view of this mechanism that can shift a little bit from one sector to another. Looking down the road, there are some issues coming up about reallocation. We've seen the Gulf of Mexico go through it on a number of species, and it has really driven a dividing line between sectors. It has been turned into a big war.

There are a lot of people getting involved that don't need to get involved. If you guys could provide some guidance, which is why we're all here, to maybe step up and come up with some good ideas to have some sort of different mechanisms that could shift from one sector to another; we may be able to avoid all this heat, per se, or a storm that could happen potentially. If it is a tool we can use and try and the fish are there, I certainly don't think you should make any decisions on these alternatives right now, but at least be open-minded to it and consider it before rejecting it. Thank you.

MR. PELOSI: Okay, I think we're sort of opened-minded, but we just didn't want to get trapped into something and we really want more information.

MR. WICKERS: I was just thinking that we maybe beat this to death and maybe we just need to vote.

MR. PELOSI: I think you're right, Bill; why don't we go ahead and vote on it. The motion is the advisory panel recommends no action at this time for Atlantic Spanish mackerel. Maybe we should add that more information is needed or something. Let's see what Ronnie wants to add.

MR. HOUCK: What more information are we looking for? We've got a quota that is not being met on the recreation side. The commercial side, I think the last couple years it has been met. Can I get some comments on what kind of information we need to make a decision on this, because it seems to me it is pretty spelled out what the council wants us to do; but nobody here can come up with a tradeoff with this overage of quota we've got. It doesn't seem like we can

come up with any ideas. What I recommend is some of the advisory panel comes up with ideas of them giving us the information we need; what do we need?

MR. HICKMAN: I think what Ben said about the recreational electronic accountability and accounting is the best news that I've heard in a long time of really knowing exactly what the recreational community catches, because there has really been inaccurate data, as far as I know, all in the past of actually what is being caught by the recreational community. The commercial community does it by trip tickets and it is pretty well established exactly what they do; but there is no real solid evidence what comes from the recreational community except assumptions by observers and not by the entire picture.

MR. PELOSI: Yes; you're right on that.

MR. WICKERS: I just had a question that maybe would help me. That 28 percent that went over; what impact does that have? Does that impact you the following year? Who is in charge of telling you when to stop? I am just trying to figure out; in other words, if we're trying to shift it to make up for the 28 percent you're running over and that doesn't impact you though if you do run over; what is the problem? That is one of the questions. I think that is why we need more information.

MR. GAY: Forgive me for being behind here, and I appreciate what Chris and Ben and others have said, it seems the council really wants to do something here, but under Magnuson aren't you required to consider historical allocation like we've always done? Would this not in effect be changing that? Would it be changing the way you look at the historical allocation, bringing it to more current – you know, maybe fewer and more recent years than when it was originally set up; is that what this is an attempt to do?

MR. HARTIG: That is a great question, Jodie, and I don't know how that works into if you don't change the allocation – we're not talking about changing the allocation, per se. What we're talking about is allocating a percentage of unused harvest from one sector to another sector in any given year.

That is what we're talking about, so we're not changing the percentages, per se. I mean, you could – in Spanish I think that is probably one you could do, because in Spanish you have a long-term percentage that hasn't been caught by the recreational fishery; and you could in Spanish make a de facto change in a percentage, you could do that.

But, I think this council has realized that in this allocation debate that a more functional and maybe more acceptable way to do it is to move some fish in any given year back and forth between the sectors, so you don't get into this hard-tooth fight about allocations. You don't get, well, you're taking from us, and that is in stone forever like some of you have mentioned today.

That is not how we really want to approach it I don't think in the long term. Just do these shifts back and forth; and it is back and forth, believe me. I can see possibly in black sea bass, shifting some black sea bass possibly to the recreational side if we can't get away from this whale closure. There are some shifts that could occur both ways. It is primarily going to be to the commercial, from what I've seen so far, but there are some instances where we could shift some fish to the recreational sector.

I think it gets away from that Magnuson argument that you mentioned of hard, fast allocations by just shifting a portion of an ACL in any given year. It is a new way of thinking about things; and the fluidity of it to me really has a lot of appeal and to get out of that percentage fight. You shift some fish and you try and be conservative about it. You try very hard not to go over the total ACL, so you don't have problems in your assessment down the line.

Now, as far as someone mentioning accountability; Bill said who is accountable? NMFS is accountable for shutting down the commercial fishery in a timely fashion. Now we've made some changes in reporting. Now we have weekly reporting, Gregg? When is that supposed to go into effect; do you know?

We don't have weekly reporting; I see Michelle shaking her head. Well, we talked about it. We have an amendment that has it in there. It is still in the process. We're not quite there yet, but we are working on weekly reporting, which should help increase our accountability. NMFS is cognizant of this and tries hard to shut the fishery down when it is.

But talking about Spanish mackerel, if you look at Spanish mackerel biomass, we're way above biomass at MSY already, so the stock is way up here. Your overfishing level is here; here is your stock up here with their biomass. It is a rare, rare event that we have that the stock is in this shape or so high above biomass at MSY. Spanish is one fish where you could actually switch things; and if you did have a problem, it really wouldn't make any difference to the stock in one year.

MR. PELOSI: Kari, did you want to say something?

DR. MacLAUCHLIN: Well, I was going to answer Bill Wickers question, but Ben did. We've been trying to think of these. It is something cool to think about, because it is a different way to manage and the mackerel fisheries are so dynamic and they change every year. It depends on things like the availability of Spanish mackerel nearshore because of things outside the control of the council and the economy and the fish moving and their food and everything.

This is something that could benefit both sectors by being able to move them. We've been trying to think of a name for them and one was flexi-quotas, because you know they will move back and forth. There will be flexible management, and that is what you want for mackerel; adaptive management that is going to allow the council and NMFS to make those changes quickly within a year, so that everybody can have access that year with those specific conditions. That is what they are trying to do.

MR. HARTIG: Bob, if I could just make one more point; Bill, you were talking specifically about king mackerel when you were mostly referencing your bag limit comments; but we increased Spanish from 10 to 15. It did not change the recreational catch.

MR. WICKERS: It didn't?

MR. HARTIG: No, it did not change it. Once you get up into 15 fish, you are almost talking about commercial quantities. If you are going to increase it anymore, you are not solving anything. We had the other comments from actually for-hire people who said why did you raise

it to 15; because now we have to clean 15 fish for all our customers, so we had that as well. This AP has acknowledged that in previous meetings.

MR. PELOSI: Okay, let's get back to that motion.

DR. MacLAUCHLIN: The information from Ronnie's suggestion; what specific information that you feel like you would need to evaluate this a little more for next time around; and Bill Hickman said better information about the recreational landings, for example, setting up electronic reporting for the recreational landings.

I kind of have through the conversation a little more about what times of the year in different states are the recreational landings coming in, comparing the states. Mike did jump over here and tell me that he looked it up quickly and recreational catch is about split pretty evenly with the majority in North Carolina and Florida.

You have those two being very similar and then Georgia and South Carolina a little more minimal. That is the information like what is the seasonal trends and locally around the region for the recreational landings. What else would be helpful for you guys; because if it would be helpful for you to make a decision, it would be helpful for the council?

MR. PELOSI: I put that more information is needed when we were trying to come up with something specific, thinking the council was trying to come up with something specific. I think the advisory panel's motion – correct me if I'm wrong – means that we're just not ready to go into this at this time.

Is there anybody here who is really dead set against this moving of percentage of the ACL from one sector to the other? Okay, but we are pretty much set in our belief that we want to keep the allocation – what the heck is it?

DR. MacLAUCHLIN: 55 commercial and 45 recreational.

MR. PELOSI: 55/45; is that correct? Okay, so we just haven't had an option presented to us by the council staff that we liked. We are sort of stuck on this motion and we need to either vote for it or against it so we can talk about other things.

MR. GAY: The one thing I would say about this motion, if it was an absolute no action motion – I think what we're saying is don't forget the idea. I think it started at that but I think it has kind of evolved into, yes, this has got some merit; but we don't know what the hell to do with it, so give us something else.

MR. PELOSI: Well, let's go ahead and we have got this motion; we have to dispose of it. Let's go ahead and vote on the advisory panel recommends no action at this time for Spanish mackerel. **All those in favor raise your hand. I will vote for it; that makes seven votes and that motion will carry. Is anybody against it; one against.**

Right now I guess it is time for us to take a little break; and then I would like to see if we could come up with something real quick that we could give the council some guidance or maybe just let them know that we think it is possibly a good thing to do and to look into it further.

MR. HICKMAN: I think the number one thing that we're all looking for is some accurate data from the recreational sector that we can base an accurate decision on. That has never been there. I would really like to, if possible, see where the majority of Spanish mackerel now are compared to anything they have in the past; if they really have moved further offshore or are they more or are they the same pattern being caught as in the past, nearshore or offshore. Maybe different regions will experience different events, but they is definitely a shift in the pattern of where fish are in a lot of different species.

MR. PELOSI: Okay, maybe some of the data they collect on the commercial sector will show that; because they do have to put down what sector that the fish are caught in. Let's take about a ten-minute break.

MR. PELOSI: Time to get started again; we went over a little bit on our break. Let's bring the meeting back to order, please. We had a lot of discussion here during the break. I would like to ask the council if they would look into three different alternatives.

DR. MacLAUHLIN: Is this a motion or just direction?

MR. PELOSI: I guess direction. If there is a lot of objection to this, maybe we will withdraw some of it or all of it. I would like to ask the council to look into on Action 1, the Subalternative 2; after the third wave of fishing, it doesn't really say – the MRIP, Wave 4, July/August; recreational landings are less than 40 percent. That could possibly be a shift, just possible.

This is when they are asking for the information on shifting. Now that is one; then the other is it was brought out in our discussions – and I forget who said it – was look at the allocation shift based on historical catches really from the beginning of the fishery management, which would go back to about 1974, Ben, is that right, when all those allocations were started from the beginning of the management to the present. What hasn't been figured in is the catches recreational versus commercial in the last few years; but look at it all now over the entire history that we have.

DR. MacLAUHLIN: The catch ratio?

MR. PELOSI: Yes, the catch ratio; look at the entire history of it. Also the next one would be to look at bumping up the commercial catch by 5 percent, 8 percent, and maybe 10 percent; just look at them, as long as it is kept under the total ACL; meaning both the recreational and the commercial combined.

DR. MacLAUHLIN: So increasing the commercial ACL?

MR. PELOSI: Yes, bumping up the commercial catch as long as it is under the ACL. This will give the council a couple more options and things that they can discuss. I think Ben is going to come back to the council, as well as Chris Conklin, letting them know what our discussions were here. Does anybody else have anything that you would like to suggest the council look at?

DR. MacLAUHLIN: I need a little clarification. You think that we should do some analysis on – this would be Subalternative 2C.

MR. PELOSI: Yes, that is to move a yearly transfer of the percentage of the recreational catch to the commercial; just look at it.

DR. MacLAUCHLIN: And then to look at the entire history of the catch ratio with recreational and commercial; so just provide like a big table.

MR. PELOSI: Like a big thing, and then look at it and see –

DR. MacLAUCHLIN: And see what the percentage is; and then the last thing is look at increasing the commercial ACL; and that is just yearly, and then go back this – not a permanent shift; that is what you're talking about.

MR. PELOSI: Right, this is yearly; all this is yearly. Although maybe it is time to change the entire history of the catch ratio, I don't know, but that could bring that out, too. At least we would have that data. Bill, did you have something to add to that?

MR. WICKERS: The only question I have is I thought that those percentages were based on historical catch; and what you're saying is you already determined that they can transfer that without even knowing what the historical catch was?

MR. PELOSI: No; they know what the historical catch is.

MR. WICKERS: Well, look at entire history of catch ratio –

MR. PELOSI: It hasn't been averaged in the last few years. See, it stops at 2011.

MR. WICKERS: Update is what you're talking; that makes more sense.

MR. PELOSI: Yes, update; that is what we want. Jodie, you have something?

MR. GAY: No, it is just a comment. When you start looking at the entire history of the catch ratio, and I am not opposed to what you're trying to do at all, Mr. Chairman, but I do think once the council starts looking at this, they are truly stirring it. If you start updating the catch ratio or the catch history to more current times, wahoo and dolphin are pretty recent, anyway, just because management just really started on those; but with the snapper grouper, with mackerel, with kingfish, when you start looking at changing that, to some extent it is driven by regulations as to why those changes have taken place. I think like I said you're stirring it. Good luck!

MR. PELOSI: All I'm asking is just to look into it.

MR. HOUCK: We've got a quota that is not being met. Jodie, what are we stirring?

MR. GAY: What I'm saying is what you're stirring is if you start taking fish from one sector and giving it to another and the reason that sector's catch wasn't higher was because you didn't let them catch the fish – and this can work both ways, recreational and commercial. Absolutely can work both ways – then I think you're really stirring it. I'm not saying it shouldn't be stirred, but I'm saying it is going to stir it. But, yes, I'm all for looking at utilizing more of the ACL and getting up to optimum yield where possible; but it does open a can of worms here.

MR. HOUCK: This can benefit recreation and the commercial. I believe that the recreational will see this as well as we do. Maybe not, but maybe if we would explain to them what is going on here; we've got a stock of fish; the quota is not being caught; it is a healthy stock. We've been under regulations for how many years now?

I think I've been on the advisory panel 15 years and there has never been an increase. I don't believe there ever is going to be an increase. We've got a chance to catch a little bit more – we'll catch this quota, and the council is offering this option to us to recommend something. I don't know why we wouldn't take advantage of it. We've worked hard to get this far along.

MR. GAY: I agree. Like I said, I'm not saying I'm against, Ronnie, trying to do it; but I'm just saying it is definitely opening it up.

MR. PELOSI: Okay, be that as it may, we'll see what filters out of it.

MR. WICKERS: I was just going to say that I still go back – I honestly believe this is going to all be solved if they just went back to a reasonable amount of fish. They caught 1.4 million pounds of fish out of the stock that you can catch, which over half of that goes to the commercial catch. If they just went back to where they were before the problem started to exist, it would solve itself. It doesn't make any sense to me what they did.

MR. PELOSI: Let's move on to Joint Amendment 26. Kari, do you want to give us –

AP MEMBER: Do you want to make a motion on it?

MR. PELOSI: No, we don't need a motion; it is just a recommendation that they look into it.

MR. WICKERS: Do we have to vote on this?

MR. PELOSI: No, it is just direction to look into it. Next year we might be voting on something that comes out of that, but we'll wait and see.

DR. MacLAUHLIN: Okay, the next item on your agenda is Amendment 26. We don't have an amendment yet, so you have got these discussion documents. They are similar to our scoping document. We took this to scoping in January. It talks about separating South Atlantic and the Gulf commercial permits.

Basically, the council in March directed staff to put together some ways that they could, if the councils – and it is joint so they have to agree – if the councils wanted to separate those king and Spanish commercial permits into South Atlantic king, South Atlantic Spanish and the Gulf king and Gulf Spanish, how they would go about doing that.

We haven't really even started on this, so this one is at the very ground level for you guys to get your input in. I guess the first question is if folks on the AP feel like this is something that would be helpful. The council is looking at that because then they could make changes in their jurisdiction for the permit holders only in their jurisdiction without affecting the other one. But on the flip side, you can fish both sides when you have a commercial king or commercial Spanish, and you would have to get two permits if you were fishing Gulf and South Atlantic.

We had a little background in there. The king mackerel permit holders; there are a lot of them that fish in multiple fisheries and they are full-time fishermen; but they king mackerel may be just a small part of their income. Then also the fishermen migrate and the fish migrate, so lots of things go into it.

I have the maps in here again so we can check those out if we need to. Then also something that came up is in Amendment 20A there was an action in there – you guys remember that was remove inactive king mackerel commercial permits, or make them nontransferable, or put a two-for-one requirement in like there is for snapper grouper commercial permits.

The councils decided to take no action, to not change the king mackerel commercial permits at all; but some of this came out because of the effort in the mixing zone here in Florida. We have this graphic in here; and basically it shows the whole region up here. In the areas where it is red and orange, that means the effort has increased; and yellow is where it stayed the same; and green is where effort has actually gone down.

The measurement is number of commercial trips catching king mackerel. Right around this area, even though in the rest of the South Atlantic there have been the same or even places where there are less, there are fewer trips; right around that area around Cape Canaveral and Fort Pierce, all the way down to Miami, an increase in the number of trips.

This is a very localized area of the region. A little bit about king mackerel commercial permits; they became limited access in '96. As of March 17th there are 1,348. Then again a little bit about looking at removing some inactive permits or permits with low landings, or just making them nontransferable in Amendment 28; but we had enough public comment and so the councils decided to not move forward to make any changes with king mackerel permits.

For Spanish mackerel permits, this is open access. As of March 17th there are 1,747 valid permits, but it varies because it is open access. There are usually between 1,700 and 1,800 permits in recent years; so that is where it kind of floats around. If the council wanted to move forward in separating these into Gulf and Atlantic permits, there are a lot of things they would have to think about: eligibility requirements, who would get one in each region, if there were any kind of question about that or some kind of landings requirement.

Is there a control date? The most recent we have is June 15, 2004. If you were doing this if you wanted to do some kind of permit reduction for the Atlantic side king mackerel, or make the Atlantic Spanish mackerel permit a limited access instead of open; can they be eligible to receive permits for both regions?

Would you want to set them up similar to snapper grouper where you have transferrable/nontransferable or limited/unlimited permits; a two-for-one requirement for king mackerel permit or some kind of endorsement system specifically for that east coast Florida subzone?

In February the Gulf Council decided that they just wanted to wait; they didn't want to move forward with this. They will have to be on board at some point, because this is a joint amendment, but they wanted to wait until after the king mackerel stock assessment is finished. Then in March the South Atlantic Council just directed us to prepare a white paper on ways that

we could do this; so as of now it is moving pretty slowly. This is the very beginning; we are just now scoping.

Basically the questions that we took out to scoping are should the Spanish mackerel commercial permits be split into the Gulf and Atlantic permits; should the king mackerel commercial permits be separated into Gulf and Atlantic permits? Then if so, would there be some kind of requirement to get a permit for this region or that region, especially if you wanted to reduce or you wanted to make that Spanish mackerel limited access.

What about endorsements for places like the Florida mixing zone? Then are there any other issues with the current permit system and how should we address those. That is what we took out to scoping. The council just wanted to see what the public thought of splitting these in here. We got some general comments back.

There was some support for doing this primarily at the Cocoa Beach meeting. They were supportive of this so that the councils could address specific problems in their region without impacting the other regions. We did have some opposition to separate permits, because there are fishermen that work in the Gulf and South Atlantic; and then they were also concerned about additional capital required for new entrants coming in who wanted to work both regions.

Then we had some support of removing king mackerel permits with no landings or low landings so that full-time mackerel fishermen could have access to the ACL. This was primarily at the Cocoa Beach meeting. Then some opposition to any action that would take away king mackerel permits, because the council should not take away anymore permits. That is what we heard also when the council considered that before in Amendment 20A.

Then it was noted in Key West that a higher king mackerel trip limit for that area would increase the number of active permits; so they should try to increase trip limits before deciding that the permits are latent. Then there was some support for a two-for-one requirement and some opposition mostly because of concern for how people would get the money.

They would have to buy two permits to get in; a concern for new entrants; some support for an endorsement in the mixing zone for king mackerel; but if the permits are split, you should qualify for both permits. If you have landings in both areas, then use a very recent control date. Then also I am going to go down and meet with the guys in the mixing zone to talk about maybe some specific actions that they could recommend to the council at some point to address effort here. Basically, what I would like to get from you guys is what do you think about splitting the permits; is this a good idea? If so, what are some ways that you think the council should do that?

MR. PELOSI: They are asking us to give them a whole lot of input on a lot of different things there. I guess we ought to take them up one by one. Having Gulf and Atlantic permits; what has really driven that is a situation that has happened last year and may have happened the previous years. I don't think most of the advisory council got a copy of this letter. It was sent to me from the Florida Keys Commercial Fishermen's Association.

It was addressed to Ben Hartig, Chairman, and the council members. This is a letter that was signed by 82 of the fishermen in the association. We, at our last advisory meeting, voted to let them raise the trip limit to 2,000 pounds in this zone so they could carry fish the longer distances,

because the boats down there in Key West are larger boats and they have about 60 miles to run. They said it wasn't economically feasible for them to do it for 1,250 pounds, so we said okay.

Then the council went with that, too, I believe, but the Gulf Council did not go with it, so that was shot down. This past year during a two- to three-week period in February the kingfish showed up off Everglades City. I'm just taking pieces out of the letter; I'm not going to read the whole thing.

Approximately 28 kingfish permit holders and crews with trailered boats from Jupiter, Fort Pierce, and Daytona – that is east coast boats, our fishery – trailered their boats down to Everglades City, Goodland, and Naples and fished during the period February 3rd through the 19th.

It was just a short run to the fish, 15 miles each way, and they were able to make multiple daily trips during their stay. Whether they did or not, I don't know, but they say they did. On February 21st the season was officially brought to a close six weeks early. The Key West boats, traveling a greater distance, were really denied a reasonable trip limit.

They claim they got shut out of the fishery, because all the quota was taken by the Atlantic vessels. That is one of the real reasons for this desire to have separate permits. I know Ben doesn't travel. Tim, you don't travel anymore, do you, and Ronnie historically has traveled to the west. I don't know any of the others who have done that here. That gives you a little background on the separate permits. They also make a reference to wanting to get that increased to 2,000 pounds; but we did what we could to help them last year at this very same meeting.

MR. WICKERS: I thought it was 2,500; wasn't it?

MR. PELOSI: No, it was 2,000; or the council voted 2,000. I don't remember going to 2,500. Okay, I would like to hear some ideas or motions on this.

MR. GAY: Are they not limited to one trip daily, but the fish were being counted and counted against the quota. It sounds like an enforcement issue.

MR. HARTIG: We don't know about the multiday trips. I know one fish house in particular would not buy multiday trips. One boat showed up there with two limits on a trailer, and he would not buy but one. That is maybe speculation, maybe some truth, depending on the fish house.

MR. PELOSI: I might mention that on the recreational kingfish, the reason Florida has two and the rest of the states have three is the fear of multiple trips; and that really just hasn't happened much. Well, I won't say it never happened, but it is not a problem, it really isn't. There may have been a boat or two like Ben says that did it, but I don't think it was a big thing.

MR. HOUCK: I think what the problem was there is they didn't want those boats over there fishing is what the problem was. There is no telling what they are going to say. They don't want them there.

MR. PELOSI: Okay, did anybody else have anything they wanted to say about the permits?

MR. WICKERS: I didn't realize that had occurred until you just read that. I do know that with the Gulf stock, we're at the tail end of the run. Because of that, years ago they actually divided a west zone and an eastern zone and then they split that up just so that everybody would get a piece of the pie. Basically, what is occurring there is – where did you say that the boats came from, Jupiter?

MR. PELOSI: They came from Jupiter, Fort Pierce, Daytona, and I'm sure there were a couple Stuart boats there. We're talking about this was the southern subzone.

MR. WICKERS: In the southern subzone.

MR. PELOSI: That is off of from about Naples down through Flamingo or somewhere in there; you can see it on the map there.

MR. WICKERS: So the southern subzone; it wasn't the bottom piece?

MR. PELOSI: No, it was not the fish close to Key West. Key West supposedly had to go 60 miles to get to the area. That's it right there, southern subzone.

MR. WICKERS: That is actually more than 60 miles.

MR. PELOSI: Yes, I guess so. Well, what is your pleasure on the separate permits? Does somebody want to say anything? They really didn't give us options; although there was one thing there that someone had a historical thing.

MR. ADAMS: I guess my feelings on the separate quotas is I don't know if it is going to be much of a benefit to the resource, king fish in particular, as far as the biomass is concerned. I think what you're dealing with is fishermen in particular areas on the Gulf preferring that someone from the Atlantic doesn't participate in a fishery that is now open to these other fishermen.

You have to look at it from the aspect of do you want to be fair and equitable to all in spite of the fact that maybe you've got a few lawbreakers within the mix of it all; or is it just a simple allocation grab by fishermen in particular areas that have found a way to get the federal government to prohibit other people from coming into their areas?

Me, personally, I don't travel; so if I lose my Gulf permit it really is of no consequence; but for other individuals who have recently started going to the Gulf to fish, for honest, hardworking fishermen, it may be a problem. I don't know for sure. They may be able to qualify for that permit.

But for me to look at it from an aspect of whether or not the stock of fish is going to benefit by it, I don't think that is going to do that. To appease certain fishermen to keep others out of their area, it might do that and it might wind up being something that they wish they had never done. That is personally my feelings.

MR. PELOSI: I agree it is not going to do anything for the fish. It is more of a squabble between the fishermen over who is going to get the fish. I don't know whether we should be involved in that.

MR. WICKERS: The southern subzone, after October 1st it goes all the way around, correct? How far around?

DR. MacLAUCHLIN: I have it; it is in this Figure 2. This is the winter.

MR. WICKERS: Okay, so it goes all the way up to the east coast.

DR. MacLAUCHLIN: The southern subzone goes from that Collier County Line to Miami/Dade/Monroe.

MR. WICKERS: Those same boats that are causing the problem actually fish on these same fish after October 1st on the east coast is what you're saying, so that they're getting two bites of the apple; that is what I'm getting out of this. In other words, they are going to get – when it goes to the southern subzone, everybody gets it including all the way up to where Jupiter and whatever; but in that three-month period, it is just a little piece there. I don't know.

MR. PELOSI: The date that they caught the fish was in February, which would mean they were in the southern zone. At that time the southern zone includes that subzone area. The subzone area is a moot point on that.

MR. ADAMS: Bill, as you probably know, kingfish is a highly transit fishery for everyone involved; those that are young enough to travel. The boats that are in question, whether it be Jupiter, Stuart or wherever they come from; that boat could easily leave Stuart and go to Jacksonville, North Carolina, Louisiana, the Panhandle of Florida, and they do.

They will actually put their boats on trailers; and they will be in that Louisiana western zone fishery; and then they'll move when that closes to the eastern zone in the fall in October, fish there then come home, maybe catch a few fish around the east coast of Florida if the weather permits; or if there are a few fish show up off of Naples or some place that it is open, or the Florida Keys; if they are on a trailer, they will go down there.

What happened with this situation being, boats out of Naples who have been able to dominate who comes and goes out of their fish house and unloading facilities have had it pretty much to themselves. All of a sudden transient boats this year that never existed before in that area showed up. They heard about the fish being there.

They participated in the fishery that those individuals from Naples did not want there. I understand their animosity and their concern for it, but here is the thing. Everybody needs alternatives and needs to be able to participate or go where they have to make a living. The thing about this Naples fishery or that subzone there is you've got individuals, which thank God they've got this, they've got a snapper grouper fishery they participate in.

They've got stone crabs they participate in; they've got spiny lobster they participate in. Even these 80 people that signed probably all have stone crab and lobster permits, so they are making

a living doing that. Then when it is convenient for them, they go catch king mackerel. Same as the run-around gill net fishery in the Florida Keys; those guys wait until the time is right, they all get together, they coordinate, they go catch their gill net quota and they're done with it.

That is probably the way to do it. But then again, too, it is a publicly owned resource. It is open to all permit holders who have those valid permits to participate in those fisheries. Me looking at it as a commercial fisherman, I say, look, I understand you guys don't want us in your area, if I was there; but the reality is I've got to feed my family. I've got to be here.

I've got to harvest this resource, and I'm doing it legally. If it is going to hurt the resource, I will stay out of it; but if it is not hurting the resource and the management plan is in place that says this is how many you can take, guys, figure it out for yourselves how you are going to work amongst yourselves to make a harvest; and don't get us involved in your personal squabbles.

That is the only reason I would say don't separate the permits from that aspect. Now if biologically it is doing some kind of harm or in fact that it is economically hurting those individuals that have to stay there and catch those fish; then maybe you should look at it from that aspect.

I don't think economically that they've got an argument that is all they've got to depend on right there in that subzone. The reason for signing a petition saying keep these other guys out or split these permits up to where they can't come here; that is what it looks like to me. I may be wrong, but I kind of got an idea of what is going on here.

MR. PELOSI: Another thing, Bill, that Tim sort of didn't say but he sort of edged to it; these fellows that trailer boats, like Ronnie, are professional kingfish fishermen. They didn't fish in other fisheries. They followed the fish. You fish Louisiana, going into Texas ever – no, never Texas? We do get a few Carolina boats that come down and fish on our coast at times.

MR. HICKMAN: As you all know, I'm chairman of the County Commercial Fishermen's Association in our area. What is happening in this fishery has happened in the shrimp fishery for decades, decades and decades. Professional fishermen are going to go wherever what trade he is participating in, and he is going to follow those fish wherever they go to make his living at what he is doing no matter what fishery he is participating in.

It is a free resource; everybody is entitled to that resource. If they want to follow that resource wherever that resource takes them; that is where they've got to go. We've got boats right now that are in Galveston, Texas, fishing out of our Pamlico Sound out of Farnham Town. In the summertime we have Louisiana boats that come from there to the Pamlico Sound to fish.

Professional fishermen are professional fishermen; they go where they have to go. We have the same problem in our area with our local shrimpers getting madder than the dickens when these super slabs show up off our coast. It is just an individual grudge match with the people that have the resources to do that and follow their trade against the locals. That is something that happens in the industry constantly.

MR. HOUCK: Would it be in order to make a motion right here, Bob?

MR. PELOSI: Go ahead and make a motion.

MR. HOUCK: I would like to make a motion we don't separate the permits.

MR. PELOSI: Do we have a second on that?

MR. GAY: Jodie, second.

MR. PELOSI: Jodie seconds, okay. We've already had enough discussion, I think.

MR. GAY: I was just going to say I think Tim put it as eloquently as anyone can.

MR. PELOSI: That was quite a speech.

MR. GAY: Yes; he did a beautiful job of defending this recommendation to the council. We had a discussion earlier on getting some of the fisheries to OY; and this is one that is there and they are looking at trying to keep it from getting there. I understand that, but it just is not the way things work.

MR. PELOSI: Okay, I am going to go ahead and call the question. **All those in favor of the motion to not separate the permits – that is Gulf and Atlantic for king mackerel – raise your hand please. Nine in favor and one abstention, and the motion carries.** Yes, Ben.

MR. HARTIG: I very much appreciate your discussion on this. The interesting thing about this option is it did not arise out of the Gulf. It arose out of the South Atlantic and it arose trying to address a situation we have in a specific area on the east coast that Kari outlined before. It is not professional fishermen following fish.

It is people who hold permits who have other jobs and who choose to jump into the fishery when the fishery gets good. What happens is – and Tim has seen it over a number of years and so has Ronnie – is that when we get a good year class of king mackerel; we have all this effort that jumps into the fishery. It is during a spawning season in our area, and then we actually take the heart out of that spawning group of fish. We've seen it happen.

That is where that one year class went; it went away because of the extra effort we had. This was one way to try and deal with that; but I think after hearing your discussions, we should probably find another way to do that in that one particular area. Ronnie and Tim sure know about that area because they fish there and they see what happens.

We're looking at this ebb and flow of permits; and somehow to get to a number of permits that participates in the ebb, it seems to me to be a reasonable way to do it. Maybe we can do that in that area, and just do that for that particular area, some kind of endorsement or something. I appreciate your comments. Tim, you did a great job. The fairness issue was brought forward and I appreciate that. Thanks.

MR. PELOSI: Ben, I want to ask this question. We've been hearing and discussing for the last couple years at these meetings about the latent permits. There are certain requirements for keeping your permit. One of the things is that if you do not participate in a fishery each month,

you are to send in a signed report that my vessel did not participate. Are these boats that are holding these latent permits; are they reporting every month that they didn't fish in the king mackerel fishery?

MR. HARTIG: That is an interesting observation, Bob, and that may be something that we can go look at.

MR. PELOSI: I've wanted to suggest that; and I don't know if this is the proper time. I fill mine out and sometimes I'm late you know, gosh, I forgot it, you know, but I send it in.

MR. ADAMS: Are you referring to all the king fish permit holders; because I know in the months that I don't fish I have to fill out the no fishing report from the logbook.

MR. PELOSI: Yes; but if you're sitting there and you are renewing your permit every year and you get your logbook – I presume they get sent a logbook – they should be putting in the no fishing report every month that they did not participate in the fishery. It says right in the rules that if you don't keep your logbooks up, it is a reason for not renewing a permit.

MR. WICKERS: I was going to say if you don't fill those out, you cannot renew the permit.

MR. PELOSI: I don't think that has been followed.

MR. WICKERS: No, it is. If you try to get a permit and you missed a month, you will get it in the mail saying what did you do this month; and they are not going to give you your permit until you fill it out.

MR. PELOSI: Oh, really? Well, I thought maybe that was a way to eliminate some of them. We might be able to just see if they are really doing that and following through with it. I don't know; the only time I hear from them is when I forget to put down one little minor thing that they could have figured out. You made a note of that, Ben, to look into it?

MR. HICKMAN: This is something that could be looked into is, like you mentioned, if you don't fill out that trip ticket book for a whole year, I know of cases that when they get ready to renew their permit and they have sent that letter to them that they can't renew that permit; then they will fill out 12 no fishing reports for the whole year and send it to the trip ticket office.

That brings them current for that whole year; and they can renew their permit at the last minute. Those should be sent in monthly. At the end of the year they get caught and haven't sent any no fishing reports in, and they have got to get that permit renewed; then all of a sudden they'll fax them 12 no-fishing reports for each month.

That brings their logbook current and they can get their permit renewed; where if they mandatorily had to send those in every month to be eligible to renew them, it might reduce a lot of those permits.

MR. HOUCK: I believe you've got seven days to turn it in, except if you're not fishing that month; but they don't enforce it, I don't believe.

MR. HICKMAN: No, sir, they don't enforce it.

MR. HOUCK: There is a law but they don't enforce it.

MR. HICKMAN: It is just like they do not enforce the \$10,000 requirement that you have got to prove that you made from commercial fishing in order to renew your permit. All you have got to do is to say I made \$10,000.

MR. HOUCK: So it is an enforcement problem.

MR. HICKMAN: Right. It is just like North Carolina; you are supposed to make 50 percent of your income to be able to get a commercial fishing license. All you've got to do is to say, yes, I made 50 percent and you get a license.

MS. MacLAUHLIN: I want to remind everybody that the income requirement – the affidavit for the federal king and Spanish permits will be removed once 20A, which is the rule that got published recently – once that goes to final rule, then the income requirements are removed. You won't have to submit an affidavit; not for the federal one.

MR. HARTIG: Because of the part that you mentioned about the affidavit, filling out the affidavit; and there hasn't been to Roy's knowledge any enforcement action that anyone followed up on an affidavit was the reason we removed it, because it was ineffective.

AP MEMBER: I would like to address Kari. Kari, there is not going to be any income requirements for a federal permit after 2001?

DR. MacLAUHLIN: After Amendment 20A, the final rule for that one is published, which will be over the summer; then that will take away the income. It will remove the income requirement.

AP MEMBER: Does that mean we don't have to fill out anymore logbooks anymore?

DR. MacLAUHLIN: No, it is just submit the affidavit.

AP MEMBER: Yes, I know.

MR. HARTIG: Well, if I may, Bob, just one point about the logbooks; if you fish like most of us do on a weekly basis and your trip ticket comes out 10 days after the week is over; you can't fill it out in a week and fill out all the necessary fields in a logbook. It can't be done. That is one reason why they don't enforce that logbook requirement.

They changed it a little bit in the new one, but I still wait until I get my receipts so I can fill in all the fields. It just makes more sense to me to fill out all the fields to be more complete and to be able to give them the best information I can than to be – I guess it is 17 days is what it takes for it all to transpire by the time you get your receipts.

Florida fills out electronic trip tickets. We get a statement from the dock for each day we caught fish, but that is not a trip ticket. The trip ticket is electronically sent in at the fish house, and then

at the end of the week we get all our trip tickets and that is how we fill out our logbooks. Is that the same way in North Carolina? Okay.

MR. HICKMAN: Pretty much so, but a lot of the guys that don't fish that have permits that don't turn in any trip tickets or wait until the end of the year whenever the permits will be renewed, and they will get a letter from the permit office stating that their logbooks were not up to date; then they will send in 12 months of no fishing reports just to be able to get that permit renewed when they actually haven't participated in the fishery at all. But to renew that permit, this is what takes place.

DR. MacLAUHLIN: This is the last item on the agenda except for other business. This is Framework Amendment 2. This deals with Atlantic Spanish mackerel trip limits. There is a system for Florida for the Atlantic Spanish that uses adjusted quotas and everything and I will get into that.

This action was actually in a previous amendment; and then the council decided to wait until after the Spanish mackerel stock assessment was finished. Now that is all done, they brought this one back and put it in an amendment. You've already seen this; and there is an AP recommendation from two years ago that is in here that you may want to check it out and tweak.

I have our map and everything. It just has one action. It is to modify the system of quota and trip limit adjustments for Atlantic Spanish mackerel. This is actually specifically only for Florida; so north of the Florida/Georgia line it is 3,500 pounds year round. We're only talking about the Florida waters.

Right now in the Florida EEZ from March through November 30th it is 3,500 pounds; but then the last couple months, December 1st through the end of February, it is unlimited during the week and 1,500 pounds on the weekend. Once it hits 75 percent of the adjusted quota, then it just goes to 1,500 pounds the whole time.

Then once it hits 100 percent of the adjusted quota, it goes to 500. Then when 100 percent of the commercial ACL has been landed, it is shut down just like everything else. The adjusted quota is basically just this target number that triggers these step-downs. It is whatever the commercial ACL is minus 250,000 pounds. This was set up so that when it hit each of these triggers, they could continue to have at least a bycatch allowance for these even though they are smaller trip limits.

We have a couple of alternatives. Alternative 2 removes that adjusted quota trigger, and it removes all the trip limit changes. It just makes it 3,500 pounds year round, just like the rest of the region. Alternative 3 removes the adjusted quota; and it removes the period of unlimited trips that starts on December 1st and goes until 75 percent of the quota has been landed.

There is actually a table that is way easier to read than these. I'll read off this paper. There is Alternative 2; it just makes the Florida EEZ 3,500 pounds year round. Alternative 3 starts with 3,500 pounds; then it drops down to 1,500 pounds when 75 percent of the commercial ACL for Atlantic Spanish has been landed; and then it goes to zero pounds when 100 percent has been landed or is expected to be landed. This removes the adjusted quota and those unlimited week days.

Alternative 4 starts with 3,500 pounds; and then it drops down to 500 pounds when 75 percent of the commercial ACL has been landed, and then it goes to zero when the commercial ACL has been landed. The last one is the one that the AP in 2012 recommended. It starts at 3,500 pounds; then 1,500 pounds when you get to 75 percent.

It keeps the adjusted quota, though, as that trigger; so when you get to 75 percent of the adjusted quota, it drops down to 1,500 pounds, 500 when 100 percent of the adjusted quota, and then zero when the commercial ACL has been landed. Basically, this last alternative that the AP recommended in 2012 just removes those unlimited weekdays for the Florida in the fall. We have one table in here that shows some projected fishing days and closures.

MR. PELOSI: Just a comment, if you will remember, I believe it was Ben gave us a real good description last year of a reason to remove the unlimited quota; and that was because the fishery has changed. You don't have boats coming in with 50, 70,000 pounds and there was no reason to have it. We have Alternative 5 that we recommended two years ago when the issue came up. I think we need to discuss whether we need to stick with that or to change it. Bill, I think you had your hand up first.

MR. WICKERS: My question on it was what was the purpose of shutting down weekends?

MR. PELOSI: That had to do with accounting when the big mackerel boats, the high rollers were bringing them in. They brought in one time 300,000 pounds and we went way over the quota that year, because it was on the weekend – yes, nobody there to count them.

MR. HOUCK: I would like to recommend Alternative 5, what we came up with two years ago. I think that is a good recommendation.

DR. MacLAUHLIN: Was that a motion?

MR. HOUCK: Well, I can make it a motion, yes.

MR. WICKERS: I'll second.

MR. PELOSI: Okay, any discussion on that? Of course, all this could change if they go with changing the allocations or shifting some of the ACL between recreational and commercial, but does anybody see a reason to change what we had in our first – everybody is shaking their head. Yes, Ben.

MR. HARTIG: I just had a question for Ronnie and Tim. Do you see value in possibly having a net season at 3,500 and then something less than that for the rest of the season, to extend it at a fairly high level but not get to 500? This fishery has changed quite a bit over the years and rarely do we catch 3,500 anymore during that season.

MR. PELOSI: Even with the cast nets, they don't hit 3,500 now?

MR. HARTIG: No, even with the cast nets, it rarely happens.

MR. PELOSI: I didn't think so.

MR. HARTIG: I don't know that it happened maybe once last year, but that is just one year.

MR. PELOSI: I don't like to see a total shutdown of the fishery and the fishery has changed.

MR. HARTIG: Nobody does. I've heard more and more people talk about a 1,500 pound trip limit through the season when the functional net fishery is over.

MR. PELOSI: Well, when the cast nets are really producing fish, the price goes down to nothing; and the cast netters make a little bit of money, but the hook and liners certainly aren't. Everybody has the option of hook and line. Most of the cast netters have rod and reels on the boat, anyway, in case they are not schooled up thick enough on that particular day.

MR. HARTIG: Yes; but everybody is not created equal in those two fisheries. There are people who are much better cast netters than they are rod-and-reel fishermen; I understand that. On particular years they make more money casting netting than they ever would rod-and-reel fishing, because they just are not going to make the transition, because they just won't.

That is what they're geared to do; they are geared to cast net. They are not really geared to hook-and-line fishing, and they make a bigger portion of their money during the year cast netting other species as well. I understand what you're saying, Bob, but watching this fishery over time and trying to help fishermen get into the hook-and-line fishery; to me it was naïve of me to think that they can make the transition easily. It didn't happen for everybody.

Ronnie is one of the few people that made it; Tim made it because he was a good hook-and-line fishermen to begin with; but many of the generational net fishermen could not make the transition to hook-and-line fishing. They just could not do it; even with as much help as some of us were willing to give.

I understand that; but still even at that maybe leave your option as your preferred from the AP, but maybe having another option; have it 3,500 pounds for the net season and maybe drop it down to 2,000 for after whatever that net season would be, which would still functionally allow the net boats to fish those few days they get to go and would keep a more reasonable limit for the fishermen where most of the fish are caught in the hole. More and more fishermen have come to me with something less than 3,500; and I just wondered what you guys thought about it.

MR. HOUCK: I think this pertains mainly about the offshore fishery, the gill net fishery. State waters is cast net in state waters, so we're really talking about federal waters with the gill net fishery. What you're saying, Ben, is let them fish 3,500, on a limit of 3,500 and maybe drop it during that window. I'm not sure if I follow what you're saying there.

MR. HARTIG: At some certain time when usually the net fishery is pretty much over for Spanish. Now I know it is never over, because there always is some kind of bycatch. They've developed that ribbon fish market in particular in the last few years; and they are going to have some bycatch of Spanish. Then they're catching bluefish and other things as well.

You want to allow some access to those days when the swell comes and pushes the fish offshore, and maybe they get one or two days shot at those fish; so leave something like 2,000 pounds when you could have that after the 3,500, just as a kind of step down, but not allow the 3,500 so

the fishery doesn't get out of control. If it ever does get to the point, Ronnie, where we caught fish like we did 10 years ago, the fishery is going to be open half the year.

Based on if everybody goes and catches 3,500 like they did when we fished – when we had three giant years of recruitment that we fished on for ten years; that will never keep the fishery opened more than half the year.

MR HOUCK: You mean at 3,500 pounds?

MR. HARTIG: At 3,500, if the cast net fishery continues to operate.

MR. HOUCK: We could have a year where the fish pull offshore. But, anyway yes, Ben, there could be a year where they don't come to shore. Years ago when we used the roller rigs, we fished offshore and fish never did come down in there. We had to stay offshore with deep nets. Yes, usually the guys leave the Cape December 1st, right around then; you could have it where it dropped. I don't see a problem with that.

The fish are going to be down south where they live at anyway. They wouldn't have as far to run. It is a possibility, but then you've got to look at the other side of it. It is another enforcement problem. There you go somebody getting more than 2,000 pounds, 2,500, we put them on a limit; it makes it a little more complicated for the law enforcement. You know the problems that happen out there; but it is a good idea. If everybody jumped into it, yes, the quota would be caught quickly at 3,500 if we don't change it. There are some issues there; we are just going to have to figure them out.

MR. ADAMS: Ben, I agree with you; I think there should be a provision in there for a step-down. I just don't know when would be the appropriate time to do it. That is going to be tough, because you look at the situation as it is right now, most of the guys feel that 3,500 is adequate.

Then some have mentioned to me as well they should be able to back it up a little bit, too, to provide for fish particularly at this time of the year during the Lenten market; where if the fish were offshore where they were accessible to a gill net fishery, they would have something there that they could catch in a significant amount to make some money. I just would be uncomfortable setting any dates or timeframes and not really knowing what would be the better time.

MR. PELOSI: Okay, Ronnie, may have an answer to that.

MR. HOUCK: You know, looking back on this, Ben, I think we ought to leave it alone; leave it at 3,500, because they just took a tremendous drop from unlimited to 3,500 pounds. They don't get that many days out there. You get a ground sea and it pushes them offshore, the water clears up and they come back inshore.

Of course, there were years that they stayed offshore, but we had unusual cold years and it kept the water muddy and the fish stayed offshore. I think we ought to just go with the motion and maybe later want to change it; but I think that is good the way it is right now for what we've got as a motion.

MR. PELOSI: Do we need a motion on that again?

DR. MacLAUCHLIN: No, you have it, just read it again.

MR. PELOSI: **Okay, Ronnie Houck recommends or makes the motion that we recommend Alternative 5 for this; seconded by Andy High. All those in favor raise your hand; ten. It looks like we're unanimous, the motion carries.** Is there anything else that you think needs to be clarified for the council or giving advice to on this framework amendment.

MS. MacLAUCHLIN: No, that's it.

MR. PELOSI: That I guess brings us to our last thing. Our last thing is there any other business. I would like to talk about cobia a little bit. I guess the council has gone ahead and put cobia under our jurisdiction on the mackerel panel. They didn't come up with an additional cobia permit. How is that going to be handled? Are you going to have to have either a mackerel permit or a kingfish permit or hasn't that been discussed at all?

DR. MacLAUCHLIN: No, the councils discussed it in 20A; and both councils decided they did not want to require any kind of permit for commercial cobia.

MR. PELOSI: Okay, how are we doing on the allowable catch for the quota? Are we exceeding it, are we staying under it? I know it is 92 percent recreational, 8 percent commercial. There is in the last several years – as I mentioned last year, there is more and more interest in cobia. I believe, Tom, your cobia in Port Royal Sound; that has been addressed by the state; is that correct?

MR. OGLE: To my knowledge, it has not. It has not been addressed in terms of identifying Port Royal fish as being a separate population segment.

MR. PELOSI: Didn't they lower the bag limit there?

MR. OGLE: No; it is still two fish and a 33-inch limit fork length.

MR. PELOSI: In Florida that bag limit is one fish 33 inches in the state waters; but the federal waters it is two fish. We have a problem there and it is really tough on the enforcement. They catch their limit plus a few; and then they just run offshore with their GPS track on; and then they come back in and if an officer challenges them on being over the limit, they say, "Well, look, we were offshore; see, here is our track". We have a couple of the more popular cobia spots that are in state waters. That is happening quite frequently.

MR. OGLE: Dr. Denton indicated to me that before we could get Port Royal Sound and St. Helena Sound cobia classified as a distinct population segment, they would have to do a SEDAR-type assessment of that population.

MR. PELOSI: Okay, the question I am really asking is where are we – oh, you've you got it.

DR. MacLAUCHLIN: I put up on the screen here – this was what was provided to the council at the March council meeting, and it is the monthly landings of cobia. This is the commercial

landings. Of course, we only have a little bit there in 2014, but you can see that in 2013 how cumulative over here in this column; and then that 84 percent of that ACL was landed.

MR. PELOSI: How about the recreational; do they have figures on that?

MR. HARTIG: Kari, what you are giving us now; is this for Florida or for the rest of the jurisdiction? The cobia now is managed from Florida south is Gulf cobia; and anything north of the Florida/Georgia line is Atlantic cobia. Now we have to split the allocation between the Gulf, and it has gotten a lot more complicated since you all last met.

DR. MacLAUHLIN: Well, that is in 20B, which hasn't gone through yet. Eventually, yes, the Atlantic stock will count only the Georgia/Florida state line north; and Florida will be part of the Gulf. These are the updates that they gave at the March council meeting. This right now is including all the way through the South Atlantic line; so all the way through the Atlantic side of the Keys.

Here we have 2012, the landings and the percentage of the ACL. In 2012 the cobia – this is recreational – 70 percent of the recreational ACL. Then in 2013 79 percent of the recreational ACL was landed. Then here the season opens in January, so we don't have 2014 just yet coming in, because that first wave was January and February. The area is New York to east Florida, so we have the different landings. This is for cobia, right? No, we don't have the cobia in there. Here is 2013.

MR. PELOSI: This is with the revised boundary? That doesn't have – okay, so we're under there. Is the Gulf federal bag limit two cobia also; Bill, do you know?

MR. WICKERS: I don't. I know Florida is one.

MR. PELOSI: The state of Florida is, but I'm wondering on the west coast of Florida is it two fish in federal waters?

MR. OGLE: It is two fish in federal waters.

MR. PELOSI: Okay; so that wouldn't change things off our coast since we're fishing now on the Gulf quota.

MR. OGLE: I have the application; I'll try to confirm it.

MR. PELOSI: Okay; so that was a concern I had that maybe we were going over the quota or we were right at the quota; but at the present we're under with the present rules. The other thing is I don't know how big a problem it is in other areas, but in our area we have a couple of these cobia hotspots.

Fishermen are going out there and they have learned how to hook these cobias from underneath the sharks. One of the ways they're doing it is they are catching Bonita or Jack Cravelle, hanging them from their boat and slitting them so that they're bleeding and chumming the sharks up. The cobia are following particularly the bull sharks up to the boat. Then they're hooking them and then they fight the cobia.

The result is that quite often usually when the cobia tires a little bit, the shark hits them. We have guys that re out there; they are hooking six or seven or eight cobia a day; and they are only landing maybe one. The sharks are getting the others. Peer pressure is not working. We've tried that; some articles in the newspaper. In fact I gave one to Gregg to pass along to the council.

Others think maybe there should be a rule against that type of fishing where you're chumming up the sharks. I don't know whether that is something the council would be interested in perhaps prohibiting or if these fish that are eaten by the sharks should perhaps be included in the cobia. Ben, maybe you have a little opinion on that or a feeling of how the council might feel.

MR. HARTIG: Yes, I've got an opinion on it. I don't know how you could ever – I mean, you could outlaw someone tying a bonita to the back of the boat and cutting it up for chum; but you couldn't outlaw someone keeping one on a rod. It wouldn't even have to be cut up; all it has to be is stressed for the sharks to come to the boat.

It would be a little harder; bit it just seems to me that would be another unenforceable regulation that we would be putting in place. I am concerned about the sharks eating a number of cobia, but I'm also concerned about sharks eating a number of other resources, king mackerel one of them in particular.

We're losing at least in the first two weeks of May 50 percent of our king mackerel to sharks; and those are 18-pound average fish, so there are fish up to 50 pounds that we're losing to sharks for the first two weeks of the run because the bull sharks have gotten so bad; and it is not only that, jacks.

We heard in every public hearing we had – we just went through the visioning process; and in every south Florida workshop we had, every one of them – I'm not sure about North Carolina, but everyone in Florida, both recreational and commercial fishermen, noted the increase in the number of sharks and the increase in the number of resources lost to sharks.

Sharks have become a significant problem in the southeast and it continues climbing up the coast. The people in Daytona are now having rampant shark problems in the amberjack fishery. To address the cobia issue, I don't know how you would ever get at if people would ever be willing to report how many cobia they lost to sharks. I don't know how that would work.

MR. WICKERS: You could have an observer on the boat.

MR. HARTIG: Yes, you would almost have to have an observer. Bill, is absolutely correct, an observer would help with that. Then how many boats do it and how many boats lose fish? How many boats use 200 pound test straight to their reel like we do sometimes in commercial fishing? You just have to crank the fish up; he either comes or he doesn't. Then that is the way you actually catch the fish or lose it.

But it isn't a question anymore of the sharks waiting for the cobia to tire. As soon as you hook that cobia, bull sharks have always had the sensory apparatus to identify a fish. As soon as it shakes its head from a hook, that shark is on that fish. It is not a question of the cobia tiring. I mean, I've had them knock the cobia out of the waters – the cobia shook its head twice, and the

shark is already knocking the fish out of the water; that is how quick this happens. The sharks never made the connection between food and cobia in the past.

It has just been in the last five years, because I fished them all my life on sharks. In the last five years as more and more people have done it, the sharks have made the connection that these cobia that have been following them around for eons; all of a sudden they are a food item. Once they did that, it becomes a significant loss of resources and how it impacts the stock it is hard to say.

We've been lucky enough in the last ten years to have a much healthier cobia population than we had in the 20 before that. We've had a lot more cobia around for whatever reason; so the sharks are going to take some. I don't know how by regulations you stop that. That is just my take.

MR. PELOSI: Thank you for that insight. Perhaps it is just a local problem right out on the Stuart area there. Bill, you wanted to say something?

MR. WICKERS: Yes; I just wanted to say is there any movement to maybe do something about the sharks? We've got more sharks off Key West than we've ever seen. The sad thing is what is getting a little scary is that we've even – the tiger shark, which is something that was extremely rare, all of a sudden they have been catching more of them than we ever can recall.

And even where they tarpon fish in the harbor; they've had tiger sharks actually come in and grab the tarpon. I know we're supposed to be protecting these sharks, but I don't know how many people have to get eaten first maybe before we have some kind of a reassessment. I know they're having a real big problem down in Australia right now. They've already had more people get eaten by sharks in the last six months than they had in the last six years.

MR. PELOSI: Yes; also in Hawaii. Have shark attacks on the hooked fish increased in the Carolinas as they have in Florida? Okay; that is good for us to know; everywhere.

MR. HICKMAN: Yes, they really have. I've been talking with Dan Foster with NMFS in the gear division down in Pascagoula. We've been talking quite a bit about what the government of Australia is doing to prevent shark attacks over there and what the shrimp fishery in Australia is doing to prevent shark attacks from tearing off their tail bags.

They are beginning to use magnets tied on their tail bags to certain types of magnets and certain types of sharks. Their sensory receptors; magnets will drive them away. The government of Australia has actually proven that. This is something that I think that Dan and NMFS is working on with some shrimpers in the Gulf at this time.

I think you will hear more about that in the future. There is one shrimper that is going to work with Dan off of Southport this year with these types of magnets on his tail bag to see what effect they have on our blacktips and local sharks in our area, but it does work. The government of Australia has proven that it works, so that is something that may be coming in the future, but it looks very promising.

MR. PELOSI: That is very, very interesting. Thank you for that comment.

MR. GAY: The charterboats up my way right now are almost refusing to run a trip because of the sharks. They can't get a fish in the boat. It doesn't matter what kind of fish it is; they can't get it in the boat. We've got the cold water inshore, and it has always been a blessing in the winter. In the summer we've got fish on every rock there is scattered all over the place. When the cold weather hits in the Carolinas, it kind of bunches everything up offshore.

Well, it has bunched all that stuff up offshore now. Kings, amberjacks, African pompanos, cobias, blackfin tunas; it doesn't matter what it is; you can't get them in the boat. It is beautiful fishing. You can hook fish after fish after fish, and you can get fish after fish after fish eaten. When the hell are we going to let somebody catch some sharks?

MR. PELOSI: Well, unfortunately, the council doesn't have much to do with sharks; it is a National Marine Fisheries fish that they manage.

AP MEMBER: There is a market for them.

MR. PELOSI: Oh, there is a market for them, and there is a limited shark fishery, I think, but there are so many that are prohibited that you can't – Ben, did you have any more words of wisdom on that?

MR. HARTIG: Well, Judy had her hand up and I'll say something after Judy.

MS. HELMEY: We participated in a shark survey for NOAA. They wanted to know how many sharks we caught; but when I participated in it, we weren't really catching any sharks. The increase of shark-catching off our coast is really amazing. It could change people's lives about going in the beach and going swimming. You can change their whole thought about it; that is how many sharks we have now, hundred pound sharks.

MR. PELOSI: Well, get ready because the blacktips and the spinners are moving north from Florida, and they were a real problem with me with pompano last week. They ate a bunch of them.

MR. HARTIG: The council doesn't manage sharks; but what we can do is we can write a letter to HMS telling our concerns about the problems we're having in specific fisheries. From what I am hearing from you, it is all fisheries now. I wasn't aware that the problem was rampant in North Carolina like it is in Florida; because it is as bad as I have ever seen, and I've been around for 40 years. It's been a long time on the water with sharks.

The council can initiate some conversation with HMS to try and deal with the shark issue. The ecosystem management concept comes into here. When we manage fish, we need to think about the whole ecosystem and sharks are part of that ecosystem. If we're going to manage fish at a certain percentage of the ecosystem, we manage the predators at the same level. Right now that is not being done; so I'll turn it over to Michelle.

DR. DUVAL: Just to echo what Jodie was saying – and this is what we heard on all the visioning port meetings that we just had a couple weeks ago in North Carolina; and I think probably I heard it most from the guys like up in Hatteras and Wanchese as well, and there are

shark fishermen up there. But like you said, they can't get anything on the boat because there are so many sharks around. I think it is pretty universal.

MR. GAY: The area I'm talking about, Michelle, is off Wrightsville Beach. That is from one end of the sate to the other.

MR. PELOSI: Okay, perhaps we can ask the council to look into the shark problem. It seems to be affecting almost every fishery that we have from North Carolina to Key West. Who would be the person to write the letter, you, Ben, or will the staff write it?

MR. HARTIG: You just give directions to us to voice your concerns about the increasing shark population. Like I said, Michelle has heard it through North Carolina through visioning and we heard it in every visioning meeting we had. The other thing that we've noticed is that NMFS does have a Sandbar Experimental Shark Fishing Program where they go into different areas where sandbars are and they target them at certain times.

When they set the longline down our area when king fishing is occurring and they do happen to have that experimental fishery going on when we're targeting king mackerel; we won't see sharks for a week after that. If they actually clean the sharks in the area and leave the portion of the carcass that they don't use, which is the head primarily and the tail that they dump over; if they dump that over in the region where we're fishing, those sharks leave.

Bull sharks are pretty intelligent animals. They will even leave after you hook several of them. There are things that we can try and do, and we're talking about poly-balling some animals while we're fishing, not killing them; but at the end of your drift you go to the poly ball and you pull that fish off and you cut him off; but it will deter the animals around your boat from continuing to do that. There are some things that we're going to try and see if they work at all, not to kill the sharks but just to deter them from continually eating.

MR. PELOSI: Yes; if we just recommend that the council look into the shark problems that are plaguing both recreational and the commercial industry; there seems to be – Yes, Bill/

MR. HICKMAN: One other mention that Dan Foster and I are working on, because I work with Dan on quite a few related fisheries' items particularly in the shrimping industry – and this also comes from the government of Australia and New Zealand, but New Zealand has found that shark blood will repel that species of shark.

They are experimenting with the problem in Australia that they are having with the great whites of taking great white blood and putting it into a particular area; and it has driven the great whites away. This all came about in New Zealand accidently by watching killer whales. Killer whales are the predator of great whites.

Well, they had a tremendous number of great whites off of New Zealand in one area. One killer whale killed a great white; the great whites left. They tracked some of those great whites to California that had the pinging devices on them; and there were no more great whites in the New Zealand area. This is something that the National Marine Fisheries is beginning to experiment with in Pascagoula along with the Australian government and the New Zealand government.

MR. PELOSI: Yes, I saw a TV documentary and the same thing happened out in California when the killer whales attacked a white shark; and then all the white sharks in the area left a month and a half earlier than normal and went down to Mexico. Okay, do we have anything else to discuss? We don't even have anything for tomorrow; how about that?

MR. HARTIG: You guys are pretty efficient.

MR. PELOSI: We try to be. Is there anything anybody on the panel would like to bring to the attention of the council? Yes, Ronnie?

MR. HOUCK: Getting back to the gill net fishery; we have got a problem with transferring nets over to different boats; because when they get more than 3,500 pounds, if you put somebody else's net on your boat, you are in violation.

MR. PELOSI: Ronnie, I think we addressed that at our last advisory meeting. You missed that.

MR. HOUCK: Is there anything happening on that?

DR. MacLAUHLIN: Yes; the proposed rule that allows transfer when you go over with one set was published in mid-March. That should be implemented over the summer or something like that.

MR. HARTIG: We actually did something while you were gone. Thank you all very much; I appreciate your continued participation. This is a great AP, and you guys always give us really good comments.

MR. GAY: Well, Ben, I think a lot of us are about to be termed out. In, fact this whole advisory panel here may be over with now as we know it. It may be all new faces when we meet again.

(Whereupon, the meeting was adjourned at 5:15 o'clock p.m., April 7, 2014)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
April 24, 2014

South Atlantic Fishery Management Council King & Spanish Mackerel Advisory Panel

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