

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
MACKEREL ADVISORY PANEL**

**Hilton Garden
North Charleston, South Carolina**

SUMMARY MINUTES

King and Spanish Mackerel Advisory Panel

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Bill Kelly
Selby Lewis
Stephen Swan

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Dr. Peter Barile

Dr. Mike Denson

Other Observers Attached

The Mackerel Advisory Panel of the South Atlantic Fishery Management Council convened in the Cypress Room of the Hilton Garden, North Charleston, South Carolina, Wednesday afternoon, April 15, 2015, and was called to order at 9:00 o'clock a.m. by Chairman Robert Pelosi.

MR. PELOSI: Let's bring the meeting to order, please. I want to welcome everyone to the 2015 Mackerel Advisory Panel Meeting. I especially want to welcome our new members. The first thing I would like to do is go around the room and if each person would state their name and where they're from and the type of fishing they do.

MR. OGLE: My name is Tom Ogle. I am from Beaufort, South Carolina, and I am a recreational fisherman.

MR. BRAME: I'm Dick Brame; I'm from Wilmington, North Carolina, and I work for CCA and a recreational fisherman.

MR. LAKS: Ira Laks; I'm from Jupiter, Florida, and I am a charter fisherman.

MR. SWANN: Steve Swann; I'm from Jacksonville, recreational fisherman.

MR. BOWEN: Mason Bowen; commercial king mackerel fisherman, Sebastian.

MR. ENGLISH: I'm Steve English; I'm from Port Salerno, and we fish mackerel, king fish, we fish it all.

MR. PELOSI: Okay, and, of course, I'm Bob Pelosi, your chairman.

DR. MacLAUHLIN: Kari MacLauchlin; council staff.

MR. KELLY: Bill Kelly from Islamorada, Florida; I represent the Florida Keys Commercial Fishermen's Association.

MR. HERRERA: Manny Herrera; Key West, Florida, and I'm a king mackerel and snapper grouper fisherman.

MR. HIGH: Andy High from North Carolina; commercial fisherman.

MR. LEWIS: Selby Lewis from North Carolina; commercial fisherman.

MR. PELOSI: The first thing we have to do is the approval of the minutes of the last meeting. I want to really compliment Joe Graham for the excellent job he did. I read every word in the 55 pages, and I couldn't find anything that was wrong. Did anybody else have any additions or corrections? Hearing none; I assume we all approve the motion that we accept the minutes; accepted. Okay, the first item is done.

Everyone has an agenda. They are on the table if you don't have one. We will have one addition to the agenda. Before Item 4 and 5, we're going to have Peter Barile give us a talk on king mackerel recruitment. Is there any objection to the agenda as printed or corrected? Okay, we'll

accept the agenda. Amendments under development and recently implemented to actions, and Kari is going to take us through that.

DR. MacLAUHLIN: I did want to let you know I sent out all the briefing materials; and then also if you need a printed-out copy, they are back here on this table. Then I also passed out another document. I e-mailed this out yesterday and then each of you has a hard copy of it. It is just a reference document Ben wanted me to put together that just has the landings and landings in different time periods in the Florida East Coast Zone.

If we need to look at that, we could pull that up and look at that. Okay, I am going to move on. This is Attachment 1 in your briefing book. We put together this document that had recent changes, because we did have several amendments that went through for our Coastal Migratory Pelagics Fishery Management Plan. We have them broken down by the three species.

Effective July 16, 2014, was Amendment 20A. That was the one that prohibited bag limit sales. In the South Atlantic there was an exception for state-permitted tournaments; and in the Gulf there was an exception for state-permitted tournaments and for fish caught on the for-hire trips on the vessels with both the federal for-hire CMP permit and their commercial permit.

Then also the income requirements for CMP permits were removed. Effective in August 2014 was the Generic Dealer Amendment, which required king mackerel to be sold to a federally permitted dealer. Then there is also weekly dealer reporting requirements. In December 2014 the CMP Framework Amendment went effective.

This was the one that changed the trip limits in the Florida East Coast Subzone. From November 1st through the end of February, it was 50 fish; and then beginning on March 1st through March 31st, which is the last month of that fishing season for that area, if 70 percent or more of the Florida East Coast Subzone Quota had been harvested, the trip limit would remain 50 fish.

But if less than 70 percent of the quota was left, then the trip limit would increase to 75 fish per trip for that last month. Then effective in March was Amendment 20B. This changed some of the Gulf king mackerel – the trip limit in the Florida West Coast northern and southern subzones is 1,250 all year; there is no step down.

Then the fishing year for the Florida West Coast Northern Subzone was changed to October 1st through September 30th. This amendment also allows transit of commercial vessels through closed areas, areas that are closed to king mackerel fishing, with king mackerel that was caught in an open area with gear properly stowed; and then also created those separate commercial quotas for Atlantic king mackerel for the northern zone, which is north of the North Carolina/South Carolina Line, and the southern zone.

We'll be going through those when we walk through Amendment 26. Then we just put together a trip limit summary of everything that is currently in place for all the trip limits. Then we have Spanish mackerel. Effective with 20A, it was the same thing, the bag limit sales are prohibited except for state-permitted tournaments and in the Gulf for Spanish caught on the for-hire trips with the vessels that have both for-hire and a commercial permit. The income requirements were removed. Also, the Generic Dealer Amendment requirements apply here.

You have to sell Spanish mackerel caught in the EEZ to federally permitted dealers. Then we had CMP Framework Action 2013; and this allowed Atlantic Spanish mackerel harvested with gillnet gear in the South Atlantic in excess of the trip limit to be transferred to another federally permitted vessel that had not harvested the trip limit.

This transfer provision was if there was one tow with the gillnet and it came up and you were over the trip limit; you didn't have to discard that; you could actually move it to another vessel. Then we put in place some specifications for how that would work. Framework Amendment 1 was affective in December, and that increased the Spanish mackerel ACL.

Atlantic Spanish mackerel was increased to 6.063 million pounds, and the Gulf Spanish mackerel was increased to 12.7 million pounds for 2014-15 and then 11.8 million pounds in the next year, and then 11.3 million pounds in following years. This was a result of the stock assessment, SEDAR 28.

Amendment 20B, which was effective in March, this also created the separate commercial quotas for Atlantic Spanish in the northern zone and southern zone. Then we have a potential upcoming change. The proposed rule was published about a week ago, so it is in public comment. This would change the Atlantic Spanish mackerel trip limits.

It establishes a trip limit of 3,500 pound for the whole southern zone, which is South Carolina, Georgia, and Florida. Then when 75 percent of the adjusted southern zone quota is met, the trip limit would reduce to 1,500; and when 100 percent of the adjusted southern quota is met, the trip limit would be 500 pounds.

Then when the southern zone quota is met, then the trip limit would be zero. Last we have cobia. The dealer requirements apply to cobia. Then also in Amendment 20B; this established a Florida East Coast quota for cobia and updated the ACLs for cobia. This was a result of the stock assessment for cobia, SEDAR 28. Also in this document we have links to all the amendments, the Fishery Bulletins, and so if anybody wants to dig in there and check out some of these old amendments.

MR. PELOSI: Those of you have been on the panel will recognize that many of the things that were approved and now are put into the plan were things that we discussed last year; and it is really nice to see that the council does pay attention to our recommendations. The way I like to usually run the meeting is we'll have some questions, if anybody has questions for Kari, on the plan.

Then I ask if someone has an opinion or wants to change something or make a recommendation, that they put it in the form of a motion, and then let's have it seconded. Then we can have discussion on it. My policy has always been to let the discussion run along, whether I agree with it or not, until I feel it is not being productive or somebody is blowing their horn too much. Then I will call the question and we'll vote on it and then move on to the next item. Okay, does anyone have questions for Kari?

MR. LAKS: I have one question regarding 20A, and that was the federally permitted tournament sales. I don't believe Florida has initiated a permit yet. I know there are a lot of tournaments

sales still going on. With the talk of 28 having landings' recommendations, there are going to be people out there selling fish from tournaments that are going to go on their permits.

Also, I believe the council wanted the permits to sort of get an idea of how many fish were being sold so they can possibly reallocate from the recreational to the commercial sector. If it is not being tracked, it is a problem. I know enforcement doesn't want to go down there and be the one that says, okay, we're busting the charity. I was wondering if there was any work being done on that or to see if Florida is going to comply.

DR. MacLAUCHLIN: Well, there is not a federal permit for the tournament. It was put into place only for the states that wanted to continue to allow tournaments. I am not 100 percent sure about what Florida is doing, but technically it was to give the states, which was North Carolina and Florida who were interested for the South Atlantic, the ability to continue to allow that. They are supposed to be tracking those as commercial when they are sold to a federally permitted dealer. I maybe can get some information from folks in Florida and come back to you on that.

MR. PELOSI: I believe that Florida does require a permit for their tournaments and it is reported to the state. Now how the data is handled after that, I'm not sure, but that is something to look into. We can probably do that probably through – the Florida Fish and Wildlife had a person I met at one of the meetings in Florida here.

DR. MacLAUCHLIN: Erika?

MR. PELOSI: I think so. She is what, extension, or she does relations with the council.

DR. MacLAUCHLIN: Yes, Erika Burgess is a new person working with Jessica McCawley and Martha.

MR. PELOSI: Okay, you'll look into that, right? Okay, does that satisfy you or do you want to make a motion?

MR. LAKS: No, I don't really want to make a motion, but I did inquire on my own and nobody knew anything about it from FWC. I've seen several tournaments even in areas where the fishery is closed at the present time where they're requiring that the tournament owns the fish for sale for charity.

Not only do you have the problem of fish being sold in closed areas, but those fish are going to hit the market, so you are going to have fish from the west coast of Florida ending up on the east coast quota. Someone is going to drive them across. You are taking fish away from commercial fishermen and you are not getting the data you want either.

MR. PELOSI: Okay, I'm sure that she'll follow up on it. Any other questions for Kari? Okay, I guess we can move on to the next agenda item; and this is the one place where we're going to divert from the printed agenda and let Peter Barile give his presentation. Peter, introduce yourself and tell us who you work for and a little background, please.

DR. BARILE: I'm Peter Barile; you can see my slide up there. I am a scientist and consultant to Southeast Fisheries. We were involved in SEDAR 38. I am going to just show you a few slides here going back to SEDAR 38. You can see the circle. This was where you can see the predicted low recruitment; and we have options here for high, medium and low.

The question is going forward what recruitment level should you use? Basically I will show you some data here supporting the concept of the high recruitment. Here is some data; and I will show you two sources of data. This is TIP data. These are length/weight relationships for fish caught on the east coast of Florida last April.

I just want to reference these, because what I am going to show you is the relationship between size, weight, and age in these data as I show you length frequency, so a strong relationship. You can see where the R squared says 0.956, strong relationship between length and weight. I'll show you how we took the TIP data and estimated weight and age based on these data here.

Here are the last April TIP data, and I want to show you this first, because again we were going back to the assessment where the concern was – and I'll go back to the first slide, but if you look at the three different ending colors, you have a blue, low; red, medium; and then the kind of greenish-gray, which is coming up to the red dotted line, average.

The thought was that over time the recruitment would come back to the average. And, indeed, if you look at this point we have 2010, '11, and '12; this was the terminal date of the assessment right here. The model actually predicted that recruitment should come back. The question was – you know, there was a fear amongst the analysts that we were in this new era when we weren't going to get new recruitment; that there was some long-term decline in the average recruitment.

Again, at the end of the assessment we were presented three options; coming back at high recruitment, this red line, which would be medium and low. You have ABC and ACLs in your packet dependent on these three different options right here. This is what where we ended up at the assessment here; and so the data I am going to show you is for the year class of 2012 and 2013.

There are new fish that I'm going to show you data for that were now in the SEDAR 38 stock assessment. Any questions on that? I just wanted to make sure that was clear. Again, here is this April 2014 data; and it was very clear, again looking at those length frequencies and then comparing them to weight/age relationships, that we had a two-year-old, strong two-year-old age class coming in; and indeed fishermen last spring were getting a lot of small fish.

They were throwing back a lot of fish, but is very clear that there were some age threes and age twos that were dominating the length frequency. I'll put this in context with all the TIP data over the past several years, so you can get an idea about how significant these smaller length frequencies are compared to the older fish.

Okay, let's start at the bottom here, and this is 2010. I'm sorry for how small this is, but what I want you to see is just the shape of these length frequencies as we move from 2010 to 2011, 2012, 2013, and 2014. In 2010 you had a very mature stock; you kind of had a bell curve, an equal distribution of small fish and large ones. As we move forward, a little blip here, smaller length frequency.

But as we moved forward, and this was around 2012 when we were concerned about the health of the stock; indeed it was maturing. The point is as we got to 2014 we started seeing a higher proportion. Again, these are the length frequencies from the whole southeastern United States excluding – I’m sorry, no North Carolina, no South Carolina. I couldn’t get that data; they wouldn’t give it to me.

This is NOAA TIP data, so I had to use – they have confidentiality issues – so I’m allowed to use most of the data but not all of it. This is the predominant data from Florida to Georgia. Again, the point is in here in 2014 it is very obvious that there are a lot of small fish coming into the fishery. Again, these are fish that are being landed.

I wanted to put that April data from last year in context with the concept that the whole year was showing a lot of small fish coming in versus these previous years. Now here is the last set of data I’m going to show you. This data is from Seafood Atlantic, and this is one of the major mackerel buyers on the east coast of Florida.

Now, what is interesting about this is not only do we have landings from Brevard County, Indian River County and Palm Beach County, the three major areas in the mixing zone in the wintertime; but I was provided the number of fish and the weight, so I actually have an average weight per trip.

The number of trips ranges between several hundred, to 14,000 for the middle of the winter in December to January when the major fishing is going on in this fishery. Interesting things to note, let’s start Brevard County later, a couple issues going on here, and I am certainly interested in your perspectives.

Early on, larger fish; there may be two artifacts to this data. Number 1 there may be a lot of live baiters working at this time catching larger fish before the troll fishery really is executed more. But also these may be some of the summer resident fish, and we’ll talk about this a little bit more.

One of the things we did I think brought home in the SEDAR 38 assessment was that by November/December, this is the point where the small fish were migrating from up north and entering Volusia/Brevard County. Interestingly, we also have in Brevard County the average size dropped from about 11 pounds to just over 7.

In the wintertime when we know the migration occurred and looking at the blue line, indeed moving into February and March, the average sized fish was between 5 and 6 pounds; Indian River County, a little bit more stable. This may be an artifact of probably maybe fewer live baiters, more trawlers in this area, whereas there may have been more live baiters around the Cape; but this area is only 40 or 50 miles apart.

But a little bit interesting difference in the late summer in the average size. But indeed in Indian River County, going into the winter when the migration has occurred, December on, we see the size, the average weight decrease. Palm Beach County; very interesting that your average weight in the late summer was 8 pounds declining; you had an average weight of just over 5 pounds in November. One of the things I talked to Chairman Hartig about was the concept of these winters being very odd in terms of being very cold at times.

We know we had a lot of very cold fronts early winter, in November, but very interesting warming up somewhat in the middle of the winter, late winter and then getting cold again. It is quite possible that these small fish had migrated down and that there were bigger fish caught when it was warmer; but indeed as these fish prepare to migrate north, we saw in every county these small fish that were – as I've talked to some fishermen about – they ball up and then they move. When they are all together, that is when you fish them.

It is very clear that you all were on some small fish in every county. This data ends the last few days of March. These are very recent data. Again, these are some fisheries-dependent data that I got from the fishery versus the TIP data, which is fisheries independent, where the port samplers are pulling a certain number of fish from your landings at different ports and different fish houses. This is from the NOAA TIP data base. Are there any questions on any of this?

MR. LAKS: It is not so much a question but a comment. The fish you see off of Palm Beach that showed up bigger; I think that is primarily due that most of the trolling fleet was north of there, and there is a select bunch of – I don't know if you want to call them resident, but fish that frequent the same area over and over.

You had a hard-core group of live baiters that was pounding bigger fish. If you had like data to show how many pounds came in, I think you can quantify it more that those fish were not nearly amount of pounds but those fish averaged much larger. It wasn't a big body of fish, but that was what would skew it in Palm Beach County; that they were all predominantly live-bait fish, which drove the average way up.

DR. BARILE: Yes, I agree with that. I think that that showed up here, also. I want to make a point of that and I'm glad that you supported that, but that is probably what is happening in Palm Beach County also is that there are some shifts in the fishery and the methods. There is no doubt that there are big fish that come in, they are available; but there is absolutely a migration of small fish that you've seen all the way down there.

MR. BOWEN: I'm looking at your graph there and I might have been a part of all that. What you said and what Ira just said is very typical of Brevard, your suspicions with the bigger fish in the beginning of the year with a fishery that is targeting the larger fish with the live bait. But, interestingly enough, Ira, this is interesting, I think.

If you look at the Indian River County graph, which my landings would have been a part of, you will actually see in the month of December when we had fish coming down starting to migrate south; we had a showing of large fish briefly at the beginning of the month. Then we had a lot of weather and then those fish were gone. Everywhere we went was five to seven pound fish.

What I'm interested in; it almost seemed like they might have kept migrating south; I don't know. I'm just wondering because if you look at the Palm Beach County Line, all of a sudden now you've got that spike of large fish later on. It is just interesting; you know what I'm saying; but your graph is exactly what I've seen over the course of time. It is a picture of it.

MR. PELOSI: I'll make a comment, also. Off Stuart I saw the same thing, just as it shows there. The small fish showed up and there was no end to them, and we were throwing some days half of them back.

MR. BARILE: In summary, the reason I wanted to show you this was that we got to the end of the stock assessment for SEDAR 38 and that was 2012 data. The question was in terms of your decisions on how you want to set the quota; we wanted to inform you all and the process a little bit more about these potential age classes coming through since the stock assessment.

These three-year-old fish that we saw were probably from the terminal year of the assessment, the ages threes. I'm sorry, this is 2014; let me go forward. Actually it would be have been the age twos. The terminal year of the assessment was 2012, so these were the fish coming in last April that were at the end of the SEDAR 38 stock assessment, where again they showed some uptick. This is the 2012 point.

There was a lot of fear and concern that there were these really low recruitment years. Again, the 2012 was up here, and the question is, as we're moving forward here, where is your comfort with these different options and the concept of having higher recruitment. It is quite plausible that for 2013 and 2014 we may be up in this area with a couple successive years of new fish coming in.

DR. ERRIGO: I just want to clarify the modeling and the assessment stuff; 2012 is actually the low point. The model didn't predict increase in recruitment, because it couldn't see the data that you're showing now. What is going on is for model projections we always use the average recruitment or the estimated MSY recruitment going forward in time.

That is the high recruitment; but because the analysts saw this low period of recruitment, they were like, well, gee, maybe that's not what we should use in these projections and maybe we should use the average of these low points or something like that. That is what is going on there. However, the new age class that is coming in that we're seeing now in the fishery is new data that the assessment would not have seen; and that is a very interesting pattern, which is what we were hoping. That is the kind of information we were hoping to get to help the SSC and the council make a decision on which level of recruitment to use and which projection levels to use.

DR. BARILE: Right, and just to follow up on that last point – and again I apologize for the lack of resolution here – is the 2012 SEAMAP data, and that is right where my cursor is. In 2012 the model actually showed an uptick to the average level of, what is it, '92 to 2012. It came up, but the concern was how significant was this last year of uptick compared to these previous years? I think we've answered that by having some information after we at least achieved the average coming back.

MR. HARTIG: My name is Ben Hartig. I'm the chairman of the council, also the chairman of the Mackerel Committee. I have gone to every assessment we've had for king mackerel. This was a really interesting assessment to attend. It was done in Miami by the Miami analysts. When we got into this situation of low recruitment to the end, you could see why the analysts might have been alarmed, because there was a longer than normal period of low recruitment in those low years towards the end of the time series.

But if you go back and look, you can see the recruitment patterns over time. You will get a high recruitment, and then we'll fish on it for a number of years, and we'll fish the stock down. Then we'll be back to another high recruitment year, and we'll fish on that for a period of years. When the analysts sounded the alarm that we want to use the last three years of the time series

for king mackerel; we tried to explain and told them. I said, listen, you did the last assessment in 2006 on one of the highest recruitment patterns we've had and now you're doing it at the lowest.

I said, basically if you look at the past history of the fishery, it has always showed highs and lows. Yes, it was a couple of years longer than normal in the lower recruitment end of the graph. But we tried to get them to say, listen, we're as concerned as you are about the stock, we said, but on average you're going to get another year class coming into this fishery pretty quick.

If you use those last years only, there is no way that the council between assessments could ever be able to be able to increase catch rates to the normal levels based on a normal recruitment pattern. We got them to buy into this recruitment scenarios; we got them to buy into looking at three different recruitment scenarios, the high, medium and low.

Now the high, medium, low recruitment scenarios do not reflect the highest levels of recruitment we've seen. They don't reflect those highest points that you see up in the older years. None of those high, medium, or lows reflects any of that. The highest recruitment in the high, medium and low scenario is only based on average recruitment.

The high recruitment that you could possible choose as an AP is only average recruitment. Then the medium and low go below that into the concerns that the analysts had, and rightfully so, that this may be the new productivity, and we don't know what is going to happen to the stock in the future. We got them to buy into that.

Since that time, you see Peter's data; and I've been a king mackerel fisherman for over 40 years, and it has been a big part of my life. The numbers he showed you showed that we did get substantial recruitment. Now, how high is it; we don't know. We don't know how high the recruitment level is. It seems to me it is certainly average recruitment, at least.

It probably could be more, because as Peter showed there are at least a couple of year classes entering the fishery in the last couple of years. It is just not one year class; it is a couple that is starting to support the fishery now. As we go forward, what we'll hopefully see is that these small fish will fill into the spawning stock and that we'll see those again. As they start to get older, we'll see those in different fisheries at different times throughout the year.

Really good news. I was scared to death going into this assessment about the Atlantic stock of mackerel, because I had never seen recruitment at this low a point. In 2012 I saw 11-inch fish, lots and lots and lots of them in that year, and I saw them in October. I told the assessment scientists. We caught a large number of them actually fishing near the beach for other species.

We were fishing a five-hook rig and I could catch five at a time all through this different area. It was something that we had never seen before that far south. That particular year, the Gulf Stream had been eight miles offshore of the area where these fish spawn off of Jupiter. When it is that far offshore, these egg and larvae where the fish spawned in May couldn't be carried north to the areas where they normally are.

We have seen a pattern in recruitment much farther to the south, and where the SEAMAP trawl does not sample those animals. We had some recruitment information that we saw. I had no way to know how big a year class that was. These fish that were only a few – they were May,

June, July, September, and October. They were five or six months old, and they were about 11 inches long.

Interesting animals, because if you look at little teeny king mackerel, they are not round yet, they are flat. They look more like a skip jack than they do a king mackerel, and they are really thin. But, nonetheless it was a lot of king mackerel. We had tried to alert the assessment scientists during the assessment of that.

Subsequent to that; it takes about a year to do an assessment. Some of these fish actually entered the fishery by the time the assessment was winding up. These kinds of things, convincing the assessment scientists to go outside their box and to make a step in a direction that would allow us a little more flexibility in being able to choose if we did see a good year class coming on has really produced a lot of – it will really help you all make a decision about where you think the catch levels should be.

That is just a little nutshell stuff about the assessment and my involvement in it and the analysts. I thank them a lot. Peter's work has been great. He was great at the assessment in being able to present this information. The critical part of this is that when people get involved at a high level in these things, you could make changes.

When the fishermen and the assessment scientists work together and everybody believes each other and the trust is there between the analysts and the fishermen; we can make the necessary changes we need to make going forward that won't crush your fishery if you happen to see a good year class come in.

To me this flexibility, I hope we can use this in the future, because we're getting to the point now where we're getting so far between our assessments that we really need to look between the timeline of our assessments that are getting out into more than five, some of them seven years old now.

We need to be able to look at least halfway through and be able to have some kind of way to be able to actually get with the SSC and run a short – look at the different indices and look at the catch levels, look at the different fishery-independent information we have for those three years between assessments and be able to actually change your assessments, change your catch levels up or down. That's a critical thing.

We're looking at red grouper and we're alarmed at that. We've been trying to get a red grouper assessment and it keeps getting pushed back. I think this will really help us going forward. It is a new way to be able to look at these different scenarios. You have a little bit more flexibility than we've ever had – well, we used to have this kind of flexibility, but since we've had the reauthorization, this is really a good thing.

MR. PELOSI: Does anybody else have any other comments? It is really nice to see that the science now is reflecting what fishermen on the water have seen in this fishery at least. The science behind the assessments has gotten better and better. I think as fishery management evolves going in this direction is a very good thing for us. What we want to do next is Amendment 26.

DR. MacLAUHLIN: This is Attachment 2, and it is a discussion document. We also have hard copies of this. This amendment the Gulf and the South Atlantic Councils are working on, and they are going to discuss this again in June. We scoped the items in here in January of this year, so we got some good feedback.

The actions that are in here are to modify the management stock boundary for Gulf and Atlantic migratory groups of king mackerel, update the biological parameters and revise the ABC, the optimum yield, annual catch limits and the recreational annual catch target for Atlantic king mackerel.

There is an action to consider an incidental catch allowance for Atlantic king mackerel caught in the shark gillnet fishery. Then we have an action that we really want to dig into today with you guys to establish a new Florida east coast subzone for Atlantic king mackerel. That would be looking at the boundary, a possible sub-quota for that area, and then management measures such as trip limits, bag limits just in that area.

Then we also have the same for the Gulf king mackerel to update the biological parameters and the ABC, OY, ACLs. The Gulf also wants to revise their zone and subzone commercial quotas, so they have allocations of their commercial ACL among their zones and their subzones. They want to look at the recreational and commercial allocation for Gulf king mackerel and then maybe look at modifying the recreational bag limit for Gulf king mackerel.

The Gulf Council is currently scoping those actions right now. They are all potential actions. The timeline is that we had our scoping in January. The Gulf Mackerel AP reviewed the actions and alternatives and gave some recommendations, and I e-mailed that information out to you guys last week if you wanted to take a look at some of the items that they recommended.

Then in January the Gulf Council approved for scoping, and they are doing their scoping right now. You guys are reviewing this; and then in June the Gulf and the South Atlantic Councils are both meeting in Key West. They will have their separate committee meetings and then there will be a joint meeting, and they'll be able to review the public input, what you guys have to say, and then really provide direction on the actions and alternatives.

We're thinking that we'll have public hearings for this in the fall, maybe in October. That is ambitious, so it may get delayed a little bit. Then in December the South Atlantic Council will review and take final action to submit for NMFS review; and in January the Gulf would do the same. So maybe April or May of next year; that is the timelines we're looking at right now.

We're still in a pretty preliminary stage of this, really working out all the actions and alternatives that the council wants to dig into before we start to do analysis of the biological and economic and social effects. The background for this is that the stock assessment for king mackerel, which was SEDAR 28, was completed in August of last year; and it actually used a different approach for the management boundary. Before the mixing zone was the area on the Florida east coast.

Now, using some new information, this stock assessment actually showed that the mixing zone, which is if you scroll down a little bit, was just around the Keys area. This is different, and so the council will need to go in and change that management zone. Then it is basically putting – what separates the Atlantic migratory group and the Gulf migratory group is just this small area.

There won't be a shifting boundary anymore like there was for the Florida east coast zone. Then also we got new information about the stock. They incorporated the new information about the stock, and so we have some new ACLs. Those new ACLs are going to be based on this new stock boundary.

For the shark gillnet fishery, we had some questions about after Amendment 20A, which prohibited the bag limit sales in the South Atlantic, we had some fishermen that were working in the shark gillnet fishery who used to sell just what was the bag limit for king mackerel, which was incidental catch from the shark gillnets.

Instead of discarding that, they have asked for the council to consider allowing them to sell that incidental catch in the shark gillnet fishery; so we have that action in there. Then we have our Gulf actions. When we scoped this in January 2015, we got lots of different scoping comments. We did get the comments to set the ACL at the highest level possible, which we will go through those different options that our Scientific and Statistical Committee provided us; but to set it at the highest level possible because the abundance has been high in recent years.

People talked about rolling over unused quota. We did have some concern about lack of information for the dynamics of the stock mixing, but people were supportive of updating that boundary. We had some concern about how the northern and southern zone quotas that were just set up in 20B would be allocated.

You have in this document – it is at the end it is Appendix A – how that is going to be recalculated. Before with king mackerel, based on the old stock boundary in the mixing zone and everything, what we were counting as Atlantic king mackerel caught in the southern zone was not as much. Now that we are considering all the king mackerel that was caught in the east coast Florida subzone as Atlantic, then that increases that southern zone landing.

We recalculated those and basically it is going to be about 24 percent for the northern zone, which is North Carolina north; and then 76 percent for the southern zone. We did have some support for allowing the sale of the incidental catch of king mackerel, but some concerns about that it should be strictly enforced and to keep that number small.

When we were talking about setting up this reorganization of the Florida east coast subzone, we had on there it was like a possible item to include for the council to consider some kind of endorsement specific to that area, just commercial, but we didn't find a lot of support in that because it would affect the traveling fishermen.

There was some support for a specific sub-quota for that area and maybe moving the boundaries; but one suggestion is to just wait until these new ACLs are in and then really figure out what you want to do with the Florida east coast zone. There were lots of other comments that came in, especially at our in-person meeting in Cocoa, that were related to mackerel but not specifically Amendment 26.

Those are available online, and I can give you a link to that or I can get a copy for you if you wanted to see all of them. I am going to go right into the actions. The way these are set up is a little bit complicated, because we are presenting you with the actions that we'll present to the council in June.

We have language in there – there are two sets of language, because there is approved language and then we also have what we call the IPT, which is the interdisciplinary Planning Team that is made up of council staff and our NMFS regional staff folks that we work with. Sometimes we have to tweak that language to make sure that it is capturing everything that the council wants in that action to consider.

As always, there is Alternative 1, no action. We always have to have that in there; it is just part of how these are set up. The council has to consider a no action alternative even if it is not something that they will do or legally can do. This, of course, would just keep everything the same as far as the management and stock boundaries.

We have the maps in there of how the current boundaries work. Then we have Alternative 2. What this is going to do is it is going to set up a permanent year-round boundary that is at the Gulf and South Atlantic Council Boundary. This is the jurisdiction of the council boundary, and it runs through the middle of the Keys and then down to the Tortugas.

It is basically like that southeast side of the Keys. It is going to be year-round; there will be no shifting of the boundary. The South Atlantic Council will be responsible for management measures in the new mixing zone. The new mixing zone is that little area just south of the Keys. This second alternative; that is our possibly suggested language that we just wanted to include in there.

We also have these subalternatives that would allocate a portion of the Gulf ACLs to the Atlantic, just to cover what's been caught there in that little area. We may or may not do something like that in allocation just because in general that area is so small and the landings are so small, it just may not even be worth having to allocate it. It can just get counted towards whoever has the jurisdiction.

We have a map here that shows how this will work. So, where the arrow is, that dark line; that would be the management boundary between Atlantic and Gulf. The South Atlantic would manage all the way down to that boundary, including the mixing zone. The southern zone would go all the way from the North Carolina/South Carolina Line to the council boundary.

The next one also establishes a permanent boundary, but it establishes it at the Dade/Monroe Line. This would give the Gulf Council jurisdiction over the entire Keys. In Alternative 2 the South Atlantic would have the southern part below the Keys; and then the Gulf would manage the rest of Monroe County; so that would be counted.

This would be only the Gulf in this area, and we also have possibly allocating a little bit of the Atlantic ACL over to the Gulf just to cover that, but it may not be necessary. We have a map here, Figure 3, so it shows that the boundary is going to be at the Dade/Monroe line. The whole Keys would be part of the southern zone for the Gulf group.

This would give the Gulf jurisdiction and they would set all the management measures for all of the Keys. This is what we do for Spanish mackerel. That is also the management boundary. Here are just some more figures. That is all we have for the management boundary action. If you guys want to discuss it, ask questions, make a recommendation to the council.

MR. PELOSI: I think it would be better to go ahead and discuss it. Anybody have any questions first?

MR. BOWEN: Yes, sir, I do. Actually I have a question for Manny. You're from the Keys?

MR. HERRERA: Yes.

MR. BOWEN: Can you go back to that subzone, the mixing zone graph? My question, Manny, is do you agree with that? Do you agree with Kari's statement that there is not a lot of landings in that mixing zone that they have there?

MR. HERRERA: No, I don't agree. The same thing that is happening that you're asking me for the king mackerel, we have a big issue. Key West is such an issue, because we have both the Gulf and the Atlantic. This line that is drawn up there is a big issue, because the fish don't stop at that line.

The majority of the fish that are being landed are being landed a little to the north, which Don DeMaria and I have come to agreement that line should run not just at the southern edge but probably 40 miles to the north, and call it the Keys Fisheries, because it is our fishery. Those fish, they came early this year in December and a lot of fish were landed in December where normally they're landed in January and February.

But because of the early winter, they came in there. This is a continuing issue. Like I explained to Bill, then that whole quota is caught. It was caught in the Gulf and then the guys in the Atlantic are snapper fishing. We can't keep or harvest king mackerel, because it is closed. This continues to be an issue in the Keys.

I do want it to be federally managed, but I do feel that the Keys have to have its own section, especially down there in Key West where we cross that line. We can be catching king mackerel in the Gulf one minute, and then the next day we can be in the South Atlantic in the tail end area. Be what you will, that line there; to draw that line to keep it on the south for the Keys just doesn't make any sense whatsoever. We need 40 miles to the north and then call it, okay, this is the Keys area and this is where they fish and those are those fish. They cross that line all the time. I don't know if I've answered your question, Mason.

MR. BOWEN: If they are going to create a mixing zone and basically they're saying, well, we don't have to worry about the catches caught in this mixing zone because the amount is so low; then probably they are of a misunderstanding going forward. I would say that everybody, the Gulf and the Atlantic, is going to have to address that.

When you see the data assessment for the Atlantic, if it is going to be a 50-50 accommodation of the mixing zone; if that is one of the plans, certainly they are going to have to know how many fish are going to go in that mixing zone or not. That is why – you know, I have never fished in the area you're talking about – they need to know just specifically what they're looking at. That is my only point.

DR. MacLAUHLIN: I can clarify that. It is a small amount of landings relative to everybody else and not that it is not an important level of landings. What we were trying to figure out with

the IPT and with the staff when we were working on it was when it comes to allocating a little portion of let's say for this one where the Gulf Council would have jurisdiction over all of the Keys, should we give the Atlantic a little bit of the Atlantic ACL to the Gulf to cover what is in there, because everything that is going to be caught in the Keys is going to be counted towards the Gulf.

It may be a small enough level of landings relative to the whole Gulf quota that we don't need to do that. That is what we do for Spanish mackerel; everything that is caught in the Keys is counted towards Gulf even though a little bit of that maybe should have been Atlantic. I guess the question for the AP is would you rather have Alternative 2, which is going to be having the Gulf managing one side of the Keys and the South Atlantic managing the other. Would you rather have one council managing all of Monroe County all the way up to the Dade/Monroe line? Then do you think that the council needs to allocate a little bit from one council to the other to cover the landings there?

MR. KELLY: I would like to make a motion that the AP adopts the revised Alternative 3 as a preferred with Subalternative 3A.

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

DR. MacLAUHLIN: Alternative 3 and Alternative 3A?

MR. KELLY: That is correct; it establishes Miami-Dade/Monroe County Line as the divider, and it would put management authority under the Gulf Council and it provides for a reallocation to that sector from the Atlantic side because those fish would be charged to the Gulf.

MR. PELOSI: That would really simplify a lot of things. Is there a second for that, please? Okay, second by Manny Herrera.

MR. ENGLISH: Can I speak on that now?

MR. PELOSI: Yes, go ahead, Steve English.

MR. ENGLISH: My concern with allocating that to the Gulf is the Gulf in Amendment 28; the AP has just wanted to exclude Atlantic fishermen out of Gulf fisheries. My concern is why would we give Gulf more territory in the Atlantic to exclude us out of? Until we decide on 28, there is no way in the world I would want to give Atlantic fish to the Gulf for them to handle and exclude me out of those fish. I am very opposed to letting the Gulf handle it until we know what is coming out of Amendment 28. I am very opposed to that.

MR. LAKS: I think from what Manny said, too, when he was describing that his fish showed up early; you can almost see that they are Gulf fish coming down, because they certainly didn't come down the Atlantic by Peter's research. Those fish were coming out of the Gulf and coming to you.

What Peter's research is showing that our fish really don't travel down that far. Maybe in an unusual year and with the pattern of weather, looking like our fish are not going south, they are going further north; I think it would be hard to give the Gulf any of those fish that might never

make it down there. If you believe the science coming out climate change, it is less and less likely that those fish will go south.

MR. BOWEN: I would like to make a comment. I would be more in favor of the action if you neglected to add Atlantic fish to that just because of what Steve has said. We don't know going forward in the future, you don't know what you're dealing with along those lines. Then the other thing is that it does simplify that problem as far as that area. That is my comment there.

MR. KELLY: I think we're establishing a reasonable boundary here to more efficiently manage the species. Maybe can Peter or Mr. Hartig by any chance shed some light here? I don't sense that we're taking fish away from the Atlantic fishermen. We're simply recognizing that these fish are caught in a particular area, and they are probably from the Gulf stock, anyway, so we need to reflect that. Is that a correct assessment, Mr. Hartig?

MR. HARTIG: Rephrase your question again and I will try to think about it.

MR. KELLY: We're simplifying the process by establishing a line of demarcation. Are we taking fish away from South Atlantic fishermen by this action or are we simply recognizing they are probably Gulf-caught fish, anyway, so we're allocating the appropriate percentage to cover that boundary shift?

MR. HARTIG: In that simplified terms that is probably correct, as you stated. Unfortunately, what Steve's concerns are, and they are valid – and Mason's concerns as well – is that if we give Gulf full control of that region and what happens in 28 will impact the ability of South Atlantic fishermen to fish in the Keys.

That is the concern that the fishermen have with what the AP has come out with as their recommendations to the Gulf in Amendment 28. Whether or not you have the landings to be able to fish in the Keys; that is a concern of our guys. Steve has got some real strong opinions about how fishermen should be able to fish with a king mackerel permit and how that should be done, which we'll get into later.

I'm not going to go into that now, but he has voiced some of that now. I think the fear is that fishermen on the east coast of Florida would not be able to participate in the Keys fishery. This unknown, based on what the Gulf could potentially do with Amendment 28; that is why Steve has come out like he did about the uncertainties of 28 going forward with drawing the line – certainly, it would simplify things.

My concern has always been that line that was drawn down there by the Keys; that Manny you talked about; where does the net fishery operate? I remember in the old history of the fishery there was fish caught in that area. This would be in the South Atlantic jurisdiction, which would no longer be able to be done because we don't allow gillnetting in the South Atlantic.

I thought simplistically – and this was before I had thought about 20A – I said, well, we move it to Dade/Monroe and let the Gulf manage it; that would be the most reasonable way forward, but however with the unknowns of 28, precluding potentially Atlantic fishermen from having the options with a king mackerel permit of fishing in the Keys; that can create a problem. That is the concern. It is all inter-wound.

It has gotten more complex than I ever dreamed it would with the considerations of what may happen with 28. Taking 28 out of the picture, the Dade/Monroe County Line, Gulf managers would be the best way to do this because of the potential impacts it could have on the fishermen in Key West if we managed that fishery and the potential impacts on the gillnet fishery in particular.

MR. KELLY: Mr. Hartig, I think in terms of the order here we obviously can't do 28 first. We've got to establish how we're going to manage the fishery, and then we do 28, and, of course, the same group of people who were sitting there with landings, control dates, et cetera, folks with maybe grandfather clauses or so forth we can establish and protect those individuals that are in the fishery. But we've got to start someplace; and my sense is that if we take this action, then it gives us some building blocks to move forward.

MR. HARTIG: Well, that is a point well taken, Bill. We'll see where the conversations go, but its chicken and the egg basically what we've got here. Like I say, we'll see what your decisions are.

MR. ENGLISH: Well, I agree with you that would be the best scenario and the simplest; and were it not for 28, I would say go right ahead and do it, no questions asked; it is a good thing, and it really is the best management policy. The only thing is when you're managing fisheries, but when you start managing where fishermen can fish, that is what complicates it. If you do something and say this goes to the Gulf and the Gulf says, well, now you can't fish here; then that creates a problem. As far as managing the fishery, I agree that is probably the best way to go.

MR. KELLY: I respect your point as well, Steve, but we're kind of at an impasse here then. What do we do with 26 if it is dependent on 28? Are we going to take 26 and set it aside as a no action item?

MR. ENGLISH: I can tell you that it is a shame that they put what they did in 28 to create this problem, when they didn't have to; but they've done it, so I guess we have to address it at some point. Maybe later in the meeting when we get it addressed, the concern will go away on our end and it will wash.

MR. PELOSI: Okay, is there any other discussion?

MR. HARTIG: Yes, there is. This has created a real problem, because we need to move forward on 26. The council, at its last meeting, dropped 28. Our Committee and full council voted to drop 28 from further discussion. The Gulf has picked it up. If we don't pick up 28 again, the Gulf won't be able to do anything because it takes both of us to make – both the councils have to approve it going forward.

Now there may be some things in 28 that we may want to consider in the future, because we had brought most of this forward in an amendment before. Unfortunately, at that time the Gulf Council did not want to move forward with that. Now all of a sudden they've changed their mind, so we've had this back and forth. In the interest of moving forward – and I know this is going to be hard for probably Mason and Steve to try and do; but I would make my decisions independent of the amendments. If you don't, we're never going to be able to move forward.

Then what I would do is in 28 bring your concerns forward about what you think should move forward or not. Then the council will make decisions based on the public's response to 28 and the AP's response to 28. But what I would tell you to do is go ahead and isolate yourselves from each one of those amendments; make the decisions you need to make in 26 based on 26, not 28.

Then leave the fight for 28 when we get to 28; because if we don't do it that way, we're never going to be able to move forward; fully understanding your concerns about 28 now. That is the critical part of it; that we understand those concerns. That is how I would ask you all to try and move forward; because if we don't, we're never going to move forward. I think the critical nature is to move forward with what we have on 26, address 28 as we do, and make the decisions there based on what you guys feel about that.

MR. LAKS: Do we have the numbers of what those actually would come out to in pounds?

DR. MacLAUHLIN: I had just asked that at the SERO. They are getting the last recreational data, but she said that it would be about 140,000 commercial and recreational combined that would need to be transferred from South Atlantic to the Gulf. When we get to the next actions where we're actually talking about the Atlantic ACL, it is from 12.7 million pounds, even as high as 7.4 million pounds. That is what I mean when I said a small amount of landings relative, so to move that over to the Gulf just to cover that is what we would be doing; but it would be actually a very small proportion of the Atlantic ACL.

MR. LAKS: That cleared it up a little more that it is really an insignificant amount of fish either way.

MR. PELOSI: Okay, I think that is probably pretty clear enough. My question is we've seen this mixing zone move from off the east coast of Florida now down pretty much into the Keys. Has that come about more in the last 5 years or 10 years or 15, because on the subalternative there are time limits there? I'm wondering if there would be less fish transferred if we just looked at the last five years, which is in Subalternative 3C.

DR. MacLAUHLIN: Well, 3C is the one that takes half of the recent five years and then half of the ten five years, and these are ones we just suggested, 10, 15, 5. It kind of depends on what you think is representative and captures the dynamics of the landings in that area; you know, is it a long period, a more recent period?

MR. PELOSI: I don't really have a feeling for that. It is just that as we've been saying with the climate change and the warmer winters, the fish, maybe more of them are Gulf fish than Atlantic fish.

MR. BRAME: Somebody who doesn't have a dog in this fight, it seems to me the compelling argument is for Alternative 3, to let the Gulf manage that whole area and reduce the zone where you have two different management entities.

As somebody who stood in Hatteras Inlet and literally had a 14-inch flounder on and prayed he didn't go out into the ocean where he would be illegal between two different management areas where there was a 15-inch minimum size in the ocean and a 14-inch minimum size in the Sound; it seems to me the Alternative 3 makes the most sense. I am less comfortable with changing the

allocation. The allocation is such a small amount, but I'm less comfortable with changing the allocation. I would be more comfortable if this was just Alternative 3.

MR. KELLY: To put it in perspective, we're talking about a reallocation that is, what, less than 1 percent, is that right, Doctor?

DR. MacLAUCHLIN: It is actually between 50 and 140,000 is what the estimates are coming up for each of these out of 12.7 million pounds.

MR. LAKS: Knowing that it is such a small amount now, I would say I could probably support 3A because you are covering 2005 to 2014, which is probably the highs of our fisheries to the lows of our fisheries, so it is going to give a really fair estimate of where we are. It is such a minute amount of fish that just to move on I think is probably the best thing to do.

MR. PELOSI: Okay, let's go ahead and call the question. **This is on Action 1. The motion is to adopt revised Alternative 3 with Subalternative 3A as the preferred. All those in favor please raise your hand, 8 favor; opposed, one. The motion is approved.**

DR. MacLAUCHLIN: I think it was 9-1.

MR. PELOSI: Oh, was it? Okay.

DR. MacLAUCHLIN: And just Steve, because we have 10. Well, we have 10 voters and I think it was 9 and one opposed.

MR. PELOSI: I didn't really vote. I didn't raise my hand, but I will go along with it if that makes it.

DR. MacLAUCHLIN: There are 10 plus you.

MR. PELOSI: Okay, I didn't vote on it. Okay, Action 2.

DR. MacLAUCHLIN: I just want to let everyone know when I prepare the AP meeting report, it has all your motions but it also has how many approved and opposed. Then I also include notes, so your concerns will be included in these notes so the council understands why we had an opposition.

On to Action 2; now, some of this we were talking about updating reference points or biological parameters such as maximum sustainable yield, minimum stock size threshold, maximum fishing mortality threshold, overfishing level, lots of acronyms that we have in here and what all of those are, they are pieces that go into the fishery management plan that we're amending with this amendment, but the council doesn't actually vote on it.

They come out of the stock assessment. The stock assessment provides these numbers; and just by approving the amendment, the council will be updating these. The other part of this action though is revising the annual catch limit and the annual catch target. It is the ACL that translates into how many pounds of fish that you guys can catch.

This first part; I am not going to dig into it, but it specifies the MSY, the MSST, the MFMT; all of these items that came out of the stock assessment and were approved by our SSC. I am going to move on with those. Then we also have the overfishing level that our SSC – those are the scientific advisors to the council, our Scientific and Statistical Committee.

They reviewed the stock assessment in October and they made these recommendations for our overfishing level. These are in millions of pounds. This is by law if landings exceed this overfishing level, then NMFS will send a letter to the council; and they have two years to start a rebuilding plan.

You guys have seen rebuilding plans maybe for red grouper is under a rebuilding plan, black sea bass was under a rebuilding plan. Getting into Action 2-1; this is the first part of that. In the stock assessment and the SSC review, the SSC will provide an acceptable biological catch. This is what we call the ABC.

This is what the SSC says; this is the most that you can take out, and that includes discards, landings, all the catches you can take out and the stock will still be able to replenish itself. They provide that ABC number, which is in pounds, millions of pounds, to the council, and the council can set the annual catch limit at that or it can set it a little bit lower than that; but it can't be higher than the ABC.

With this – and I might have to bring Mike back up here to dig into it a little more – our scientific advisors recommended a couple different ABCs. One was for under a high recruitment scenario, a medium recruitment scenario, and a low recruitment scenario. There was a lot of uncertainty in the model about what kind of scenario were you in?

You haven't had hurricanes in the past few years. Has this led to the population being able in a high recruitment scenario, where they can replenish themselves; or is it in a low area; so what Peter was talking about when you have an age class coming up? We have in Table 3, Attachment 2, what your ABCs would be under each of these alternatives.

We are recommending just going through fishing year 2019-20, because the SSC did recommend that this be reviewed before then and make sure that these ABCs and catch levels that are in place are proper and they don't need to adjust those. That is why we got these recommendations all the way through 2000-2011 fishing year, but the council will only be setting these. Ben, I am not really sure how you want them to make these recommendations with the separate ABCs and then the ACL examples.

MR. HARTIG: The first thing I was going to say is that if we don't get an assessment by whatever the last year that the SSC was comfortable with, will the catch level recommendations stay at that level of catch? Normally that is what we do. I was just wondering with king mackerel if that is the same way.

DR. MacLAUHLIN: I think the SSC recommended that you review that and make a decision on adjusting those or keeping them the same by 2020. But if you didn't, then they would probably just stay in place was the recommendation. I could just go ahead and go into the ACL part to talk about how these all kind of blend together.

MR. HARTIG: That will help.

DR. MacLAUHLIN: Okay, that is what we're going to do.

MR. PELOSI: We'll consider the acceptable biological catch, the ABC for the Atlantic migratory group king mackerel. As you see, they have four alternatives. The first one, of course, is no action. Does anyone want to make a motion on us accepting one of those?

MR. BOWEN: I would like to make a motion to accept the highest possible recruitment scenario.

MR. PELOSI: Okay, is there a second to that? Ira Laks seconds the motion. We'll look to have some comment. Peter Barile said that recruitment is coming up; but he said we don't know how high it is going to be. That is something just to keep in mind for the years to come. Okay, any other discussion?

MR. LAKS: I think it is such a small, insignificant amount of fish again. Also, if we're saying, if I'm correct, that high is historical average; that you're not really high, I think you're just going back to historical average. I also think that we don't really know why we have low recruitment. We can't correlate that to high catches; because if you were going to do that, we have been down on our catches for four or five years.

If you were going to correlate it to what we catch and what is recruited, we should have an unbelievable amount of fish. We've self-imposed a two-thirds catch reduction on our own fleet by not catching them, and we're not seeing that payoff. I don't think you can correlate that if we catch a few extra fish it is going to hurt the recruitment.

DR. ERRIGO: I just want to try to put this whole thing into perspective. There is a lot that is going on with this. This has to do with the three recruitment scenarios that Peter put up on the screen there. There is obviously some recruitment coming into the fishery. There is uncertainty about, well, is that high, medium; like where does that fit?

The other issues are that there was a lot of other uncertainties in the model. There is a lot of stuff that the model was unable to figure out. There were concessions and things that had to be made to get it to fit. There are other concerns that the SSC had with the model, and I just wanted to make sure that everyone is aware of those.

I know not everyone was involved. Some of us were sitting through all that. But, for instance, how we figure out the stock-recruitment relationship was unable to be estimated in the model, so we just had to fix one of the parameters; just set it close to 1 and use proxies to get the model to fit. That was one of the concerns.

What we're calling average recruitment; that is the average recruitment estimated in the model, which the estimates have a lot of uncertainty around them as well, so we don't know if that is true average recruitment. It is just the average recruitment estimated by the model using the proxies that we had to use to get the model to converge. It is a bit complicated. I will try to explain better if I can if anyone has questions about it. But suffice it to say there were a lot of

other uncertainties and concerns about fitting the model to the data that was present. I just want to make sure everyone is aware of all the information before making any decisions.

MR. SWANN: What kind of certainty or confidence do you have in your model? Are you erring on the high side or do you think you are erring on the low side?

DR. ERRIGO: The SSC did feel that there was enough confidence in it to base management decisions on. The fact that it was not overfished and overfishing was not occurring; they were pretty certain that the stock was in good health. The uncertainties come in the actual biomass estimates, so exactly how many fish are out there and exactly how much you can take. There was a lot of uncertainty around those estimates. How uncertain; there are error bars and there is a distribution around those numbers I can show you. They are pretty wide. We take the central tendency and that is the number we come up with, but there is a wide range.

MR. LAKS: What I would like to see would be, if we did choose the high, would be to somehow establish some sort of recruitment study in two years where we can come back and see not a full-on assessment, but have a recruitment study to see if we're continuing to get historical or above historical; and then we would know we were on the right track, rather than waiting four or five years and then we're reacting instead of proacting. If there would be any way, I don't know if that could be added in an alternative motion that we pick the high where in two years do just a recruitment study to see where we stand?

MR. PELOSI: I don't know if that would be possible.

MR. HARTIG: It is.

DR. ERRIGO: The SSC did ask to see both the length frequencies and the age frequency data as well as the SEAMAP data after several years to look and see where the stock is in terms of the recruitment levels. They wanted to see if recruitment is coming in and all that. They did want to check up on the stock as part of like a stoplight kind of approach where they track it over time. I don't know if they decided on a particular time frame of how often, but they did express interest in that.

MR. HARTIG: Just what Mike said is what I was going to follow up on; you can certainly do that Ira. You can certainly look at the SEAMAP index; you can look at what Peter presented plus another couple of years' data showing you your size classes of fish entering the fishery. I think it is pretty compelling now that you do have another year class entering, which the assessment did not know about coming in.

We have some information already that shows there is probably at least two different years of recruitment entering the fishery. I would be a little bit cautious in one regard is that saying these are the fish now that we have to move into the spawning stock. You want to be a little bit careful on the front end to make sure that you don't catch all these animals at a young age before they get old enough to move into the spawning stock.

Having said that, we'll know a little bit more as each year goes by. What you said is exactly what the SSC wants to do. They want to relook at this in two or three years, and it is called a rumble strip approach, I guess, and is something that the Mid-Atlantic Council does. It is an

interim way to look – and the analysts said, well, we can rerun the indices. We can essentially do a mini-update based on what the SSC wants to do.

I think that is a real positive step going forward that we could use for a number of fisheries. I tried to explain earlier, probably not quite very well, but a way we can frame our management decisions going forward so we're not just based on every five-year assessment schedule. If you see something in your fishery that you are alarmed at, you should probably make the change now rather than waiting three more years and having bad things happen to your stock or good things happening to your stock where you could let a little more fish go.

I mean, the upper bounds of where we are now are the high recruitment scenario. I think what I would like to ask Mike to do, though, is before you make a decision on your highest, is to explain the other alternatives we have that the AP could choose, the deterministic values, equilibrium values; what those are, what they do for you; the difference between your catch level recommendations, whether you choose one level for the whole time series or where you are with the high series. I think that could make a difference in how you want to go forward.

MR. BOWEN: First off, if you looked at the graph where they had years of concern of low recruitment; obviously that becomes problematic because we have such tremendous quantities now of fish that are two to three years old, so there is problems. Okay, so if you are going to run more recruitment studies two years from now, you are going to have to address those problems.

I am all for that; but let's face it, Ben, you know that these little juvenile fish may be further south; and certainly off Sebastian they are all over the place on the beach. They've been all over the place down in Palm Beach. Now, any fisherman in this place knows if I take any method of fishing that I want and I go where there is no fish, I am going to catch no fish.

That is just simply understood. Going forward, you almost have to make the recommendation for better data and better science; that you need to do that more comprehensively. Okay, as far as observations of what I see as a fisherman; in our area, of course, we have these year classes in the wintertime. But initially through the winter you will see in knots and marks of undersized fish; they are not juvenile.

We call them throwbacks; they are under 24 inches. I mean, we avoid them like the plague. You go through and you catch a 16-inch fish; I mean, your Sea Witch is almost 16 inches long. You just get away. That we have seen through the winter. Obviously, from one person's standpoint, I can't tell you how many of those knots of fish are around, but, yes, we've seen them as regularly as we've seen any other winter. What else could I add to that? Nothing; I think that is about it.

MR. BRAME: My concern is in the recreational landings. They've declined precipitously since 2006, from 7 million pounds to a million pounds. This is essentially an unconstrained fishery. That is not due to some other factor. I mean, I think the fish aren't there is the reason they're not catching them.

I am somewhat comforted; I looked at the F in pounds. If you look at the numbers of fish harvested, there is a slight uptick in 2014 that would indicate recruitment of a class, but I would

tend to be more cautious than folks are recommending simply based on these landings. They have fallen through the floor.

MR. BOWEN: I can address that. Okay, recreational participation has declined when you had excessive fuel prices. I mean, maybe down south where Ira lives, that is perfectly fine; but when you are running 20 or 30 miles offshore, you are not seeing the recreational participation. It is not all surprising to me that you're seeing it go back up, because it costs less for recreational fishermen to go fishing.

MR. PELOSI: Yes, that is true, the recreational fisherman is back with the low fuel prices.

MR. LAKS: I have one question that I don't know if Ben or Kari can answer it, would be if we do have another recruitment assessment; would it take a full amendment to change the ABC or could you do that in a framework action? How fast could you adjust on-the-fly to what would be the information coming; because that would be determining on how I would feel about it. If it took a full amendment, then it might be too late for whatever the recruitment assessment came back as to even matter. That would be important in how I decided.

DR. MacLAUHLIN: We could do that through a framework amendment. This is a plan amendment for folks and these take a little bit longer. There is more time for public comment. With a framework amendment, we have a very specific set of actions that can change in a framework amendment; and one is updating an ABC and ACL. We can get those through pretty quickly.

They can be approved within two council meetings and then submitted; and then if it moves fast enough through NMFS, within a year you can get those implemented. These are in this plan amendment because the whole boundary action that you just talked about requires a plan amendment and the whole thing depends on that. But usually we would do those in a framework amendment.

MR. PELOSI: Can you put the motion back up on the screen? Ira, you are still comfortable with Alternative 2, with the high recruitment scenario?

MR. LAKS: Yes, just for the fact that it is average. If I had more information – either way, it could be a little above average or it could be a little below average, we don't know, but it is really an arbitrary number, and the catch is really an insignificant amount of fish.

MR. PELOSI: Okay, let's go ahead and vote on it. **Action 2; to accept the highest recruitment scenario. All those in favor raise your hand please, eight in favor; all those opposed. We have two opposed; the motion carries.** Do you want to add something quickly?

MR. LAKS: Yes; can I make a motion that we also do a recruitment review that pertains to the action we just took?

MR. PELOSI: Do you want to put a time frame on that?

MR. LAKS: Within two years.

MR. PELOSI: Any discussion needed? **All those in favor; it is unanimous.** Okay, let's take a short break. Let's get the meeting back in session. Okay, we're now at the Action 2-2, which they are sort of combined here, to revise the allowable catch limit and the recreational ACT for the king mackerel; and Kari will carry us through that to explain it.

DR. MacLAUCHLIN: Okay, the document that I handed to you guys e-mailed out yesterday and then I gave everybody a printout called the reference document; and it has the landings. This could be helpful during this. If you get to Page 4, it has an example of the commercial ACL under the high recruitment scenario.

If the council selected the ABC under high recruitment and then they set the ACL equal to that ABC; in this table it shows what your Atlantic king mackerel ACL would be, and then the commercial and the recreational, and then it breaks it down into what the northern and southern zone quotas would be based on the newly calculated, which is 23 percent northern/77 percent southern.

Then I have a chart in there that shows compared to the northern zone landings – so that is north of the North Carolina/South Carolina Line all the way through the Mid-Atlantic – so you can see in these – this is under using the ABC from the high recruitment scenarios. It starts out in 2016, way up here, that quota, and then over time it gets lower.

You can see in general the landings are below and in some cases substantially below what the quota would be for the northern zone; but there was a period where it went over and there probably would be another one where there would be just an early closure in place that year. The next chart shows the same thing except for the southern zone.

The way that I calculated southern zone landings was South Carolina, Georgia, Florida all the way through, and then half of that new mixing zone down in the Keys. This includes all of the landings in the Florida east coast zone, which as you can see make up most of the southern zone landings. That is that dotted line. It is the Florida east coast landings.

Then you have the lines of where that quota would be set. It is really high. You can see for the most part landings are going to stay underneath that quota, but there was a period where landings peaked and there would have been an early closure if you had those in place, so just think about these.

When we get into this next one, we have an option to set the ACL at what is the deterministic equilibrium yield at fishing mortality at 30 percent SPR, which I will let Mike explain what that all means. This was a number that was recommended by the SSC as a possible ACL to set. Instead of having an ACL of a high, medium, or low recruitment scenario; a lot of uncertainty in that model, and then they change over time; if the council was not completely comfortable with the uncertainty in that model, this was an ACL that the SSC suggested that is just 12.7 million pounds for those four or five fishing years.

Then I have the same thing where it breaks it down. It compares northern zone landings to what that northern zone quota would be. Then in the next figure on Page 7, how that one quota – the southern zone quota looks like compared to what the landings were for the southern zone in the Florida east coast landings. Keep that in mind.

We also have the recreational, the same thing, what the recreational ACL would look like if the council selected a high recruitment ABC and an ACL equal to that. Over here it shows what that recreational ACL would be. Then in Figure 5 it shows the recreational landings compared to what each of these recreational ACLs would be.

You can see that the recreational landings do not go over. Then even for our equilibrium yield recommendation of 12.7 million pounds; with that recreational ACL recreational landings would still stay under there. That is what we are expecting it to look like. I am going to get back to Attachment 2. We're on Page 12, Action 2-2.

Now this is where you will be making a recommendation to the council, if you like, for where to set that annual catch limit. Then this action will also update the recreational annual catch target, which is primarily used for monitoring of recreational. Your annual catch limit is how much you can catch before your season closes.

We have our no action alternative, and that shows in that table what the current numbers are with the current stock boundary. Then we have Alternative 2. This one would set the ACL equal to the ABC that the council selects in Action 2-1. For example, you recommended to the council that they select the high recruitment ABC.

If the council selected that as a preferred and then they selected Alternative 2, it would set your ACL at those numbers that we saw. Then I have tables in here for each of these and the actual poundage that each one would get, the northern and southern zone would get under each of these. This is under the high recruitment. This is going to get, especially in these earlier years, higher ACLs, medium and low. I am not going to walk through all of these.

The next one is Alternative 3, so this is where the ACL would be set at that equilibrium yield at 12.7 million pounds every year for those four years until the council changed it. This is what the SSC recommended. When it comes to this, I was just talking to Mike about it, there may be not as many benefits as you would get if you set the ACL higher under one of those ABCs; but there also is going to be lower risk because of the uncertainty with the recruitment that you guys were just talking about.

When you're thinking about this and what you would like to recommend to the council, you know, would this be something that the council could consider; would that be the cost and the benefits of just having the 12.7 million pounds? This basically is right in the middle of all the high and the low recruitment ABCs that they could pick and set that ACL based on. You have that in your reference document that I just went through.

We also have Alternative 4. This would set our ACL at that equilibrium yield, but 75 percent of that, and that would just be to add an additional buffer for management uncertainty. This is just something that is typically included in the terms of reference for the stock assessments just to provide one number and then a number with a buffer at 75 percent.

This would set the ACL at 11.6 million pounds. Then we have a couple other alternatives; these are just typically included for the council to consider when we have a range. They could set the ACL based at 90 percent of the ABC. That was selected in the previous action. Then I have all the tables, so you can see actually what the pounds will look like.

Then we have one more alternative that would set the ACL at 80 percent of ABC. The reason why the council may consider doing that would just be if there was management uncertainty and they wanted to be sure that the ABC and the OFL especially were not exceeded.

MR. PELOSI: Okay, a very good explanation of the different alternatives. Any questions for Kari? If not, do I hear a motion on revising the ACL?

MR. SWANN: Kari, tell me again what the SSC's recommendation was?

DR. MacLAUHLIN: I don't know how to quite put this so I'll let Mike explain it.

DR. ERRIGO: For ABC, the SSC recommendation was to use those numbers that decrease over time. There is a series of them for each of the years. That is what the SSC sets. Then they gave some recommendations about being cautious when setting ACL. One of the things they said was perhaps the council would consider that deterministic yield at F30 percent SPR.

That is a number that doesn't change. The ABC numbers go down every year. That is because right now this stock is above MSY; it is above its equilibrium. What that means is, well, gee, there is extra fish out there; that you can take them out of the stock and the stock should still be able to replenish enough fish to be viable to fish again next year; so let's take them out; so that is why.

Then the next year there is less of them so you can take less and less until eventually you get to some point where, okay, if you take this exact amount every single year, you are good to go. That is, of course, if everything remains perfectly balanced and all that. That deterministic yield is in the long term when everything balances out that is that number; that you take this every year, you are good to go.

If you do that now when there is an excess of fish in the water or surplus of fish in the water, it is a conservative approach. You are leaving more spawning fish in the water than you absolutely have to for the stock to replenish itself. That is what that number means. Of course, that is the number that was estimated from the model; and there are a lot of uncertainties in that.

We could not estimate true MSY values because we had these proxies. We were unable to estimate the real stock-recruitment relationship, so these are proxy numbers. They are not the real MSY numbers, per se. That is why the SSC was recommending caution; but that is just a recommendation. The ABC must be followed. The other recommendations are simply recommendations from the SSC.

MR. PELOSI: Any questions for Mike? If not, do I hear a motion on the ACL?

MR. BOWEN: **I would like to recommend the highest ACL – I'm not sure which the number was – highest ACL go with the highest ABC.**

MR. PELOSI: Okay, that is the high recruitment scenario, correct? Okay, do I hear a second?

MR. KELLY: I second.

MR. PELOSI: Second by Bill Kelly. Any discussion?

MR. LAKS: I would like to know if we can also be able to change this on the fly, too, according to if they do a recruitment study; because if you are showing the recruitments are going to improve better than they thought and you're dropping the fish down that much over time; is this able to be changed the same way?

DR. MacLAUCHLIN: Yes.

MR. LAKS: I would like to put in maybe do an alternative motion or add that this is also considered in the event that an updated recruitment study is done.

MR. PELOSI: Mason, would that be okay to add that to your motion?

MR. BOWEN: Yes, sir.

MR. PELOSI: Could you word that as such? Okay, Bill, you seconded it.

MR. KELLY: I support that revision.

MR. PELOSI: Okay, very good. Andy, you had something?

MR. HIGH: To your point, Ira, watch out for the council. They did this on sea bass. They knew the sea bass were out there, but they kept running it down and running it down to this level in their model and all of a sudden we have a 45-day season. We can put this up here and these people can tell you, okay, yes, we can adjust it. Their history shows they don't want to adjust after it has been put on paper.

MR. OGLE: Isn't this the most problematic or the highest catch that could lead to overfishing?

MR. PELOSI: I don't know with this high recruitment coming into the fishery, and then with them reviewing it, if they would go along with that to possibly not. Did you have something to say on that, Kari?

DR. MacLAUCHLIN: Well, we have an overfishing level set by the SSC, and all of these are lower than that. Unless landings just up and it is not shut down fast enough, then you will not exceed the OFL. In that reference document that I handed out this morning and e-mailed you guys yesterday, in Figure 2 what you have selected for Action 2.1 and 2.2-2 is your recommendations.

This is what it would look like for the southern zone in Figure 2. Basically you are going to set these up here; and while your landings have been here, they possibly could be up here. That would be your catch limit. That depends on harvest levels and everything. Then in Figure 1, for the northern zone, north of the North Carolina/South Carolina Line; that is how high the landings could go. That is what you have selected as your recommendations right now, and I just wanted to make sure that everybody feels comfortable with that.

MR. PELOSI: Okay, any more discussion? Okay, let's go ahead and vote on this. **The motion for Action 2-2 is recommend the highest ACL, Alternative 2 based on Alternative 2 in Action 2-1; considering that an updated recruitment study be done. All those in favor raise your hand please, seven in favor; opposed, four; so it is approved.**

DR. MacLAUCHLIN: Are you supposed to vote?

MR. PELOSI: I always have in Roberts Rules of Order only in a tie or something. Okay, do you want to take us through the next part?

DR. MacLAUCHLIN: Okay, we're on Page 19 in Attachment 2 in the discussion document. This is Action 3; the incidental catch allowance for Atlantic king mackerel caught in the shark gillnet fishery. Alternative 1 would be no action. This would continue to prohibit retention and sale of Atlantic king mackerel caught with the drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery.

As I told you before, the shark fishermen had sold very low levels right at the bag limit of king mackerel, before Amendment 20A was approved. Now they are not allowed to do that because gillnet is not an approved gear for king mackerel, except in the area down in the Keys. They can't sell it coming off a shark trip and so they have to discard those.

The council is looking into allowing an incidental catch allowance, so that those fish can be retained and sold. Then we have Alternative 2. This sets it up where you could retain and sell the king mackerel caught as incidental catch as long as you had a shark-directed commercial permit and a valid federal king mackerel commercial permit; and it has to be sold to a federal dealer just like anyone else for king mackerel.

Then we have a couple subalternatives in there; and those are just going to set the limit for how many king mackerel they can sell. In the EEZ off Florida it would be no more than two king mackerel per crew member on board and the same thing for sale. Then north of the Georgia/Florida Line, it would be three.

This is the same as what the bag limit is for king mackerel, so that is what we're suggesting. Then Alternative 2 sets it up instead of at Florida and then the rest of the South Atlantic; it sets it up based on that southern zone and northern zone quota. In the southern zone, which is South Carolina, Georgia and Florida, it would be two. In the northern zone, which is North Carolina north, it would be three per crew member.

Our understanding is that these are really low levels. Even before 20A, when they could do this, it is a very low level of landings, and they typically only have two or three crew members on board. We are suggesting Subalternative 2 just to be consistent for all of the southern zone, which is South Carolina, Georgia, and Florida.

We have some additional alternatives that staff were going to recommend the council consider putting in, so you guys can also make a comment on these. One would be setting some kind of a limit that is not the number of fish that is actually based on pounds. This is something else that we do in other fisheries with incidental catch and selling incidental catch.

The same thing, they have to have a valid federal shark permit and a valid federal king mackerel permit and sell to a federally permitted dealer. Then we have Subalternative 1, which would set it at no more than 100 pounds; and then possibly another weight lower, 50 pounds or something like that. We have these in there, because under the National Environmental Policy Act, NEPA, that we have to comply with in our amendments, we have to have a range of alternatives; so sometimes staff has to recommend to the council some other ways that we could put the limit on it.

MR. PELOSI: First; I don't think there is hardly, what, a half a dozen boats left in the fishery? Ben, do you have any handle on that? Steve?

MR. ENGLISH: Yes, you are probably about right, about six or seven, and really it is not that much of a fishery anymore. I can tell you this; the kingfish they catch, 99 percent are dead, so why throw them back and waste them? There ought to be a mechanism for them to just not toss them overboard and waste them. Let's sell them. I wouldn't put it at a level where they would target them. That is the one thing you don't want done. Anything I've seen, anything under 100 pounds or less, nobody is going to target the fish for that.

MR. PELOSI: Very good testimony there. This was an unintended consequence of preventing the sale of the recreational bag limit. Do I hear a motion on this?

MR. KELLY: Prior to the motion, if I may, I am not familiar exactly with what mesh size they're using in the shark fishery up here; does anybody know that? That might give us some indication what size kingfish they're catching.

MR. ENGLISH: In the shark gillnet, they use a five inch. In the shark fishery it is mainly a five inch net is what it is. It will catch a fish from five or six pounds up to 20 pounds or so, but that is the basic net they use.

MR. KELLY: All right, so basically we're talking fairly large animals here then. If I may, Mr. Chairman, I make a motion, and that would be; Alternative 3; and with regard to the Subalternative 1, there would be no restriction on weight or numbers of fish since this is not a directed fishery. Let's get it right; recommend Alternative 3, no restrictions on the number of fish or weight.

DR. MacLAUHLIN: None of the subalternatives?

MR. KELLY: Yes, I'd like to suggest Subalternative 3. This is incidental bycatch in the fishery. I don't believe it is a directed fishery for kingfish. Maybe someone can shed light on it.

MR. PELOSI: Doing it with no limits; it could become a directed fishery, I'm afraid.

MR. ENGLISH: Bob is right; that is what would happen. That is why they have the alternative of 100 pounds or less. If you would be comfortable with 100 pounds, I would be willing to –

MR. KELLY: Then I would amend my motion to Alternative 3, Subalternative 1, restricted to 100 pounds.

MR. ENGLISH: I'll second that.

MR. PELOSI: Okay, any other discussion? Yes, Ira.

MR. LAKS: I don't like it at all, because it does break firewalls that the council has tried to put out with the sale of bag limit fish. If I was to support it, I would probably rather see 50 pounds that can pay for fuel bill or anything without someone trying to get – if there are only two to three guys on board, if they have to eat one or give one away, that is not a tragedy, and 50 pounds would allow them to at least recover something without even trying to target it a little more. When the price is high, a hundred pounds is a little bit more than pocket change.

MR. PELOSI: I don't know; I just don't care for the poundage bag limit especially on these fish that could be 15, 20 pounds or even much heavier, because they would catch one now and then going through a broken mesh that would be 30 or 40 pounds. I would rather see a number of fish, a number of head of fish. The two per person in Florida and the three in other states seem like a better way to go at it; and if you had three people on the boat and you are allowed six kingfish, that is a pretty good weight. Any other discussion?

MR. ENGLISH: My only thought on it is if you've got three people on a boat and there are six kingfish and you catch 12, why throw six back to rot on the bottom? A hundred pounds is going to keep you from targeting the kingfish. You are not going to go out there and try and target kingfish for 100 pounds. That is just my thought.

MR. HIGH: We're also talking about vessels that have a federal kingfish permit.

MR. PELOSI: Oh, yes.

MR. HIGH: If they wanted to, they could stow the gear they're trolling and catch 20 boxes. When you start limiting and you've got a federal king permit, you've got a problem.

MR. BOWEN: I will address that. In Atlantic waters that is not permissible, you can't do it.

MR. HIGH: Off North Carolina, you can.

MR. BOWEN: Okay, well, I stand corrected then. Ben, am I correct? Yes, okay; with the exception of North Carolina; down south you cannot do it.

MR. LAKS: I agree with you, but the only problems I have with that as a charterboat operator and also have a king mackerel permit, I can do the same thing every day. If you are going to make rules so people won't break rules, it is just not a good precedent.

MR. HIGH: I was not in favor of taking it away from you. That happened otherwise. If you have a valid permit and somebody gives you fish, I think you ought to be able to sell it, but I understand what you're saying.

MR. LAKS: Well, just to be consistent, I will clarify that I am against charterboats selling fish. I believe it changes the behavior of every charterboat operator there is. My fear is knowing what

I could do on a charterboat when I could sell fish and how I operated; nobody is going to leave money on the table, incidental or non-incidental.

MR. KELLY: I just want to address that 100 pound weight restriction there. At a five-inch mesh, we're talking a pretty big kingfish here. They are easily 10 pounds or better, I would imagine. We're talking 10 fish. A dead fish is a dead fish; it doesn't seem like an excessive amount at 100 pounds. They might as well benefit someone, and commercial fishermen are out there making their living doing this, so why not support that 100 pound limit?

MR. HERRERA: I also want to add that sharks continue to be a problem; so those few guys that are still out there making an effort of catching sharks, that we help them out and keep them out there. I am in favor of letting them catch these fish.

MR. PELOSI: Okay, I think we probably had enough discussion unless someone else has something relevant. Let's put the motion back. **We recommend Alternative 3, Subalternative 1, with 100 pound trip limit as the preferred motion, I guess. All those in favor raise your hand please, ten; and against, one. Motion carried ten to one.** The next thing is the Florida east coast subzone. Kari will explain that.

DR. MacLAUHLIN: Even though Florida east coast subzone is technically a Gulf subzone, I'm going to use this term to talk about in general between Flagler/Volusia to Dade/Monroe. What we want to do is that is set up under the current subzone/zone management situation for king mackerel.

Since we're changing the management boundary, reorganizing; we would like to get some input from the AP to take back to the council about how to set this up again as a new Florida east coast subzone. I have this figure in here, Figure 5, that kind of shows that area. I think a lot of you are familiar with it. Then I have some winter landings.

Also in your reference document that I handed out this morning, I also have kind of at the beginning on the second or third page; Table 2 is the breakdown of the southern zone commercial landings where I have southern zone minus the Florida east coast zone; so minus the landings from those counties, and then I have the Florida east coast zone so you can see, and then the total southern zone landings.

This middle column here; that is landings for the entire fishing year, not just the winter, the entire fishing year, March 1st through the end of February, for that area of Florida. Then on the next page on 3, I have commercial landings in the winter months, just the winter months for this area. I have in here a time period, November through March.

This is separate from the fishing year, because it overlaps into the next fishing year. But I wanted to just show that time period, because that is when the Florida east coast subzone, currently that is when it exists when you are fishing on Gulf stock. Everybody can take a look at that.

Now going back to our discussion document, Alternative 2, you have a table in here that says winter landings. They are going to be different from the one in your reference document, because they are winter landings within that fishing year. Basically, it is March 1st through 31st

of 1998, and then it picks back up in November and goes through February. It is just how we're going to have to look at these because of the way that the fishing year is set up.

That is why they are going to look a little different. If you see, I try to be really clear if I am talking about a winter landings within a fishing year or winter landings based on that time period that the east coast subzone exists. I have in here Figure 6, and it shows the winter landings by county. I had to put a couple of them together for confidentiality.

But in the counties in this area; and what I wanted to show is these are the counties from north to south. I wanted to show where you could see where a bulk of the landings was each year and how those have changed. This green area is Brevard, and then the purple is Indian River and Saint Lucie County together.

You can see most of it is made up of those two counties; but sometimes it goes down into Palm Beach. I wanted to show this graph in this way so that you guys could see if you want to talk about where the boundary is. Right now it is at Flagler/Volusia, so it starts at Volusia County and goes all the way through Dade, if you would want to move a boundary in one of the northern or southern boundaries. We don't have any official actions in here yet.

The council wanted you guys to really kind of craft what you wanted to look at and what you wanted the council to look at. What I'm looking for here is I have three different actions, and you can recommend more if you want to. But if you want to set up an area that we can call, we can just call it the Florida east coast zone or whatever it is called.

What that is going to do is it is going to set up an area where we can set up a quota, we can set up some management measures; but when we're talking about it, we know what we're talking about and it is going to be on that area. The first one is the boundary; where do you want the boundary?

The second one is a sub-quota, and the third one is some trip limits, and those will just be any recommendations when you talk about recreational bag limits and any other thing that you want to talk about. Getting right in, the first action 4-1, this is talking about – we have two alternatives. One would set that subzone and it would exist year-round; and then we could either put in the boundaries at what they are now for the Florida east coast zone.

You could change them a little, you could move that northern boundary down to the Volusia/Brevard line; so basically Volusia County wouldn't be there anymore. You could move it up or down. Then Alternative 3 – these are all staff recommendations, so these are just ideas that you guys can comment on and let us know what you think – would it up and it would only exist November 1st through March 31st like it does now.

Then we have the different subalternatives in there with the boundaries. I guess my questions to you are do you want it to exist year-round or do you want to make one that it just exists in the winter, and then where do you want it to be?

MR. BOWEN: I would like to respond to this, if I could. Kari, I've got a lot to say about this, and it doesn't have anything to do with your alternatives actually. I've talked to as many fishermen as I could; and the first issue you have actually got to contemplate here is the starting

date. Okay, so you've got two zones; you've got a northern zone and you've got a southern zone.

The recommendations for what fishermen I've talked to in our area is that starting date instead of for us being April 1st would be March 1st. The reasons for this are very simple. They make sense; they make dollars and cents. In March we have king mackerel. In March there is Lent. For the fishery in our area, economically that is just a tremendous – I don't know the right word to put; it is a great benefit.

Okay, I have put a lot of thought into this subzone. I don't know that we actually need a subzone in the southern zone. What we need is regional landings limits that change by date and area. Okay, do you follow me? The reason is because if you are not familiar with our area, there are times of the year where there is high participation.

In the winter months, when we're seeing the migration of fish down in our area, you have higher participation and you need to be careful of what landings limits that you have or it can go crazy. This is the recommendations that I have with a March 1st opening is the southern zone would be split into two seasons.

The first season would be from March 1st to October 1st. That would have 60 percent of the southern zone quota. The landing boundaries during that time frame would be the Volusia/Brevard County Line south to the Dade/Monroe County Line. That landings limit would be 75 head daily.

North of the Volusia/Brevard County Line to the South Carolina/North Carolina Border would be whatever trip limit. Right now it is presently 3,500 pounds; you could leave it at that. You could adjust it to 3,000, you could make it 2,000. There is not a lot there. I don't want to step on anybody's toes, but I think that is up to this AP panel and the council. Am I going too fast?

DR. MacLAUHLIN: Yes, hold on. What is it south of Volusia/Brevard?

MR. BOWEN: South of the Volusia/Brevard County Line down to the Dade/Monroe County Line; that would be 75 head daily. Okay, did you get the 60 percent of the southern quota in there?

DR. MacLAUHLIN: Okay, so would that be 60 percent of the southern zone quota would be allocated to that area or that period?

MR. BOWEN: No; the first half of the season gets 60 percent of the southern quota. We are going to split the southern quota into two seasons. The second season, which would begin on October 1st and run to February 28th, receives 40 percent of the southern quota. Now this is complicated, but this is actually a necessity.

The landing line on the north end has to go from the southern end of Volusia to the northern end of Volusia. The Flagler/Volusia County Line then becomes that northern zone. It is all about participation here, okay, to make everybody understand. The landing boundaries would be Flagler/Volusia County Line south to the southern boundary, which would be Dade/Monroe. It would be 50 head with the possibility of ramping up to 75 head if certain portions of the quota

had not been met. North of the Flagler/Volusia Line to the South Carolina/North Carolina Border would be the bigger landing limit of 3,500.

I have ideas, and I don't know if this is the time to address them, as far as using this rollover unused portions of quota that you have in Amendment 26. But you can use them in this scenario, and you can even use them if you did it comprehensively to benefit everybody right up and down the coastline up to North Carolina.

If the southern season did not catch its entire quota that was going on to its second half; unused portions then could be transferred and possibly used in the northern zone of North Carolina. Then subsequently anything left could be again transferred to the second half of the southern season. Have I lost you; you're looking like I have.

DR. MacLAUHLIN: I think that what we would have to do is to split both of these quotas into split season quotas or maybe just the southern zone quota.

MR. BOWEN: The complicated nature of this is going to be in the southern zone. No matter where you go from here; there is just no way that you can avoid some kind of a complication just because of the nature of the fishery.

DR. MacLAUHLIN: Okay, let me review this, and let's make sure that I have it. From March 1st through October 1st, the Florida east coast zone, or whatever we decide to call it, is from the Volusia/Brevard Line to the Dade/Monroe Line; trip limit, 75 fish; and this area gets 60 percent of I'll just call it the first season southern zone quota. Now for the split season of that southern zone quota, you want it 50/50?

MR. BOWEN: Okay, I'll start again. The southern zone would start – the first half of the season would start March 1st and runs to October 1st. This receives 60 percent of the southern quota. Okay, you've got two zones, the northern zone and the southern zone. It receives 60 percent of that southern zone quota.

Those landing boundaries are going to be between the Volusia/Brevard County Line south to Dade/Monroe. That landings limit in that area is 75 head daily. North of the Volusia/Brevard Line to the South Carolina/North Carolina state line; that remains a trip limit of 3,500 pounds. Now, the second half of the southern season starts October 1 and runs through February 28th; it receives 40 percent of the southern quota.

The landings boundaries then go to the other end of Volusia County, which is the Flagler/Volusia County Line south to the southern boundary, which is Dade/Monroe. The landing limit then will be 50 head with a possibility of a 75 head ramp-up towards the end of the season if the additional pounds of quota have not been caught by a January 1st date, or something along those lines.

MR. HERRERA: I want to ask Mason a question. Just like Key West has this little boundary changes and stuff; can you explain to me what is going on up there in Flagler/Volusia, why it changes, so I know why I would be voting on it?

MR. BOWEN: In our area there are many participants. It is historically a smaller boat fishery than in your area. Consequently, you guys probably wonder why in the world do they have such

small trip limits. Well, because for the most part in the most areas we don't have nearly as far to go. But, when it comes to the Volusia County area, you receive enough quantities of fish in that area close enough in the wintertime to tip the balance.

There could be a high enough participation then to catch excessive quota. Are you following me? But to follow suit, in the summer months it completely flip-flops. If I am fishing out of Daytona, I might be going 30 miles offshore; so I am more like your fishery then. It has to then become a trip fishery where I am staying for a couple days, two or three days at a time. That is the difference.

MR. LAKS: Mason, the only concern I would have would be like off of Jupiter in August; that you might meet that 60 percent and you might shut down us guys down south. You know how it is around Jupiter; if the fish come back you're going to have everyone and their brother jump back into the fishery and you could shut us off in August doing that.

I don't know how you would feel, and I've never really understood why that section was on a number fish; the only part of the fishery that is on a number and not on a weight. If you go from Texas to New York, it is a weight. You go from Volusia to Dade/Monroe, it is on a number. I don't know how you would feel to something like a 500 pound trip limit for that time.

MR. BOWEN: Ira, we actually explored that and that was a real good idea. What was brought to our attention then was the poundage in that area – and not just in Palm Beach County but even on up down the line. At different times of the year when you have the four pound fish, all of a sudden if you made a 500 pound or 600 pound limit; you are catching 125 of those fish to make that limit.

I think that that is one of the reasons why we backed away from that idea. One of the ideas that came forward after that was if you had a head limit plus a poundage limit working together comprehensively; that would change the negativity of your idea. Let me just say this. For you to be worried about being shut down in August, it is obvious from the graph that we had years that we would have been.

But let me ask you this, Ira; you're talking one year, maybe two. The question that I ask is maybe we should have been shut down; but I am going to just leave that unsaid. Can I answer anything else?

MR. LAKS: Well, if you live in Jupiter I don't think you would agree you should have been shut down, but I do like the idea of a number and poundage of weight combined; because especially in the Jupiter area, as you know you can fish nine times in one day. You can unload nine times in one day, and when the fishing is good that number of fish is not recorded.

If you go to a number and poundage that corresponds in the document, then I would much rather see that. But I don't know; I would like to see the numbers. I do believe there are probably in your calculations off the top of my head four or five years that Jupiter probably would have been shut down in August.

MR. BOWEN: I think that you're wrong about that. I've actually put a lot of time in that in looking at what we caught. Let me put it this way; you're wrong.

MR. LAKS: I would have to see the numbers; but just off the top of my head, 60 percent of where we are, we are going to be at, what, a little over 3 million pounds for the southern zone?

MR. BOWEN: At the low end of the four-year period, the southern zone would have 3,758,120. At the high end of it, what am I looking at here – let me make sure I'm getting this right – that is overall. I am sorry; 60 percent of that – Ira, let me correct myself, 60 percent of that is 2,254,872 pounds, which is the lowest year at 3,758,120. Now if she could, she could go back to that graph and you could actually see what I'm talking about. You would have two years that that would have been approached, and one year it would have been exceeded; that 2,254,872. Somebody had that graph up at one point.

MR. PELOSI: Okay, let me interrupt you here. We've spent a lot of time on this discussion. Do you want to put that in the form of a motion?

MR. BOWEN: I would put it in the form of a motion, but I think the council has got to look at this comprehensively. With going forward like we are now, okay, everything changes. The status quo of what was has got to change now. Maybe, Ira, we need to tweak the numbers a little bit better between the first half and the second half.

But whatever needs to be done to make it right needs to be done; do you follow me? Kari, the problem with the council's suggestions is you're trying to simplify something that is going to be complicated no matter what you do. That is what I'm saying now. Whether that comes in the form of a motion; listen, I'm a fisherman, I don't go to official meetings very often. I don't know what to say.

MR. LAKS: Mason, if I had a number of what you were correlating fish to pounds or if you would be open to maybe a step-down in May where you go to 50 fish; that would also protect our spawning fish that come into Jupiter; so you would have Lent, the better part of March and April, whenever Lent falls out to be, where you would have 75 fish, and generally our winter fish that are non-spawners.

Then when you come to May, you have our spawning fish. You would offer those fish a little more protection, dropping them down to 50 head, and you would offer the fishermen down south a little more protection of having a run through the summer.

MR. BOWEN: Okay, so you're getting even more complicated. Would I support that; yes, I would if you can designate the month of May. But going through the summer months, particularly from Sebastian to the Cape, okay, you need to have that 75 head return just because as you know you fish there; you know, we're not fishing seven or eight miles off the beach. It just becomes the economics of the situation.

MR. LAKS: I understand that and I appreciate that. Just having earlier chosen for the highest ACL, I would like to see some protection for our spawning fish. You've fished it a long time; you know what goes on. There has to be some protection there. With the influx of fishermen that jump in and out every year and the unmanageable situation of knowing who is going to be fishing; you have to offer some form of protections for those fish. Whether you drew a line at Stuart Inlet north, I know it is adding a complication, but it is a complicated situation. Maybe we decide we have a spawning season for the fish or something; but the fish that come to spawn, it is

about time we offered them some protection; especially if we're expecting them to produce at what we picked as high, we should put an environment where they can produce it high.

MR. PELOSI: Okay, I completely agree with you on some protection for the spawning fish. Do you want to just make a recommendation that the council look into this?

MR. BOWEN: I think that there are a couple of things the council has got to look into it. It is not going to be as simple as us deciding on this today. I don't believe that is going to happen. Ira, I would support the May but definitely not through the summer. I understand the – listen, I want to be able to make a living.

I want my son to be able to make a living. But let's understand something; obviously the spawning stock is doing pretty good for us to see the fish that we've seen. I'm not saying that we shouldn't be proactive. I'm just saying it upsets me when people allude to the fact that we have a problem that I don't feel like exists. Okay, now me and you may differ because you are not seeing fish there where I see fish on up the line; but me and you have to talk out in the hallway just to settle that.

DR. MacLAUCHLIN: I've just talked to Ben and Michelle to make sure this was okay. You don't have to have a motion that is an official motion that you guys pass. We can just take these back as recommendations to the council. Staff will have to take these and make them look like they are supposed to look for amendments.

We also will have to have a range of alternatives. We can take all of these back without everybody agreeing on them; and probably we're going to have another AP meeting in the fall. We usually don't do that, but we may do that and you will be able to review everything that the council is considering for this as well.

MR. PELOSI: That is pretty much acceptable?

MR. BOWEN: Most definitely; that is the way it should be, I feel.

MR. PELOSI: Would the best thing for us to do now is just take no action, leave it as it is? Will somebody make that motion?

DR. MacLAUCHLIN: These are great recommendations and then we can add more if other folks have more.

MR. LAKS: I'll make the no motion, but I would like to add to that that the fishermen in the southern zone probably need to get together and calculators would help us greatly and figure out where we are and what we can do to make everybody happy.

MR. PELOSI: Okay, and Tom Ogle seconds the motion. Okay, all those in favor. Do we need a motion with that?

DR. MacLAUCHLIN: No, because I'm just going to take these back to the council.

MR. PELOSI: Okay, thank you for keeping me straight. I think this is the time to go get a bite to eat. Okay, why don't we come back at 1:30? All agreed, okay, see you at 1:30.

(Whereupon, the meeting was recessed at 12:10 o'clock p.m., April 15, 2015.)

The Mackerel Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Cypress Room of the Hilton Garden, North Charleston, South Carolina, Wednesday afternoon, April 15, 2015, and was called to order at 1:30 o'clock p.m. by Chairman Robert Pelosi.

MR. PELOSI: We will resume our meeting here. We're at the Action 4-3, commercial management measures in the Florida east coast subzone for Atlantic migratory group king mackerel. Mason's ideas that we discussed before we took the break really cover all that; but is indicated here as a separate item. The reason it sort of has to be addressed is because of the boundary shift. Kari, do you want to say something on that?

DR. MacLAUHLIN: I have; and what I will give back to the council and then the staff will also take some of these ideas and draft some possible alternatives and actions used in these ideas. We're going to take all the suggestions from what you guys talked about and present them all back. I have setting up these split seasons with a quota and specify trip limit.

I have in here possible step-down to 50 that Ira wanted to explore. We can put that on the table for the council to talk about. We have our second season setup, how that would work. Then also I have that explore the trip limits in pounds and numbers of fish; and so we can recommend the council take a look at that. If there are any other suggestions for this area, the three main questions were where, how much quota, and trip limits. We have good suggestions from you guys on that.

MR. HIGH: Mason, as I am looking on this 4-3; is there a figure there to simplify this instead of doing a 50 fish then a 75 after X? Is there a compromise in there to simplify it to make it a year-round or during that timeframe to help you out? Is there anything like that that is possible?

MR. BOWEN: Actually there is not. On the high recruitment scenario, at the beginning of it, you could simplify it by 75 head year-round. I think there is enough fish to accommodate that. But then as you get down towards the lower ends of that; what we're trying to avoid is shutdowns.

They are small boat fisheries; everybody wants to fish throughout. That is the intention. I think, and Ira talked about it. That is why you see the various head limits, and I know to other portions of the country it is like that is incredibly low. But if you understand the fishery as a whole, the overhead and everything else is smaller. It does work for that area. I wish there was an easier way to do it, but I don't know that there is.

MR. LAKS: Mason has brought up the point like during Lent you want to maximize the potential. You would rather catch more fish when they are worth more money and not fish when they are not. You almost need to do something that is a split.

MR. PELOSI: Okay, does anybody want to make a motion?

DR. MacLAUCHLIN: We don't need one.

MR. PELOSI: You don't really need one. Okay, if everybody is comfortable with that, we'll just go on to the next item; Action 5, update reference points, MSY, MSST, MFMT and so forth; and revise the annual catch limit for Gulf migratory group king mackerel. Historically we've sort of shied away from trying to tell the Gulf what to do. We hope they would reciprocate that to us. Do you have anything to say on that, Kari?

DR. MacLAUCHLIN: Well, we have the rest of the actions in the amendment are in scoping now actually for the Gulf. We recommend to the South Atlantic Council – and usually the South Atlantic Council will do this – they will postpone until the Gulf has made any more decisions. Both councils are getting together in Key West in June, and so they can talk about anything.

I can go through these actions. If you have something specific that the AP would want to recommend, then we can do that and make a motion, and I will take that back to the South Atlantic Council. Then the Gulf Council will also get all of your input; so if you want to comment, you are more than welcome to or you can just recommend that the South Atlantic Council wait until the Gulf Council has moved along.

MR. KELLY: The issues that I have with this and a lot of people have in the Gulf of Mexico is this steady rate of decline here in the ACL and projected quotas. We've done a 30-year rebuilding process here; probably king mackerel being one of the most successful rebuilding stories there is; also classified as an underutilized species in the Gulf of Mexico.

Then, of course, that good old anecdotal evidence that says there is more king mackerel out there than you can ever imagine; we see that in how fast we're filling our quotas, how fast we prosecute our gillnet fishery, and there is a great deal of talk that there is something wrong with the modeling here that would show this decline in projected catch limits and quotas and so forth.

We would certainly urge that the Gulf and South Atlantic Councils discuss this issue with their respective SSCs to take a look at the modeling programs that are being utilized here to see if something isn't untoward or amiss here and that we're not missing the ball here on what is really going on with those kingfish stocks.

MR. PELOSI: Okay, do you want to sort of make that recommendation to the council to look at that?

MR. KELLY: I would make that as a recommendation, yes, unless you would like to see a motion.

MR. PELOSI: Well, whatever the panel wants to do.

MR. KELLY: Mr. Chairman, I would invite some comment from the fishermen on the east coast side here; are you experiencing similar problems? I know some of you gentlemen have talked to me about water quality and issues and so forth. But we're not really getting any satisfactory answers at least on the fisheries side here of why we're seeing these reductions, especially when

we're very capably and very rapidly hitting our quotas. What is going on the east coast side; are you having issues with the stocks?

MR. ENGLISH: I'm from the east coast. I can tell you this that the east coast fishery is a lot harder fish fishery than the Gulf fishery. We've got a lot more people fishing a lot fewer fish than what the Gulf has. From what I've seen over the years, we're doing pretty good on the east coast.

They've done a pretty good job. We're rarely closed down, but we're rarely off the mark as to how many fish we can catch. We rarely have a lot of quota left. They have done a pretty good job on the east coast. The Gulf is a totally different animal. Maybe separating them out might be a good thing for that reason.

MR. LAKS: I think anytime you can get more data and look into it in a shorter timeframe is going to help out. If you can see in two years and not have to go through a full assessment, like I was saying before, and get some information that can change some opinions; I mean, absolutely.

MR. KELLY: Mr. Chair if you like, I would make a motion to this affect; please express our concerns regarding the modeling used in the SEDAR 38 stock assessment – and I don't know the exact terminology that I would use to describe this.

DR. MacLAUHLIN: Would you want to recommend that the South Atlantic SSC review that or something like that?

MR. KELLY: You know, that's right, this is the South Atlantic AP. I would withdraw that motion and just make the suggestion that we have concerns that we would like expressed to both council SSCs regarding the modeling used to assess king mackerel.

MR. COLLIER: Just to make sure that the wording gets correct, you mean the projections coming out of the model, right?

MR. KELLY: That is correct.

DR. MacLAUHLIN: If there is no objection, I think we could just have that as, you know –

MR. PELOSI: That pretty much summarizes what you had to say, right? Okay, we can just let it go at that and we'll move on. Action 6, revise the zone and subzone commercial quotas; that is Gulf migratory king mackerel stock.

DR. MacLAUHLIN: This may be of interest to some of the east coast fishermen, though. It may be good to review this and see if anyone has discussion. This one is in scoping also by the Gulf right now. It revises the zone and subzone commercial quotas for Gulf king mackerel. Because the boundary has changed, is being changed, and we're updating ACLs, everything is being reorganized.

The way that in Table 9 here on Page 26 of Attachment 2; in Table 9 this is what the current allocations for the commercial Gulf ACL looks like. The western zone gets 31 percent; the

Florida west coast northern subzone gets 5.17; southern hook and line gets 15.96; southern gillnet gets 15.96; and the Florida east coast gets 31.91.

The reason why the Gulf Council wants to go back and look at that is they have to because the way that we're setting up this stock boundary in Action 1, the new stock boundary, we're taking the Florida east coast out of the Gulf. It is no longer Gulf; it is Atlantic. It is going to be everything caught on the Florida east coast is counted as Atlantic and goes into that ACL.

The Gulf is getting essentially smaller than what they would before, because we're not considering what is caught on the Florida east coast in the winter to be Gulf king mackerel anymore. Now the Gulf only has those zones; they are going to have the western zone and then the three subzones on the Florida west coast.

They need to reallocate it amongst themselves. They've come up with a couple suggestions of ways to do that. One is to take that chunk that used to belong to the Florida east coast and equally reallocate it. Then another way to do it is to proportionally reallocate it. You can see how these would pan out.

Everybody's would increase; but with the equal reallocation, everybody's would increase by 7.98 percent. With proportional reallocation it is based on the bigger you were, the more you got before. Then we have the pounds associated, what this would look like. This is for folks that are fishing on the Gulf side, especially over on the northern and the southern subzones of the Gulf Florida west coast zone.

This is what the pounds would look like. This is based on their new ABCs for Gulf king. Then in Table 12 we have what the pounds would look like with that proportional redistribution. Basically all of these zones are going to increase a little bit, because you are opening up a little more proportion. I don't know if the AP wants to make a specific motion about what they would recommend or if you just want to discuss and we can bring those back to the councils with your concerns and comments.

MR. KELLY: Dr. MacLauchlin, I am looking at the numbers that were proposed by the Gulf Council AP, and they're different than the tables I'm seeing here. We are talking about distribution in the Gulf stock, right? All right, because the AP recommendation out of the Gulf side, which we had supported, was the western zone would be 40 percent, northern zone would be 18 percent, southern zone hook and line would be 21 percent, and the southern zone gillnet would be 21 percent.

DR. MacLAUHLIN: And the equal?

MR. KELLY: Are you familiar with those numbers, Doctor?

DR. MacLAUHLIN: That was in the Gulf AP?

MR. KELLY: That was the Gulf AP, correct.

DR. MacLAUHLIN: I did one and Ryan did the other one, but we can project those.

MR. KELLY: If I can, I would like to do that by motion, because I see significant drops here in the allocation under either table for the northern zone in the Gulf of Mexico. **Therefore, my motion would be that the AP endorse the Gulf Council AP's recommendation for distribution or allocation as follows: the western zone, 40 percent; northern zone, 18 percent; southern zone handline, 21 percent; southern zone gillnet, 21 percent.**

MR. PELOSI: Do we have a second to that? Okay, second by Manny Herrera. Anymore discussion on that? All those in favor raise your hand please, eight; and opposed should be two opposed. The motion is approved 8 to 2.

Action 7, revise the recreational and commercial allocations of Gulf group king mackerel; do we have anybody that wants to have any discussion on that or make a recommendation or a motion? Just let it be as is, I see people nodding. Okay, we'll just skip that and let the council deal with that. Then modify the recreational bag limit for Gulf migratory; the current limit is two fish per day. Do you want to say anything on that, Kari?

DR. MacLAUHLIN: Well, for the previous action, which was looking at the recreational and commercial allocation; the commercial, all the zones except for the Florida east coast zone, but the commercial ACL keeps getting bumped up or going over a little bit. The recreational ACL has been underneath under their – the recreational landings have been under the recreational ACL. The council was looking at maybe transferring some recreational to the commercial.

But then they also were interested in looking at other ways, if they wanted the Gulf king mackerel recreational ACL; for landings to get a little closer to that; for example, are they confined by a bag limit of two fish; and so maybe if you raised the bag limit that would also increase the recreational landings. They also wanted to look at that. The Gulf is scoping this right now, also.

MR. PELOSI: Anyone have some comment on that? I guess no one has a motion either. Okay, we'll just skip over that also, Kari.

DR. MacLAUHLIN: That's all I have.

MR. PELOSI: That's all we have, okay. I guess the next thing is Item 6 on the agenda, Electronic Technology Plan and the Generic Charterboat Reporting Amendment. I guess Gregg Waugh is going to join us here. He will give us an overview.

MR. WAUGH: This electronic monitoring and implementation plan, I am not going to go through it in great detail. I am going to call your attention to a few spots in it, and then we'll spend a little bit more time with the charterboat amendment. What this does is lay out the plan in the southeast, and there are similar plans for each region in the country for how the National Marine Fisheries Service sees us moving to electronic reporting and monitoring.

They involved the councils very early in this process. Mel Bell and I served on the committee sort of putting this document together. We've worked very closely with them, and this reflects our priorities quite well. Dr. Andy Strelcheck was the point person on the Gulf side and he did a super job.

Our letters are attached. I'm not going to go into those, but they sort of lay out what the council's concerns have been, issues. If you look on Page 17 of that document – I will project it as well, but it is a little hard to see; Page 17 of that Attachment 3A; I will call your attention to our priorities. Again, this is for the South Atlantic snapper grouper and coastal migratory pelagic fisheries.

We've emphasized here our interest is more in electronic reporting than electronic monitoring. The electronic reporting improvements are the primary priority for snapper grouper and coastal migratory pelagics in the South Atlantic. Our top priorities are to pilot test and develop electronic logbooks for commercial snapper grouper and coastal migratory pelagics – it would also include HMS species – to obtain more timely and finer spatial resolution data; develop and implement an ER system for federally permitted charter vessels.

We are working on an amendment to look at charterboat reporting logbooks. Include wreckfish in the Southeast Regional web-based catch share reporting system and pilot test and development of various state-based electronic reporting systems for monitoring red snapper and other reef fish catches. Those are our high priorities.

On Page 22, you can see this in a graphic form and it puts it in the perspective of what the region is looking at in terms of what our region feels is a priority is this electronic data modernization, standardization and data visioning, elimination of ER redundancies where possible. I think this will help the fishermen, because we are going to try and reduce duplicative reporting.

Improve data timeliness for quota monitoring management and assessment; and again I've touched on our four priorities. I think you should spend a little time with this when you have some time to look at it in more detail. If you have questions, I would be glad to answer them. On Page 23, we look at some of the challenges.

Cost is certainly going to be one, and we'll talk about that again in a minute. Stakeholder support or opposition for certain aspects of electronic reporting, and I think we'll get into that a little bit with our charterboat reporting amendment. The funding discussion starts at the bottom of Page 28. They talk about potential sources of funding.

What I want to just call your attention to is that we will certainly make as efficient use as possible as we can of existing funds; but this whole procedure also puts the industry on notice that they may have to do some cost-sharing as we move to electronic reporting and monitoring. The council has made it a point all along that we really need to make sure this document states that very clearly, so the public knows that could be an issue coming up. Then finally on Page 31 is where we start to lay out the timeline for implementation of this.

We got word recently and some of you may have heard about the five million dollars in funds that are available for electronic reporting. They are designating 2 million of that for use in the Gulf, primarily for red snapper. Well, the National Fish and Wildlife Federation is the one administering the grants, and they about a week and a half, two weeks ago put out an RFP for proposals. We worked with several different groups.

Francine Karp from Harbor Light Software, some of you may have heard of her or been contacted by her, but they've developed a system using a tablet-based logbook reporting system

for the for-hire sector in Rhode Island. We're working with her and our four state representatives and Ken Brennan, who is in charge of the existing headboat logbook program.

We put a proposal together to try and get some funds to pilot test this. The deadline was yesterday, Monday evening. If we're successful, what we plan to do is to try to test this tablet-based system on about 23 vessels in the South Atlantic spread across our four states. Our idea of who to approach, we've got some council members that operate in the charter sector, headboat sector.

The headboat ones are already reporting electronically, but we talked about selecting them. Then the next sort of tier was to tap into our advisory panels; and we let our Snapper Grouper AP members know that they may be contacted about that. We're letting you guys know as well that should we be successful, we'll be contacting those of you that are charterboat captains to perhaps participate in this pilot.

That is what I wanted to cover on that electronic monitoring plan. There will be a little more of the specifics we'll get into when we go through the charterboat logbook amendment; but I wanted to see if there were any questions at this stage on that electronic monitoring and reporting plan.

MR. LAKS: I think it is a great idea. I think it brings the for-hire industry up to standards where we can be professional. The problem I have with it is why would anyone do this? The South Atlantic Council has chosen not to make the charter/headboat permits limited access. Anybody can get one. What is to stop anybody who doesn't want to deal with these from just giving up their charter/headboat permits?

I've spoken with enforcement, and they have flat out told me because the council does not make the permits limited access, they don't consider it a violation or a serious violation and something worthy of their time to enforce since it is open access. If I gave it up and I got caught, I am not even going to get a fine; they are going to say, okay, go reapply.

In any regulation you make, being a permitted vessel has its drawbacks compared to state vessels and being a dual permitted vessel really has its drawbacks. But if I am going to do this and others are going to do this and we're going to be looked at as something above and beyond, then it should be taking into the fact that this is now something that it's a different ballgame.

In order for people to really want to follow this and progress it, you have to just not let people walk in and out of federal permits or else it is really irrelevant. There are so many charterboats that fish in my particular area without federal charterboat permits that wouldn't have to do this, and it is just another thing that I would have to do competing with them that they wouldn't have to do. I would strongly advise that if the council wants to proceed with this; that they consider making the charter/headboat permits limited access.

MR. PELOSI: Any other comments or questions of Gregg? Gregg, you did take a couple notes there on what he was saying?

MR. WAUGH: Yes.

MR. HARTIG: There is a pilot program underway they are starting to do for the commercial fisheries for pilot program for electronic reporting for your logbook reporting. They are looking for some volunteers in the mackerel fishery. If anybody wants to report for the mackerel fishery, let me know. Think about it while you're here and let me know and we'll get you on board. They're looking just for a couple people.

MR. BOWEN: I don't know how I feel about the electronic monitoring. I would have to see explicitly what you're talking about. I do have a beef with logbooks. The problem is you don't realize where you have put us in the situation that we can't fill out the logbook correctly until we have the state trip ticket number, which we don't have until we get paid, which sometimes is ten days later.

Okay, so you've created, somebody, I don't know that you did; somebody created a problem. You are trying to make it timely. You want my data; you can have it anytime. I don't have a problem with that. Okay, so then we threw into the mix the VR number. I am going to tell you something; there are different scenarios in every fish house.

Where I'm from a lot of times we unload ourselves and we write the paperwork out ourselves. The council needs to appreciate if you have been fishing 13 days straight, you are about as brain dead as it is going to get. Any fisherman here that knows what I'm talking about knows that. Right now I've got a huge logbook problem just because of being forced to use that number.

Now I've got to go back and I've got to contact the fish house, and then I've actually got to call the logbook. But if you can do something to make all this easier, I'm going to tell you something; that would be wonderful. That is the only thing I've got to say.

MR. WAUGH: As Ben said – let me just respond to that – there is a pilot effort ongoing; and you will see when we talk about the charterboat logbook reporting, we'll get into some of those things that we're looking at for the charterboat; that once we get through this and come back and look at trying to make improvements on the commercial side; those are things that we can address. As we go through, I think you'll see some of those points; and I think we can get away from some of those issues.

MR. HIGH: What happened to the original electronic logbook that you stuck on some of our boats? Mine was one of them. I found it was a little cumbersome as far as the computer program goes, but that can be worked out. That kind of withered and died. I never heard anything else back.

MR. WAUGH: Is this the pilot program that was run by the Southeast Fisheries Science Center, just the last year or so?

MR. HIGH: It has been quite a few years ago, hasn't it, when I had one on the boat? They gave me a laptop and you logged the traps you worked, what your discards were, and I did it while we were in the ocean doing it. When I got back to port, we transmitted the data to the corporation. That has been quite a few years back. Is this part of that again?

MR. WAUGH: I think you might be referring is that a project that we did when Kerry O'Malley was on our staff? Okay, now I got you. Yes, we've been trying to make some improvements in

the commercial logbook for quite a number of years. We did that to demonstrate that there was technology that could be adapted.

It just never went anywhere in terms of expanding it. We've kept along with the paper logbook. There is now this system is being modified to work in the northeast for for-hire or commercial. They are about to get that accepted by the National Marine Fisheries Service in the northeast. When that happens, which we expect it to be in about a month or two, then we are going to try that system down here.

Now at the same time, NMFS has another pilot they're running and they have selected several different boats to try out a different electronic logbook system. This one we're working on we think will perhaps be more adaptable, more easy to use by the fishermen. It will be as we go through the charterboat one; a lot of these same things and the same equipment could apply on the commercial.

But the council's intent is once we get through dealing with the charterboats; that will have charterboats and the headboats sorted out, and then we'll come back and look at how we do it on the commercial side.

MR. LEWIS: I just had a question about what Mason was talking about. Are you talking about the prices for the fish or just the logbook number that you're having to wait for ten days?

MR. BOWEN: Okay, the fish house has to send in state trip ticket numbers. Then the federal folks here decided that we needed to have that state trip ticket number on our logbook. The problem is I don't send my information to the state; the fish house does. I don't have access to that number until the fish house has put that number down and that is when I get my check. Am I making you understand?

MR. LEWIS: Yours are different than ours, because when I buy fish – I am a dealer, too – I give them a copy of the logbook right then. That has the number on it. There are several copies; there is the fisherman copy and the dealer copies, so ours is just different.

MR. HERERRA. My whole thing with this is sometimes I think what happens with Mason, and even yourself, Selby, as a dealer, you might give the logbook, but you may not necessarily know the price, which is why it is taking ten days. It is not necessarily complete that trip ticket. As a dealer, that is a challenge, because you don't always know the price. You are sending the fish off wherever it may be.

Sometimes you have a price, other times you don't, and that is why there is this discrepancy, which is a fact of life and it is going to continue to be a fact of life unless the people who buy the fish, wherever it may be, New York, Canada, are going to always give you a price, which we know that is not the case. This is a concern I think in this.

MR. PELOSI: Okay, I want to wrap up pretty quick, but I think one of the reasons with this VTR number is they want to make sure the fish are not double-counted. It has been a pain. If you don't fish on a regular basis, you don't come back to the fish house, you don't get your paycheck with that number.

I have seen an envelope with a paycheck for one of our council members at the fish house now for about four or five weeks, Ben? I am sure you don't have that VTR number on yours. It really made a lot of people upset, and it caused a lot of other controversies. Gregg, you had some more stuff to wrap up.

MR. WAUGH: Yes; if we can look at that Attachment 3D now, which is the charterboat reporting amendment, I want to walk you through this in a little bit of detail to get the opportunity for you to have input at this stage. The council is meeting jointly with the Gulf Council in June, and we're hopefully going to iron out any differences we have and approve it for public hearing at that stage.

Then after that we're looking at doing public hearings perhaps in August. You'll have a much more complete document at that stage to comment on. Right now we've got the gist of the actions, but there is no analysis and stuff. This is just an early opportunity for you all to have some input.

But on Page 5 we lay out the first action, which is to amend the Gulf reef fish/South Atlantic snapper grouper, coastal migratory pelagics and Atlantic dolphin and wahoo fishery management plans to modify data reporting for charter vessels. The council's alternatives they're looking at are here at the top of Page 6.

Alternative 4 basically tracks what is in place now for headboats. If we choose Alternative 4 as a preferred alternative, charterboats would be required to submit fishing records to the Science and Research Director weekly or at intervals shorter than a week if notified by the Research Director via electronic reporting.

The Gulf Council wants to change this wording where we say via computer or internet to say NMFS-approved hardware/software. The requirement is weekly, which means seven days after the end of each week, which is Sunday. Now there was a technical subcommittee convened to look at charterboat reporting, and their recommendation in 5 is to just speed that up and say weekly is the Tuesday following each fishing week, not seven days after each week, to get the information in sooner.

The way we're going to handle compliance for charterboats is the same way we do for headboats; that charterboats must remain in compliance with the reporting requirements to be authorized to conduct a trip. If they are out fishing and operating as for-hire and don't have their permit and are not current in their reporting, they can be issued a violation. That is how it operates with the headboats now, and we're proposing the same thing for charterboats.

MR. LAKS: The only problem that you're going to have with that is headboats are large and come back to the dock every day at the same place. You have port agents that survey them. Without a monitoring system, you will never find me. I don't even know what inlet I am going out to until some mornings I will decide.

Again, without really making this something for the charterboats to buy into as something for their own future, who is even going to comply with it? You would never know I was a charter or not a charter or what I do. I'm dual permitted; how do you know what I'm doing that day? That would be a concern I have.

MR. WAUGH: Good point; and I will show you in a minute how we're going to know where you are if this works. There will be no fishing forms; so if you are not going out fishing, you can report. We've got on the bottom of Page 7 for catastrophic cases, hurricanes and so forth, that you can use paper. The RD will indicate that is allowed at that stage.

We've got some draft wording in there that is applicable for charterboats. Headboats, that needs to be changed. But Action 1 requires the logbook reporting, and we'll have specified all the data elements that need to be reported and so forth. Action 2 amends those same plans, but we want to require vessel or catch-location reporting for charter vessels.

The true utility – this this gets to some of the points before – the true utility of the logbook is to get more accurate catch-location information and to verify so you've got two sources of data to verify with the dealer trip ticket. That was the original intent. That is certainly not what has been implemented down here on the commercial side the way the logbook is being done, where you are basically using your dealer trip ticket to fill out the logbook.

What we want to explore here in this pilot is under Alternative 2 require charterboats to report catch location either by latitude and longitude in degrees and minutes or by headboat grids. That is the choice for the headboats now. A lot of them pick headboat grid. Latitude and longitude would give obviously much more specific catch information.

We want to work with fishermen in this pilot and get them to understand that we're not going to share that detailed information. If any analyses are done, then that data will be aggregated to the headboat grid level, so we're not giving away any of your specific catch-location information. The reason we want specific catch-location information is then when you're doing a stock assessment – and this is much more important for snapper grouper species – but if you know what proportion of a catch is coming from a certain depth, then you can refine your estimates of bycatch discard mortality.

You would get a greater credit in the stock assessment than you might the way it is done now. The idea is for these tablets to be on board the vessel. In Alternative 3, we want to require the use of electronic device that automatically records vessel location for later transmission along with the logbook information. Now the Gulf Council is interested in exploring VMS. The South Atlantic Council has no interest at this time in exploring VMS.

That is reflected in Alternative 4; it is just worded just for the Gulf of Mexico. The idea here is you have a tablet that has a GPS-enabled chip in it, and that is how we would track where you're fishing. It is not real time, it is not like VMS where someone could look on a screen and see where you are; it is just tracking where that vessel goes. The idea is, when you get up on a fishing spot, you hit a button and it says, okay, I'm starting to fish here. You are a charterboat, so how many rods are you using, how many hooks?

When you finish fishing that area, you hit another button, so I've finished. You give an estimate then of what fish were caught there, what fish were discarded there. Now I know there is going to be a lot of concern about how much work this is for a charterboat captain. That is why we're piloting it. This type of thing has been done in Rhode Island. It is not as difficult as one might think.

We would ask that you keep an open mind, work with us on this pilot, and let's see how we can refine it, because it will be very beneficial to you going into stock assessments for us to have your more detailed catch-by-area information. In addition, there is a lot of activity, as you all probably well know, now for oil and gas and wind farm siting in the South Atlantic.

Well, if we can tell those individuals who want to drill in an area what catch is really coming from that area, it will be a lot more beneficial in terms of heading off activity in prime fishing spots; again, probably more of an impact on snapper grouper than mackerels. That is the idea with Action 2 is to get more specific catch-location information.

MR. LAKS: Again, getting back to what I said earlier, you can leave the tablet at home. Another problem, if I was to participate in the pilot program, in South Florida we drift a lot, and we can have a four or five knot current. I can stop in one spot and in two hours if fishing is good, I can cover six, seven, eight miles.

I am not going to be able to plug in where I caught each fish, so you're going to have just a giant range when I go back to put my data in. I'm not going to know exactly where. You have to take into account – you know, I've fished off Rhode Island and they don't drift like we do in South Florida. You are going to have to take into account different areas are going to have different needs in reporting and zones.

MR. WAUGH: That is an excellent point. That is the type of information we want to work into this pilot; because you are right, that may be a different mode of fishing, so I'm starting a drift now, and then when you end that drift, okay, I ended that drift, here is what we caught and so forth.

MR. HIGH: I've done this with the computer on the boat, done it while I've trapped sea bass. We documented discards and catch and all. It is not as hard as you think it is. It takes a couple of seconds. The program is not bad, and sometimes I had to use just a piece of paper and then when we're going to the next spot update it. It is not as bad as a lot of people make it sound. I've done it. I had that book for two years. It was not hard.

MR. WAUGH: And the system that is available now is much easier to use than that was.

MR. PELOSI: Do you want us to try to pick one of these alternatives to go with or are you just giving us information of what is going to happen down the road?

MR. WAUGH: I personally think it would be better for you to wait until you see the councils flesh this out and the councils have. I think the type of information Ira and Andy have been giving; that is what we're looking for. Mason pointed out some concerns that can be addressed. But I mean if you all feel strongly about something and want to make a motion; Ira raised a point about making the charterboat sector limited entry. It is up to you all, if you want to pass along something more specifically, that is okay.

MR. LAKS: I would like to make a motion that if the council considers going to electronic for-hire monitoring that they also go to establish a limited entry program and a moratorium on for-hire permits in the South Atlantic.

DR. MacLAUHLIN: Just CMP?

MR. LAKS: Well, I think it should be for everything. I'm just speaking for the CMP Panel; but I believe it should be for all for-hire permits.

MR. PELOSI: Does that pretty much say what you want it to say? Okay, do we hear a second?

MR. LEWIS: I'll second that.

MR. PELOSI: Okay, any discussion?

MR. BOWEN: I would like to make a point. Ira, I am going to have to abstain on this, because I don't know anything about it. I don't know if it is good or bad. I don't know; you know what I'm saying.

MR. LAKS: Mason, I can just speak to saying that when you are under the regulations as a charter for-hire with a federal permit, you are under stricter regulations than state-registered vessels, especially you know what it is like in Jupiter you can be catching the same species in state and federal waters.

Because the permits are open access, it is not considered a priority by most law enforcement that you even have one. After almost 30 years of doing this, I've never had an FWC officer ask me to see a federal for-hire charter permit. I have one, because it is the law and it is what you're supposed to do; but it limits me in other things I can do. It restricts me in many ways.

It stops what I can catch at times. In things like snapper grouper, when they closed triggerfish, I can't catch triggerfish because it is closed, but the boat next to me can come in and fish the same area. He doesn't have a for-hire federal charter/headboat permit and he's got 30 triggerfish. I have to try to explain to my customer, well, he doesn't have a federal charter/headboat permit,

And they are like, well, why aren't we going with him then? If this is going to proceed even further and be another restriction on for-hire federal/charter-permitted vessels, then there needs to be something that would entail that it is enforced that the vessels actually comply with this. The only way to do that, from speaking with law enforcement, is to prioritize it by making it a limited access and then they consider it more of a crime to not have one.

MR. PELOSI: Okay, more discussion? Let's go ahead and vote on that. **Charterboat reporting; the motion is if council is considering for-hire electronic reporting, then the for-hire permit should be of limited entry. All those in favor raise your hand please, ten; opposed. Okay, I see none opposed. The motion carries.**

MR. WAUGH: Let me mention one other thing in conjunction with this pilot project that we're testing. The other part that can be very helpful in understanding where the catch is coming from is understanding where the discards are as I mentioned, but then also what are the size of those discards.

There is an electronic measuring board that can talk to this tablet, and we're going to pilot that on a small number of these volunteers to measure some of the fish that are being discarded. We'll see how well that works and see whether that is something we want to do in the future. Again, focus on getting better data to go into the stock assessments.

I will mention this. I'm not going to go into Action 3, because this deals with more administrative details about where the data goes, and the councils are working this out to ensure that the data are available much more quickly than has taken place before; but I think let the council sort that out a little bit more first; and Actions 1 and 2 are the big items.

MR. PELOSI: Now we've got the South Carolina cobia discussion. While we're getting set up, we're going to have a little background information on why this is coming about.

MR. BELL: Just to kind of tee this up, with us we have Dr. Mike Denson from our research lab here in Charleston with the marine division. Mike is going to give you a presentation related to our cobia and particularly some interesting work related to a distinct population segment. You may be aware that in the last stock assessment or in part of the last stock assessment there were some genetics data incorporated into that which enabled us to kind of rework some of the boundaries of the stocks.

In that it was also determined that South Carolina has a unique, distinct population segment of cobia, which in our Port Royal Sound/Saint Helena area resulted in a huge fishery over the years. Tom can tell you that actually right now at this time of the year is when the cobia start coming in, and they actually and it has been determined through work that Mike's folks have done at the lab that they are actually spawning in these areas.

We knew we had these spawning aggregations occurring, and, of course, we had a fishery that had developed around this spawning aggregation, so you literally had fish in a barrel every year, because it is a fairly confined area up in the Broad River and some other spots. You can go out and cobia fish in a Jon Boat and do quite well.

This fishery has been a very popular fishery over the years, and you will see has resulted in a lot of pressure on these fish. Well, it is pressure as it turns out that is on a small segment that is genetically distinguishable from other cobia. Of course, the council manages cobia overall and, of course, we do that jointly with the Gulf as well.

But we in South Carolina had some concerns about these particular cobia in our state waters, and Mike will present some data related to what we've learned about that. This is to kind of prepare the council. It may be that in the next year South Carolina chooses to pursue some tighter regulations involving the cobia fishery related to state waters only. But when we do that, we want to make sure we do it with the council's full awareness of that and perhaps blessing, if you will, but it would be a state waters issue and a state issue.

But these fish, while they spawn in our waters, they don't stay there necessarily. They come out at some point and they move around. You can't distinguish one of our particular cobia from, say, a federal waters cobia by looking at them; cobia is cobia; but you can genetically, which is fascinating. I will let Mike present his findings; and again this is just for information only. We

just wanted the AP to be aware of this, and we may again brief the full council later on about this as well.

DR. DENSON: Mike Denson; South Carolina Department of Natural Resources. Thank you, Mr. Chairman and panel, for giving me this opportunity to present some of the latest research findings in South Carolina waters. I think that Mel did a nice job sort of summarizing overall what I plan to talk about and maybe I can go into a little bit more detail.

The first slide simply shows you what is fairly typical in April, May, and June in the southern part of South Carolina where we have a number of cobia tournaments that really target these inshore spawning aggregations. We've got dozens of pictures like this that sort of represent the amount of effort that is put on this sort of unique fishery.

What we know about cobia in South Carolina and this distinct population segment is that cobia in Port Royal Sound and Saint Helena Sound are actually and have been determined to be part of a genetically distinct population segment. If you remember some of SEDAR 28, some of the final research recommendations from the data workshop were to determine and scientifically prove that these distinct population segments exist, and we have published data on that since then.

What we also know and there is published material on this as well that aggregations that occur in April through June are and have been scientifically proven. One of my graduate students, Lindsey Lefebvre, showed that inshore cobia spawning events were occurring year after year. The genetic analysis also shows that there is a significant decrease in the number of spawners in recent years.

Results of the stock assessment show significant declines in spawning stock biomass and ultimately increases in F, or fishing pressure, for the entire South Atlantic population. Because in South Carolina, unlike cobia that are typically found offshore, around buoys, around hard bottom, around artificial reefs; these fish come inshore and there is a significantly higher fishing pressure exerted on these animals.

Both the recreational and charterboat efforts and catch have increased. We think that there is a high likelihood that the distinct population segment, anyway, the aggregations is decreasing in abundance while maintaining catch-per-unit effort we call the illusion of plenty or hyper-stability in fisheries jargon.

South Carolina has also begun to do some experimental stock enhancement work, and have determined that from the limited number of fish that we've stocked, we have made a very high proportion of the catch, suggesting that the wild population is ultimately pretty small. Using just simple Lincoln/Peterson estimates, the conservative population estimate shows the population at around less than 50,000 fish with a plus or minus 25,000 fish on that population estimate, which suggests that it is relatively small.

As you all recall probably from the SEDAR 28 that the genetic analysis and tag-recapture data provided from all of the states have shown and redefined that the Gulf stock actually occurs along the Gulf and all the way up as far as Cape Canaveral. The South Atlantic stock occurs from Virginia on down to probably Florida, but we had no data here in this blank area. You will

notice specifically that there is a green dot here and a yellow area here, which has indicated that there are a distinct population segments along that South Atlantic coast.

I really am mentioning only these two areas, because those are the ones that we had reasonable data from that allow us to make those determinations; but perhaps there could be a larger number of distinct population segments in some of the high-salinity estuaries that occur anywhere from Chesapeake on down to Florida.

As Mel mentioned, one of the things that our genetics research has shown is that they are genetically distinct. But when SEDAR and the stock assessment occurred, there was no way to parse out the distinct population segment fish from the ultimate South Atlantic catch in terms of reported landings, which makes it very difficult to manage on a sort of estuary-by-estuary basis because of those difficulties.

There are not real morphometric differences between the fish, you can't count fin rays, they are just genetically distinct in terms of they do not spawn together and there is very little gene flow between the populations. Again, our tag-recapture data support this information. Another finding that came out of this genetic work and this genetic monitoring of populations over time is that the fish do exhibit natal homing and return year after year after year, very much like the equivalent salmon would on the west coast.

These fish somehow key into these lower estuaries, Calibogue, Port Royal, Saint Helena Sound; high-salinity estuaries probably not that different than offshore and seem to utilize that habitat successfully and return year after year. As I had mentioned, there are at least two publications and another two in press right now that the tires have been kicked scientifically by the scientific community that authenticate these findings.

One of the other things that we do with our genetic work initially was to use this microsatellite genetic work to be able to identify stocked fish from a wild fish. But when we do that kind of work in South Carolina, in addition to not only looking, say, at where one segment of the population begins and one ends, but we can begin to look at genetic health parameters such as the amount of inbreeding in a population or the effective size of the population.

This slide shows you – and I want you to really just focus on the affected population size. This is the idealized number of spawners in the population that have contributed to year classes. What you can see here is that we've estimated very small numbers, 425, 889, that have contributed – that is the number of adults that have contributed to the successful survival of that year class, 2005. You see 2009 just 78 fish contributed.

When we pool all of these numbers and look at the population as a whole, in conservation biology we have what we call the 50/500 rule. We want to stay above 500, because that determines the number where we begin to see inbreeding and we have a decrease in the fitness of the genetic health of the population.

When it gets as low as 50, then you usually have significant inbreeding, and it really questions whether that population will continue to survive and persist. In South Carolina, this is again the inshore population. There are only about 545 fish of spawners that have contributed from 2007 to 2013.

We're creeping up on what we would think is a number that most conservation scientists would believe gives us some pause and that we should perhaps take some action to preserve the genetic integrity of this population. For comparison sakes, this is the South Atlantic population. This is the number of samples over again the same period, which show as many as 3,000 individuals contribute from South Carolina on up through Virginia. I borrowed these two slides from again the SEDAR 28 cobia that show some of the benchmark references from statistical catch-at-age models.

Looking at the top one which is the F, we see the overfishing limit and we see increases in the trend over time. This is again through data from 2011. This line that was added here just simply illustrates the trend. Here we are at 2015 now, it is probably likely that we're approaching an overfishing status and even potentially with spawning stock biomass approaching an overfished status.

Now this is again with the entire South Atlantic population and not the small distinct population segment that we're kind of focused about talking about today. This is really just to give an illustration of the trend in fishing effort and the trend in spawning stock biomass over time. We know from the data that we have in South Carolina, this is recreational fishery effort estimates that show – the blue line is in state waters and the red line is the effort in federal waters.

We see that the number of trips and the catch is much higher in South Carolina waters than it is in the offshore waters in that South Atlantic population. This simply indicates that the trend is towards a much higher effort on that small distinct population segment. It makes pretty good common sense that if the fish are close – and again over the last several years with high diesel prices and high gas prices, a lot of people were focusing their effort inshore and targeting this inshore population.

Until you get to a point, and here it is illustrated with charterboat log data that most of the total number annual catch and the number of trips focused increased from like '96, '97, all the way until 2006, and then there was a large drop mostly because the presence of fish in that inshore population segment seemed to have declined.

A lot of the effort was moved towards the offshore population on some of our artificial reefs in May and June of the year, where it is now known that large aggregations of fish are congregating and people are taking their limits very easily in just a couple hours and then heading back in. The sort of take-home message from these two slides is that the distinct population segment is a smaller size segment compared to the South Atlantic population, and yet the effort is much higher.

I used the next three cartoons simply to illustrate hyper-stability and this idea the illusion of plenty that the experience that the individuals on these boats are having, knowing full well where these aggregations congregate during specific spawning runs, April, May, and June of the year; that each year throughout the nineties everybody knew where those fish were and were out there fishing for them.

Even though abundance was decreasing in the overall population, the experience that the anglers were having were still that there were plenty of fish on these locations that we know about. Then

finally in the recent years we've even heard reports from the anglers that congregate in specific areas that the population has declined to the point where we're not even seeing very many fish show up and that these amount of effort that is put on site fishing throughout the entire river area has decreased to the point where it is not worth doing.

Again, this illustrates hyper-stability, very difficult for us to prove. Scientifically detecting hyper-stability is usually done by rigorous long-term fisheries-independent random sampling that is not something that is easily executed on a spawning aggregation that occurs just for a couple months of the year.

When we would be out there competing for the same locations as fishermen and charterboat captains, we've done a couple of different efforts in terms of longline sampling, even hook and line with our boats out there; and it is very difficult to get adequate sample sizes so that we can either confirm or refute the condition of hyper-stability.

However, when we compare the sort of life history of cobia, at least this distinct population segment, in that the fish do move inshore, they congregate in specific locations. Perhaps a realistic comparison are the reefs that were typical of where Nassau grouper would occur and spawn or salmon moving into rivers on the west coast or even the predictability of large schools of bottom fish in the Atlantic northeast, cod, haddock and pollock.

It is typified by fishing appears to be very good, and then the bottom falls out completely, which seems to be the trend that we're seeing in South Carolina. Some of the work that we began doing in as early as 2000 with some federally supported money to look at aquaculture was leveraged into a better understanding of how we can close the life history or the life cycle of cobia in captivity, learn how to spawn them in ponds, produce them, release them in the wild, and evaluate some small experimental size stocking.

We used both genetic tags as well as externally tagged fish of different sizes. We did large-scale stockings, at least relatively large scale; 53,000 fish. These are 30 day old, about two-inch size fish. We did smaller numbers of these larger externally tagged fish that were released in various locations. The results of some of this are significant contributions to wild year classes.

If you look at the sample year when we collected the fish versus the year when we stocked and the number of fish that were stocked, you can see that from stocking just those 6,000 fish in 2008, it takes two years for the fish to grow to be about 33 inches fork length, of which they are vulnerable to the fishery, of which we made about a 9 percent contribution of the fish from this one year class. If you were to look at the 53,000 fish, we made significant contributions to that year class year after year that range from 70 percent to 83 percent, In our last year, 2014, 50 percent of the fish that were seven years old were from this small stocking event of 53,000 fish.

Now just to sort of put it in context or perspective from a stock-enhancement standpoint; we would expect to make a contribution in this kind of magnitude by stocking multiple millions of red drum in an estuary. These are very significant and surprising findings from our perspective and simply illustrate that cobia stock enhancement is a potential tool that could be used perhaps to offset some of the decreases in total abundance.

We also used the stocked fish versus wild fish in a tag-recapture type scenario to calculate or at least estimate what the wild population size was over time. In 2010 from the calculations – again, this is Lincoln/Peterson estimates – roughly 99,000 wild fish were in this distinct population segment; 114,000 in 2011, with subsequent decreases in 2012 and 2013.

Again, to what we expect is roughly 50,000 fish plus or minus 25,000. Ultimately we're interested really in what the trends look like. What I've been trying to point out throughout this presentation were that we don't have tons of incredibly conclusive data from dozens of years of effort, but we have a significant number of trends that give us pause and support the observations made by recreational and charterboat fishermen.

We think it is really incredibly important to value and conserve this distinct population segment, which has an incredibly high economic value in the southern part of South Carolina in terms of charterboat captains and the amount of spinoff benefits to the local community. There is a cultural value in that people have been catching these fish for I've heard up to 50, 60 years, families that have been targeting these fish and enjoying them every year.

We believe from the genetic information that we have it being a distinct population segment; that when this fish population is fished down or fished out, it is unlikely that it will come back in any reasonable time period just because there is almost no gene flow into the population. As a scientist, I talk about things like stock enhancement and that potential that ultimately we can't stock our problems away, because again that has impacts on the genetic diversity of the population, because we use relatively a small number of adult brood stock in our stocking program just because of the amount of space that they take up and the difficulty in securing and maintaining brood stock.

We have a real interest in maintaining the genetic diversity and the genetic health of the population, and that sort of gets us to some of the main trends we're seeing. Numbers of inshore spawners have decreased. The number of adult fish in the population has decreased, the recreational effort and catch have increased, and the charterboat effort and catch have increased.

That sort of brings us up to speed with how Mel sort of introduced this issue in South Carolina. Again, this is the distinct population segment only. I don't have any real good insight or scientific information on the South Atlantic population; just this one that is nearshore and seemingly particularly vulnerable. I would be glad to take any questions if, Mr. Chairman, you or any of the panel have any thoughts.

MR. PELOSI: We've had a presentation a few years ago on this, and we were made aware of this distinct population. South Carolina, what is the catch limits, the bag limit in state waters?

MR. DENSON: It is the same as in federal waters, two fish per person per day.

MR. PELOSI: Have you considered cutting it down to one? Now, Florida has one in state waters and two in federal. It is a little unhandy, but your fish are separated quite a bit. Is that something the state is considering?

MR. DENSON: Yes, I think that maybe Mel could comment more specifically on that as our Director of Office of Fisheries Management. I provide the data and then it gets chewed up by Office of Fisheries Management. I say that with great affection.

MR. BELL: It's good chewing; we like chewing on his data, they are good. Yes, we've considered that. I would say at this point what we're trying to determine is kind of a suite of options that would give us the ability to reduce pressure on these fish to varying degrees. I'm not sure if there is a magic number in terms of an achievable reduction in fishing mortality that we would like to get to; 30, 40 percent, whatever it is.

We've had some discussions about what would a good goal be; but there are different ways to get there, and you are right. Logically you could go, well, let's just reduce the bag to one per person per day. But when you start looking at the fishery-dependent data, what you will see is that most people are catching one or aren't catching one.

In other words, one wouldn't give you maybe what you need. What you might have to consider is other options, for instance, a boat limit. Independent of that there are other ways of – since this is a very easy to time event, there could be some sort of time/area restriction or there is just a whole suite of options available.

We're in kind of that phase now where what I would expect we would do is Mike has given a number of these presentations, particularly in the southern part of the state where this is an important fishery to them. The idea would be to engage the public and discuss various options, and certainly that would be one but not the only one necessarily.

MR. PELOSI: It seemed like the consensus was when we were first made aware of the situation is that it is really a state fishery; and rather than to upset the balance what we have in the federal waters, if the state would make some changes in their laws, it would help out. In addition to like the one fish per bag limit, if you had two per boat or three per boat so that you couldn't load up a boat with seven people and take seven; it would probably be a way to handle it.

MR. OGLE: That was a wonderful presentation again, and you and Dr. Darden presented us in 2011, and here we are in the same situation we were then except that the fish have gotten decreased even further than when you were here in 2011. Are there some proposals being proposed to our legislators in the state to address this?

MR. BELL: There is nothing at this time. Of course, keep in mind the General Assembly is in session now, has been for a while, and won't be for too much longer this year. What I would envision is anything that we might come up with in terms of a recommendation would be for the next legislative session.

We would hope to again engage the public, kind of work through some of these options, come up with what the best option might be and then move forward towards the end of the year, so we could perhaps, if there is going to be something moved forward, we could pre-file and move into the next session. Nothing on the table right now. And, yes, indeed it is a state thing; but since cobia, the overarching management is the council, we just wanted to make sure the council is aware of what we're seeing, because this distinct population segment is part of the stock assessment and part of the overall stock, if you will. We just wanted to make sure that you, the

AP, and then the council were apprised of what we're seeing and what we might be considering doing in the future.

MR. PELOSI: Okay, one other question. Do many of these fish end up in commercial markets?

MR. BELL: The state passed a law, I think it was two years ago, that cobia caught in state waters cannot be sold; so cobia in state waters, there is no legal commercial outlet. But that was part of the attraction, as you can imagine. Mike showed you the picture of all the cobia; they were so easy to catch.

The meat is extremely desirable from a commercial standpoint and for restaurants and all; so that was legally removed. There may still be some issues associated with illegal sales, because it is a desirable product, but we've kind of dealt with that as a state. The next thing to do would be how can we reduce fishing pressure that exists now?

MR. PELOSI: Right, I think it would be really hard to enforce the law in state waters if you catch them in state waters or federal waters. We have a couple of hot cobia spots that are in state waters, but all you have to do is go offshore with your GPS track on and show the officer, well, gee, I caught them here when you really caught them in state waters, but the boat did go out in federal waters and what is he going to do?

MR. BELL: Yes, and that was, when we discussed other options, just like a different bag limit from federal waters. That comes up as well. I'm sure Florida has had to deal with that over the years were you in state, were you in federal? It all depends on your coast, how you're laid out. But certainly to enforce anything like that, you would have to have clear – you know, the officer would have to have a clear eyes on somebody and watching them do it to make a case like that, I would think.

MR. PELOSI: Yes, in Florida if you've got a line in state waters, anything on the boat is considered caught in state waters. Okay, any other discussion?

MR. OGLE: I just want to say real quickly that cobia are loved by low country anglers, and Dr. Denson knows how much cooperation he's gotten in collecting tissues and had tournaments and the fish turned in to him for his research. I think anything that is reasonable that you folks come up with will find a great deal of support by general anglers and those in our club, and Hilton Head Fishing Club, too. Please let us get involved; and if there is anything we can do to help, we certainly would like to do so.

MR. BROWN: Mark Brown; I'm with the council. I just wanted to ask you when do you first start seeing the fish ripe or when they're ready to start spawning, and then how long does that last?

MR. DENSON: We start to see the fish come into state waters usually the last week in April, and we have sampled lots of fish all the way through July. They pretty much spawn for the entire I would say month and a half of April, May, and maybe the beginning of June, probably produce eggs and spawn every third day. You might get 10 or 12 spawns out of a fish once it comes into the estuary.

MR. BROWN: By July they are pretty much done?

DR. DENSON: Yes.

MR. PELOSI: Do the fish stay in the estuaries on through the summer after the spawning season is over?

MR. DENSON: No, it appears that the fish leave the estuary after that point. We've done some and worked with some private folks who have done satellite tagging of fish. Usually after the spawning season, the fish head out and they are usually found off some of the artificial reefs with the rest of the South Atlantic population.

MR. PELOSI: I don't know where to go from here other than just you are giving us the information, and we really appreciate it, and you've done some really good work on your cobia there in your specialized areas. Why don't we take a little break now and let's try to get going back I guess at about 3:25. Let's resume the meeting please. Before we get too far away from cobia, Ira would like to have the floor for a minute.

MR. LAKS: In South Florida, I believe we're going to be our own quota of fish from the rest of the Atlantic. It is now two fish in the EEZ per person and one in state waters, which presents a little bit of a problem. Another problem is it is the only fish that bag limit sales are allowed in the EEZ.

The area that I fish has a super-large spearfishing community where they are free diving on the backs of giant bull sharks and spearing these cobias. They are braver than I am, but it happens a lot. A problem is that in Florida it is very easy to get a saltwater products license or restricted species. You can have a recreational boat on a recreational trip go out with five people.

They can catch ten cobias; they can bring them back and sell them. Now we met the cobia ACL last year in the commercial and it closed down. Someone like Mason, who commercial fishes his whole life and that is all he does, if he is out there trolling for kingfish and he catches two cobias, he has to stop.

He can't put another one on his boat; but he could troll by a recreational boat that has got five people on it that can sell ten fish. Mason is now going to have a dockside examination and a life raft on his vessel by this time next year; a fully out-of-the-water submerge investment. As a commercial fisherman, he shouldn't be able to catch less than a recreational boat does and sell them. I don't see how in any way that could be accepted.

What I would propose and maybe put into some form of a motion is that we ban the bag limit sales of cobia, attach the sale of them to the king mackerel permit, go to one person per boat in the EEZ off of Florida. I would like to hear some comment from the Carolina guys, because I don't really know what you are. But it would definitely clear things up, because Florida the EEZ, which would be a separate quota and Florida state waters, would be consistent.

We want to ban bag limit sales, attach it to king mackerel; go to one per person recreational in the EEZ to be consistent with the Florida group of fish; and also for commercial fishermen, to be

able to have four per boat or two per person. If Mason was to be able catch four cobias, he could keep them and sell them, but he couldn't go over four fish unless he had three people on board.

MR. BOWEN: I'll second that.

MR. PELOSI: Okay, the motion has been made and it has been seconded. Any discussion?

MR. ENGLISH: Right now our commercial limit on cobia is two per person or six per boat. That is what we're allowed.

MR. BOWEN: I think you're wrong, Steve; it is two per person per day. Quite honestly, Ira, I even hate to talk about this. It is two per person per day. It has nothing to do with, I am fairly certain, the amount of people you have on the boat.

MR. LAKS: Steve, I think you're thinking about the state regulations might be six per boat.

MR. ENGLISH: Maybe that is.

MR. SWANN: I like the first part of your motion. I think that makes sense for banning the bag limit sales of cobia to be consistent; but the remainder of that I think would take a lot more study. I don't think I could support the rest of that.

MR. PELOSI: Okay, and then it would also require that the person have the king mackerel permit; and there are some people fishing, like myself, who don't have a king mackerel permit, and I would still like to be able to sell my cobia. I understand where Ira is coming from as this proliferation of spear fishermen is getting bigger almost daily. It has become a big thing to become a free diver now. Unfortunately, the sharks are not cooperating by biting one of these guys. Okay, anymore discussion?

DR. MacLAUHLIN: I just want to clarify one per person recreational bag limit in the EEZ off Florida or in the whole South Atlantic?

MR. LAKS: Well, I am speaking for off Florida, because I have never really fished for cobia anywhere else. I would appreciate some input from some of the Carolina guys. I don't know the state regulations in the other states, but I know in Florida it would clear a lot of things up because the state is one per person. Now that we're considering the fish off of Florida a separate group, I don't even know if you have to include the rest of the South Atlantic in this, because it is going to be, I believe, right under its own ACL?

DR. MacLAUHLIN: Yes. they are separate ACLs. Florida east coast has an ACL and then north of the Georgia/Florida Line; but the South Atlantic has jurisdiction over all of it. I just wanted to clarify if it was Florida.

MR. HERRERA: Ira, just correct me. I wasn't aware of this; you're saying that a recreational guy can sell the bag limit commercially; is that correct?

MR. LAKS: Yes, for cobia. It is the only species I believe that the council has in the fishery plan that that can be sold under a bag limit.

MR. PELOSI: Well, you are supposed to have a state seafood products license with a restricted species endorsement. There is medium difficulty in getting the required permits. Then I am afraid probably a lot of these fish that are being whacked with the spears are probably going through the backdoor of a restaurant; wouldn't you guess?

MR. LAKS: I don't have any evidence of that other than human nature.

MR. LEWIS: I just want to say ours is two per person per day, so we have no problem with what you are proposing, the four for a commercial boat and the two per person, no more than four per boat, anyway. It wouldn't hurt us any.

MR. PELOSI: Okay, if there is no more discussion let's go ahead and vote on it.

DR. MacLAUCHLIN: Right now I have one more question; I just want to make sure I'm clear. Okay, so I am going to put the EEZ off Florida; and then I also want to clarify the commercial limit at four per boat or two per person, whichever is higher?

MR. LAKS: I believe that would be right; so if you had three people on board, it would be two per person, you can catch six.

MR. KELLY: Mr. Chairman, I want to make sure we get the numbers correct. I'm looking at the FWCs website and commercial regulations are two fish per person per day, six per vessel. That is in state waters. Is that what we needed to clarify?

MR. PELOSI: No, that is not right.

MR. HERRERA: Yes, it is.

MR. PELOSI: In state waters?

MR. HERRERA: Yes, sir.

MR. KELLY: Yes; then in the recreational side we're one per person, six per boat.

MR. BOWEN: There is actually – this gets even deeper. Ira, we really picked up a can of worms here. Actually, commercial fishermen aren't even allowed to sell a bag limit of cobia if you have a limit of anything on the boat. Okay, if Bill continues on there, I think that he'll find that as well.

MR. LAKS: I don't believe that is true, Mason. I believe the EEZ has the commercial limit and the recreational limit both at two per person. I am talking in state waters the recreational limit as one per person. I am not talking about the commercial limit in state waters. I am talking about making the recreational limit in the EEZ consistent with the recreational limit in the state of Florida. Yes, which is one.

MR. PELOSI: Okay, if there is no more discussion, let's go ahead and vote on it. **The motion is to ban the bag limit sales of cobia, attach sale to king mackerel commercial permit, go to**

one per person recreational bag limit in the EEZ off Florida to be consistent with Florida bag limit and a commercial limit at four per boat or two per person, whichever is higher. All those in favor, five; those opposed, four. The motion is approved by five to four. Okay, did you want to take up the term limits now?

DR. MacLAUCHLIN: Okay, we're going to move on to the next item on the agenda, which is administrative business. We just had a couple things. We did have some changes in how our AP terms work that the council passed recently, and I just wanted to make sure that everybody is aware of that.

It used to be you were appointed for a three-year term; and then if you reapplied, you could just continuously be reappointed; and so we have some folks who have been on the AP for a long time. The council put in some term limits, so just like council members, you can be appointed for three consecutive three-year terms, and then you'll term out. You have to be off for a year and then you can reapply if you want to and you start over. We just have a couple of people who I wanted to let know that they were going to term out and have to go off for at least a year starting June 2016.

MR. PELOSI: One of those people that are going to soon term out is me. The Vice-Chairman who normally would be ascending up the ladder; he termed out already. We need to have a new chairman. As I see it, we only have Stephen Swann and Bill Kelly, other than the new members today, who have prior experience of at least a part of a term under their belt already. That doesn't mean that a new member can't be the chair. Does anyone want to make a motion for a new chairman?

MR. OGLE: I would like to nominate Dick Brame.

MR. PELOSI: How much time does Dick have left? I understand it is about a year.

DR. MacLAUCHLIN: He actually termed out last year; but because that seat was open, he was appointed for one more year. He will be reviewed – no, he will term out and have to go off for a year after this meeting. I think he can't do it. If we have a meeting in the fall, he can share that meeting; and then after that, we would have to reevaluate.

MR. PELOSI: Are there any other suggestions or volunteers who would like to put their name in the hat?

MR. ENGLISH: I would like to nominate Bill Kelly. He is very well-worded, and I think he can handle it.

MR. BRAME: I second that.

MR. PELOSI: Yes, Dick, you second that, also?

DR. MacLAUCHLIN: Nobody seconded Dick Brame?

MR. PELOSI: You were nominated first; do you wish to be chairman for one meeting? No, okay, Bill Kelly, you are willing to serve?

MR. KELLY: With all due respect, Mr. Chairman, it is so easy to identify your enemies now. No, with all due respect, thank you so very much. I appreciate the nomination, but with my present workload I respectfully decline.

MR. PELOSI: Let's see who is not here that we can appoint? Stephen, are you interested in the chairman?

MR. SWANN: Not particularly.

MR. PELOSI: Does anybody want the job?

MR. KELLY: Mr. Chairman, I would be interested in nominating Ira for the position if he thinks he would like to be so engaged. He's got a great deal of knowledge about the area; he is certainly engaged in the process here. I like his line of thinking. I think he gets the big picture and he is obviously quite knowledgeable about what is going on here.

MR. PELOSI: Okay, does someone want to second that?

AP MEMBER: I second it.

MR. PELOSI: Okay, all in favor raise your hand please. Okay, motion carries. Note that the only person that didn't vote for it was Ira. We need a vice chairman, and can I nominate someone? I would like to nominate Steve English.

MR. ENGLISH: I am new at this. Bob, I appreciate it, but I would actually like someone else to do it the first little bit.

MR. PELOSI: As vice-chairman you would only take the chair if the chairman wasn't here for that meeting; you understand that? But you feel more comfortable getting another meeting or two under your belt? Okay, we can certainly understand that. Someone else?

MR. KELLY: Mr. Chairman, I just wanted to suggest to the group, though, serving as vice-chair for that year gives you a unique opportunity on how to handle those meetings without the full responsibility, so it is a great stepping stone in learning the process.

MR. PELOSI: Yes; that is one of the reasons for having a vice-president or a vice-chairman so that you are sort of ready to step in. Okay, we still need a nomination.

MR. SWANN: I'll do it if you want.

MR. LAKS: I'll second it.

MR. PELOSI: Okay, the motion was to nominate Stephen Swann as vice-chairman; did someone second that? Yes, I think Ira did. All those in favor raise your hand please; unanimous. Now we're down to other business.

MR. HARTIG: The first thing under other business that I am going to take care of –

MR. PELOSI: Okay, you're going to talk about it.

MR. HARTIG: Yes, I'm going to talk about you. I'll give you a little history about Bob. I think he is our longest-serving AP member; how many years, Bob, 31?

MR. PELOSI: I guess it is 31; it was 1984 when I was appointed to the Mackerel Panel, and I was on the Swordfish Panel for a couple years until that was dissolved and went with National Marine Fisheries on that. It's been a while.

MR. HARTIG: I will tell you that Bob has served as chairman for a lot of those years. When I was on the council in the nineties, he was always great; and when I came off the council in the nineties, I came back on the Mackerel AP, and Bob took a hiatus from the chair to allow me to be chair of the Mackerel AP for a few more years until I got back on the council.

Bob has done a tremendous job of representing the recreational fishery and all fishermen in the mackerel fishery. We've got a token of our appreciation for your service, Bob. Basically there is a plaque in here that states proudly presented by the South Atlantic Fishery Management Council to Robert Pelosi for his distinguished service as a member and chairman of the Mackerel Advisory Panel and his outstanding contributions in the conservation and management of our nations fisheries resources. Bob, thank you very much. (Applause)

MR. PELOSI: Thank you, Ben, that's beautiful. Okay, under other business; at the last AP meeting we had, we had quite a bit of discussion and we voted to recommend to the council that we not have two separate king mackerel plans. A lot of that had to do with the Gulf Council wanting to have separate permits for the Gulf and the Atlantic. The beef is that some of the guys from the Atlantic side go fish the Gulf side and in some cases have caught almost the entire quota while they were engaged in other fisheries.

Our council did not pursue that and followed our recommendation that we not do that. We thought the issue was settled; but apparently in Amendment 28 that is coming up the Gulf Council is trying to separate and keep the Atlantic fishermen from going over and fishing on the Gulf of Mexico stocks while they are in the Gulf waters. I think the council would like us to make a motion that they do not separate the plans and we stick together with just one single king mackerel permit that allows fishermen to fish wherever they want. Can you add anything to that, Kari?

DR. MacLAUCHLIN: The Gulf Mackerel AP met and they did recommend to the Gulf Council that there be separate king mackerel permits, one for Gulf, one for Atlantic; separate Spanish permits – these are commercial for the Gulf and Atlantic – and then that the joint fishery management plan be divided into separate FMPs for the Gulf and South Atlantic Councils.

What that would do is then the South Atlantic would only manage king, Spanish and cobia on the South Atlantic side and then our jurisdiction actually goes to the Mid-Atlantic. Then the Gulf would manage over there. After the March South Atlantic meeting, the South Atlantic Council passed a motion and said we don't want to continue development with this amendment. We stopped, but the Gulf Council is interested in continuing development. Chairman Hartig wanted

you guys to discuss that and maybe make some recommendations to the council about the South Atlantic AP's position on separate permits and/or separate management plans.

MR. PELOSI: Okay, is that clear to everybody what the Gulf is trying to do? We really want that in the form of a motion rather than a recommendation. If someone could make a motion to reinforce what we had done previously, I would appreciate it.

MR. KELLY: Well, if I make a motion, I'm not sure it is going to be congruous with what the South Atlantic Council wants to do here. I was also over at the Gulf AP's meeting. I think that the concept has got a great deal of merit. If we're establishing a Miami Dade/Monroe County Boundary there and both the commercial and recreational sectors in that area would like to see management of kingfish by the Gulf Council, then why don't we do that?

I would make the motion that this CMP AP endorse the Gulf CMP AP's approach and divide and separate both Atlantic and Gulf stock permits using the Miami-Dade/Monroe County Line as the line of demarcation.

MR. PELOSI: Okay, is there a second to that motion? The motion dies for lack of a second then. Does anyone else have a motion to make?

MR. ENGLISH: I would like to make a motion that we do not separate the permits and that it stays just the way it is.

MR. BOWEN: I second.

MR. PELOSI: Very good. Is there any discussion?

MR. BOWEN: Bill, I will address my concerns with that. My family has been fishermen throughout its history, primarily king mackerel fishermen, and they're pelagics and you have to travel. That is just the nature of the business. The problem with the Gulf Council's mindset is they are going to go forward with circumstances that won't allow me to do that and take my freedoms away.

That is the crux of the problem, but it goes beyond that. I mean, there are different theories here about how fish stocks move around. Me and Ben; we disagree. I think a major portion of some Atlantic fish found their way to the Gulf. I feel like some of the fish that are kind of hanging around Naples might be those fish.

Secondly, there is no data that says that I'm wrong. When we started seeing cold upwellings take place throughout our summer, we saw a vast migration of a considerable part of stocks. That is my theory. The point being then in the end where the rubber meets the road, what different people in the Gulf Council's mindset would say is that I am not allowed to go there and fish.

I don't have the answers to all the fisheries problems; but being a fisherman my entire life, there is a problem when you go after me and you take away my rights. Something is wrong with that. I am going to leave it over to Steve now.

MR. ENGLISH: I have a huge problem with what the Gulf came up with. The problem I have is the king mackerel permits were issued to cover the whole region to everybody, which everybody had the same right to the same fish. They want to take that right away from a few people, give most of it to a little group of people, and the rest of us can just do without.

I don't want to give up that right. I don't know if everybody has read this report or not, but some of the stuff they are doing in there, which is they want to create new permits for the Gulf, new transferrable permits. Well, they can't even do that because there is a moratorium on permits right now, and they want to create more permits. That wouldn't even fly to begin with.

There are things in there that cut people out of the fishery. Yes, some of us haven't gone over there yet and might not ever go over there; but if circumstances change to where we have to go do that, we want that option left open. Because if our options are taken away from us, when somebody takes another fishery away, we look up and go, hey, we've got to make a living somewhere; then we don't have that option.

I'll give you an example. I was devastated by the net ban in Florida. When that net ban happened, I thought that was the end of the world for me. We looked and looked and looked. Luckily I had a kingfish permit; I could fall back on that. We learned other fisheries. Luckily enough there was still some available and some open so we could survive.

But if that wasn't available to me, I don't know where I'd be today. Right now when that happened, several of us went to North Carolina and we fished, and we fished and we learned to flounder fish and mullet fish and mackerel fish and the whole bit in North Carolina. Well, North Carolina right now is just about to be shut down.

We're about to use our flounder fish over in North Carolina because of turtles. That is the way they are going to take away the flounder fishery. I see it being gone. At that point myself and several other people are going to look up and say where are we going to replace the summer income? Well, we're looking to the Gulf. That is probably where we're going to end up having to go. Not that we want to go there, but we might have to go there.

We don't really want to travel, because we're family people, but sometimes you are forced to do things to make a living. That is just a few of the minor problems that I have with what they've come up with to give the fishery to a select group of fishermen and taking away from everybody else. If we can come up with something that is fair to fishermen, I've got no problem. But if we can't, then let's leave it alone. I won't go any more into it, but I thank you for your time.

MR. LAKS: I agree, too. I think people's family situations change, people move, especially in Florida you're talking about the same state. Where you draw the line in some of the alternatives that the Gulf Council looked at, like where do you live and your homeport, but what if you live like one inch over the line?

It is really not a practical situation, because the state of Florida, you are a resident of the state, and then they are telling you that you can't go fish on the other side of it. Some people have family on both sides of the state; they might have to move, whatever. But saying that; I do like some of the things that the Gulf AP said. I think most people who are commercial fishermen commercially can agree that it is overcapitalized.

If you have all that latent effort with the permits and they come into some of these fisheries, it can shut them down faster and faster. Some of the things I like what they had to say was the idea of the non-transferrable permits. I know the council does not want to take permits away, and nobody really wants to take permits away from anybody, but it allows people not to jump in and out fisheries as much.

The only problem with that, and it is something that needs to be discussed, is the Gulf Council, while they talked about it and they came up with some good solutions and things for no landings, and whatever landings you have, whether your permit is transferrable or not transferrable; and it is something we can look at coastwide, is what do you do with the corporate permits, which is the same problem the snapper grouper had?

If you put a 10,000 pound limit on whether you have a transferrable or non-transferrable permit, and the guy only has 8,000 pounds that year, he doesn't get a transferrable permit; but someone who has a corporation that has no landings in essence gets a transferrable permit. There is something with all these latent permits that are out there that aren't being used; that without removing them from people, everyone needs to put their heads together in an equitable way where they could still fish, but you just can't constantly have people jumping in and out of the fishery.

MR. PELOSI: We haven't had a second on this motion here, and does somebody want to second that?

MR. BOWEN: I seconded it.

MR. KELLY: I just want to point out for the record we're dealing with a number of different issues in the Gulf. The king mackerel has been characterized as overcapitalized, but also is one of the most underutilized species in the Gulf of Mexico. The last stock assessment before 38, I think about seven years ago, eight years ago, the SSC recommended a quota of 17.3 million pounds, but the council set it at 13.2.

There is four million pounds of fish lost out there somewhere. Meanwhile we're straddled with a trip limit of 1,250 pounds that until just this past year had a step-down to 750 pounds at 75 percent of the quota. Retiring latent permits is off the table, because we have guys that just simply cannot afford to go fishing at those prices. That is the historical fishery.

The hook-and-line fishery for kingfish started in the Florida Keys and off the Tortugas. As these guys had to transition because of those low trip limits, they modified their equipment and so forth. For us to go king fishing out of the Florida Keys and Key West is the equivalent of driving a tractor trailer to work when our competitors in other parts or other stakeholders are driving fuel-efficient Honda Civics.

The boats are larger, they require more fuel. That is just the nature of the beast and the way it has evolved over the years. We're trying to get some parity back in there. It is kind of unnerving when our guys from Key West and Marathon cannot afford to make the trip to go out and go king fishing for the day, but trailerable boats can come into Naples, Chokoloskee, and so forth and fish those same areas, because they have that mobility to them and so forth. It is nothing personal; it is just everyone looking for some parody in the fishery.

MR. LAKS: I understand that. I've had permits removed from me, because I didn't have landings on them. I've been in this long enough where I would love to have back what I chose not to pursue. I had my business modeled on an economic basis. Okay, this works for me, this works for me, this is the way the fishery is going.

Again I am saying that I like the idea that the Gulf came up of not taking permits away from people, but not someone who decides not to fish in that fishery for whatever reason, whether it is economics or they just found a better fishery, or just don't want to; from them deciding all of a sudden to sell it and all of a sudden it shows up in Mason's back yard.

I like the idea of not telling someone, okay, you can't fish anymore, but since you really haven't participated that much, you can't transfer that permit. I'm not advocating eliminating permits from anybody. I think again that the corporate permit is always a sticky issue when you do any of these things, because it rewards corporations.

I am sure there are several fishermen at this table that have had permits removed from them, because they didn't have the landings at the appropriate time. When you start talking about each fishery, well, wouldn't you need to really go back and reset the whole thing and give me back what you took from me; it seems like something has to be done, because, like you say, there is a limited amount of kingfish and you have that latent effort.

When it comes in. it is going to hurt the guys like Mason who depend on that fishery for their complete livelihood. It is something we need to discuss on how we want to approach it, and I do like what they said. You are not taking anything away from anybody; you just have a plan for the future of what is going to move ahead.

MR. PELOSI: Is there any more discussion on the motion, which is to recommend to not separate the permits and to maintain the status quo? All those in favor raise your hand please, eight in favor; opposed, one opposed and one abstaining.

MR. HERRERA: I'm going to stay out of this one.

MR. PELOSI: You're going to stay out of that one. Okay, the motion carried. I want to bring up something. I don't want to make a motion; I just would like to have the council aware of it. I don't want to make any enemies here, but I do want to say this and I have wanted to say it for some time.

The wintering population of Spanish mackerel, as most of you know, winters between Port Salerno, Saint Lucy Inlet, and Jupiter Inlet and goes back and forth a little bit, sometimes into Palm Beach County. As the fishery goes, we have – and the way I have seen it is, it used to be about three miles long and a half a mile wide. Now it seems like it has gotten smaller both in width and length, and the fishery has changed.

It has developed a cast net fishery and a hook-and-line fishery. The hook-and-line fishery used to be strictly just drifting and casting or trolling. Now that method has become anchoring and chumming and the fish are all caught on hook and line. Then you have the recreational fishery. There is some conflict in that fishery. We haven't had any violent episodes that I know of; maybe Steve knows of some or Ben knows of some.

But there is quite a bit of hollering and screaming going on. As we all know, you've got the yahoos out there that just don't understand what is going on. If a boat is anchored and he's chumming, a commercial fellow making his living and the cast net boats come up and throw the net 35, 40 feet from him; it shuts down his fishery for a while.

If a recreational boat comes by trolling, the fish will stop biting for a while. Like I said, there is a lot of hollering and screaming going on. This year was a little different season. The fish didn't bunch up in tight schools; I mean, they weren't shoulder to shoulder. The cast net fishermen did not get as many fish. You cast net; don't you Steve?

MR. ENGLISH: Yes, I do and you're right.

MR. PELOSI: What would you have, five or six days this year?

MR. ENGLISH: Yes.

MR. PELOSI: That's about right. Okay, when they are really bunched up, the cast netters catch a lot of fish and it puts a lot of fish on the market. I remember that during that five- or six-day period actually they shut down. They didn't want fish under a pound and whatnot, and, of course, the price goes down. The result was we had the highest prices ever, right Ben, this year on Spanish?

MR. BOWEN: Last year.

MR. HARTIG: They were high.

MR. PELOSI: Last year. Yes, they were high. If there ever should be a real downturn in the population, I personally think that maybe the cast net should be restricted more or eliminated. Just about all the cast net fishermen are also hook-and-line fishermen, because there are so many days, especially this winter, where that was the only way you could catch them.

I just wanted the council to know there are some potential conflicts down there that could get escalated on our Jenson Beach Causeway, right where I was born, eight miles away from the inlet. We had two shootings last week on the Causeway, and one of them was because somebody ran over somebody's fishing line; they were recreational. It does and can happen.

That is all I have to say on that. I just wanted the council aware that there is some conflict in that fishery. Okay, anybody that wants to make further comment or comment on something else, something else that needs to be brought before us, now is your chance. Have we completed all business, Kari?

MR. HERRERA: Something that Ira brought up at the beginning of the meeting with the tournaments; I was new to all this and I was kind of keeping quiet and stuff. I have had a chance now to reflect on that. I do agree with Ira 100 percent that those fish – or I think we agree that those fish should not be put on the commercial quota; that those fish should be separate. Even though they are being sold, they are being sold for a cause; that they shouldn't be put into the commercial quota. Generally they are not being caught by commercial fishermen, correct?

MR. PELOSI: That is correct. Wasn't there a provision in that rule? Ben, do you remember what it was?

DR. MacLAUCHLIN: The landings are they have to sell to a federal dealer and the dealer reports on a trip ticket, just like commercial, so it does get counted towards commercial quotas; but they are tracked as tournament sales; so that when we go back and review them, we can say we know exactly how much.

I did check with the FWC about that. They don't have a permit system in place, but they do monitor those. They have a trip ticket reporting code, so it goes on a trip ticket in Florida. They are not supposed to be selling king mackerel caught in an area that is closed to commercial; but they may be coming from state waters, and if the state waters are open. That is what FWC said, she said, let me check on that; but that may be where that is coming from.

MR. PELOSI: Can state waters be opened to commercial while the federal waters are closed? I thought it was all closed then.

DR. MacLAUCHLIN: Well, legally if the commercial fishery is closed in that zone or subzone or whatever, then there should be no sales at all.

MR. PELOSI: Okay, so then they would go to a charity food bank or something, supposedly?

DR. MacLAUCHLIN: Yes.

MR. PELOSI: Also, I think you might find that it is a small number of fish. Usually these tournaments, they only allow you to bring in one and weigh them. I don't really see other fish on the boat except the biggest one they've caught that day.

MR. LAKS: They allow you to weigh in one; but if you look at most tournaments and even in their literature; they will tell you that they will gladly accept donations of all fish on board. You have tournaments out of Jupiter right now that are soliciting for donations of wahoo, dolphin, and king mackerel.

It is a large number of fish; and the problem with the state trip ticket is that it is still not getting quantified as a recreational catch and there is no way for you all to track it as what it was. It is still considered a commercial fish. From what I understood when you guys did this, it was in the future to see the number of fish that were and possibly reallocate to the commercial sector the cost of those fish. If they are not tracking them, it is hurting commercial fishermen.

MR. PELOSI: Okay, then what we would need would be just a motion that bag limit sales of these king mackerel would not be counted toward the commercial. That is what is needed.

DR. DUVAL: In North Carolina we've had tournament sales for a long time, and we actually have a license that you have to get 30 days before a tournament occurs. I think we are probably able to track those tournament sales and those tournament landings better than I think most of the other states. Florida is able to track them through their trip ticket code. We can actually pull up the licensee who obtained that license, so we're able to say exactly how many pounds were sold

basically by the tournament. We're able to get some pretty specific numbers with regard to tournament sales.

MR. LAKS: But the problem with Florida is if they don't have the permit, like North Carolina seems to have their stuff together. Usually what happens in these tournaments – and I've seen it firsthand – is somebody with a permit will pick these fish up, take them to a fish market, and then get the history of those fish, too, on their permit.

It presents problems in all sorts of ways. Florida has had almost a year. They have models for redfish tournaments and all other things. I think part of the problem, too, is that Florida allows bag limit sales in state waters, so you run into that problem. But as far as I'm concerned, bag limit sales in state waters should be nullified once the commercial closure – of course, that is in Florida, but Florida is so convoluted with all of their little regulations that you could call up or Kari could call up nine times tomorrow and probably get nine different answers.

MR. PELOSI: Okay, did you want to make a motion that the tournament sales not be counted toward the commercial allocation?

MR. LAKS: No, because I think that the council was going to look at that, but I think we can make a suggestion that the council recommends to the state of Florida that they get their permit system up and going.

MR. PELOSI: Then do you want to add on that those sales do not count to the commercial quota or is that a second motion? What would be better?

MR. LAKS: Again, I think from what I remember and believe – maybe one of the council members can back me up – I do believe that they were going to reexamine it once they looked at the landings and then determine if they had a reallocate from the recreational to cover those sales.

DR. DUVAL: That is true, Ira. As part of that amendment, it was to examine the total amount of tournament sales – it was either after two or three years – and get an average so that could potentially facilitate some kind of allocation, either specifically for tournament sales or to the commercial sector. I would have to go back and look at that language, but, yes, that was in there.

MR. PELOSI: Okay, so essentially we haven't had enough years go by to determine that.

DR. DUVAL: Correct.

MR. PELOSI: Okay, I guess we'll just go with this recommendation. Do you want to make it a motion and we'll go ahead and vote on it either way?

MR. LAKS: I think just a recommendation.

MR. PELOSI: Okay, that's fine. Any other issues you want to discuss? If not, let's adjourn the meeting. Thank you for attending.

(Whereupon, the meeting was adjourned at 4:20 o'clock p.m., April 15, 2015.)

Certified By: _____ Date: _____

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April 2015

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South Atlantic Fishery Management Council

Mackerel Advisory Panel:

Wednesday, April 15, 2015

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MACKENZ AP 4/15/15 N. CHAR SC

Last Name	First Name	Email Address	Time In Session	City	State/Province	
Gerhart	Susan	susan.gerhart@noaa.gov	3 hours 43 minutes	St Petersburg	Florida	NMFS
MAHOOD	Bob	robert.mahood@samc.net	4 hours 7 minutes	North Charleston	South Carolina	Who wants to know?
Neer	Julie	julie.neer@safmc.net	6 hours 48 minutes	CHS	South Carolina	SEDAR
crabtree	roy	roy.crabtree@noaa.gov	1 hour 40 minutes	st pete	Florida	other
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