

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

**Hilton Garden Inn  
North Charleston, South Carolina**

**APRIL 24 – 25, 2012**

**SUMMARY MINUTES**

**Mackerel Advisory Panel Members:**

Robert Pelosi, Chairman  
Tim Adams  
Jodie Gay  
Edward Holder  
Stephen Swann

Ronnie Houck  
Dick Brame  
Andy High  
Tom Ogle

**Council Members:**

David Cupka

**Council Staff:**

Bob Mahood  
Kim Iverson  
Dr. Brian Chevront  
Mike Collins

Gregg Waugh  
Dr. Kari MacLauchlin  
John Carmichael

Observers attached to end of document:

April 24, 2012

TUESDAY AFTERNOON SESSION

The Mackerel Advisory Panel of the South Atlantic Fishery Management Council convened in the Hilton Garden Inn, North Charleston, South Carolina, Tuesday afternoon, April 24, 2012, and was called to order at 1:30 o'clock p.m. by Chairman Robert Pelosi.

MR. PELOSI: We'll bring the meeting to order the Mackerel Advisory Panel. This is April 24, 2012. The first thing we need to do is the voice recognition; can we start down on the far end there?

MR. HIGH: Andy High from Wrightsville Beach, North Carolina, commercial fisherman.

MR. GAY: Jodie Gay, North Carolina.

MR. BRAME: Dick Brame, North Carolina, recreational fisherman.

MR. HOLDER: Ed Holder, South Carolina.

MR. HOUCK: Ronnie Houck, Florida commercial fisherman.

MR. WAUGH: Gregg Waugh, South Atlantic Council staff; and as we go through the meeting if you all remember to try to say your name that will reduce the chances of you getting shown in the minutes saying something that someone else said.

MR. PELOSI: Bob Pelosi.

MR. SWANN: Steve Swann, Jacksonville, Florida, recreational fisherman.

MR. ADAMS: Tim Adams, Florida, commercial fisherman.

MR. OGLE: Tom Ogle, recreational fisherman from Beaufort, South Carolina.

MR. PELOSI: Okay, I'll turn it over to Gregg here who will – or do you want me to go ahead and get the minutes approved? Okay, the minutes; I guess you all received the disc in the mail. I know I looked mine over. I did not read every word of it, but I did skim through it and I think whoever took those minutes and recorded them did an excellent job. That was quite an undertaking. Anyhow, do I hear any discussion on them? Did anybody find fault with them or inaccuracies or anything? If not, I'll hear a motion may be accepted.

MR. HOUCK: I'll make the motion, Ronnie Houck.

MR. PELOSI: Okay, somebody second it? Tim Adams seconds it. Okay all those in favor say I or I guess by raising your hand. It's unanimous, I do believe. Okay, Gregg.

MR. WAUGH: The next item was an update on the SSC meeting. There really wasn't anything pertaining to mackerel. We briefed the SSC on the status of the SEDAR 25 assessment and we'll cover that in a minute. But given that this is so early, we told them where we were with respect to the items that are being scoped, and they have that material, but there really wasn't any input at this early stage from the SSC.

A lot of their discussions had to do with looking at ways to estimate ABCs. They've got different methodologies, but again we're getting a SEDAR assessment for our three species, so that discussion really isn't applicable here. If there are no questions about the SSC, we'll move right into Mackerel Amendment 18.

The final regulations were effective January 30, 2012. I don't know what your preference is here, whether you want to review what was in that or whether you are comfortable just moving right along. I'll leave that up to you. I can briefly show you all the preferreds that were in Mackerel Amendment 18, and that will cover the quotas and regulations. Do you want to run through that real quick?

It helps me, too, because there is so much in these amendments now. This is from Amendment 18, and what I'll be going through is just a list of the preferred actions, and these were approved – and again as I said, effective January 30, 2012. I'm not going to cover some of these. I'll mention the important points, but we've got the MSY, minimum stock sized threshold, and maximum fishing mortality threshold for kings.

These are for Atlantic kings, the first one we'll go through. The overfishing level is 12.8359 million pounds. The ABC recommended by the control rule is 10.46 million pounds; the annual catch limit is at 10.46 million pounds. When you apply the existing recreational and commercial allocations, you get a recreational sector ACL of 6.58 million pounds. The recreational sector is allocated 62.9 percent.

The commercial is allocated 37.1 percent and that is 3.88 million pounds. For Atlantic kings that is the quota for the Atlantic kings this year. Now we did not specify an annual catch target on the commercial side; so that is the quota, 3.88 million pounds. On the recreational side we did set an annual catch target and that is 6.11 million pounds.

We would use that to check our management regulations and see if we needed to reduce that any and we don't, so we did not propose any changes to the management measures. The commercial accountability measure is once that harvest has been taken or projected to be taken, then the fishery is closed, harvest is prohibited, possession is prohibited, and retention is prohibited. All purchase and sale is prohibited.

There were additional recreational accountability measures on the recreational side. Those are that the Regional Administrator will publish a notice to reduce the length of the following fishing year or reduce the bag limit by the amount necessary to ensure landings do not exceed the

recreational sector quota for the following year. We're using these three-year averages. If in any year the ACL is changed, then we start the accounting over. Reduce the bag limit to ensure landings do not exceed the recreational sector for the following fishing year.

The preferred Alternative C is to only adjust the recreational bag limits for season length if the total ACL is exceeded. The commercial payback of any overage, the council's preferred was to payback only if it's overfished, which it is not. If the commercial sector is exceeded, we'd file notification to reduce the commercial sector ACL in the following year and only deduct the overages if the total ACL is exceeded.

You all remember these are some of the recommendations you came up with at your meeting last year. The council followed quite a number of your recommendations. In terms of recreational payback, again the recreational payback of any overage from one year to the next only if overfished and only deduct the overages if the total ACL is exceeded.

Then again we didn't change any of the management measures for Atlantic king mackerel. That's it for Atlantic king mackerel. Are there any questions before we move on to Spanish? Okay, the same sort of thing for Spanish; we've got MSY, minimum stock size threshold, MFMT, the overfishing level is unknown.

Remember there were issues with the previous stock assessment. We have another stock assessment ongoing now. The overfishing level is unknown. The ABC the SSC based on landings data and it is 5.69 million pounds. The council set that as the ACL. That is the third highest year of landings as recommended by the SSC.

Again, using the existing recreational and commercial split, it is 45 percent recreational, 55 percent commercial, so you get a recreational ACL of 2.56 and a commercial sector ACL of 3.13. We did not specify a commercial sector ACT so that is your quota and we do expect that quota to be taken.

On the recreational side we did specify an ACL and that is 2.32 million pounds. The accountability measures for Spanish are the same as we adopted for king mackerel. Again, payback only if overfished, deduct the overage only if the total ACL is exceeded. We considered some changes to the management measures for Atlantic Group Spanish, because on the commercial side that is a lowering of the commercial quota.

We did expect the harvest to be taken, but in the end the council decided not to propose any changes to the regulations in Amendment 18. That is a 15-fish bag limit. Bag limit sales allowed consistent with state regulations, and, of course, we're going to be talking about potential changes. Then the commercial has different trip limits in different areas. Again, we're going to be talking about possibly changing some of those. That's it for Atlantic Spanish. Are there any questions?

Then cobia, the same sort of thing except that we didn't have an assessment for cobia so we've specified that these scientific values, MSY, MSST, MFMT, are unknown right now, but here is how they will be calculated once we get a stock assessment, and that stock assessment is ongoing

now. The overfishing level is unknown. ABC, the council adopted the Gulf Council's ABC Control Rule only as an interim measure, and that was using the ABC equal to the mean plus 1.5 times the standard deviation of the most recent ten years of landings or about 1.57 million pounds.

This value is very close to the value that the SSC would have derived using their third highest, and so they did not object to the council moving forward using this as an interim value; and again recognizing that the stock assessment was going to be done this year. We've got it covered starting this year.

Allocations, we used Boyles' Law, which looked at splitting 50 percent times the average long-term catch, which was defined as 2000-2008. Then the more recent catch was 2006-2008. That allocation turned out to be 8 percent commercial and 92 percent recreational. When you apply that to the ABC that we've got, ABC of 1.57 million pounds you get a recreational sector ACL of 1.446 million pounds, commercial ACL of just a little over 125.5 thousand pounds. The ACT, we did not specify a commercial ACT. On the recreational side we did specify an ACT stepping it down a little bit 1.84 million pounds, 1.185 million pounds.

Again, this was just a concern that we wanted to make sure that we looked at potential management regulations that would ensure we did not exceed this recreational ACL. The accountability measures are the same as proposed for Atlantic king and Atlantic Spanish. You only adjust the recreational season if the total ACL is exceeded.

The payback is only if it is overfished. We only deduct overages if the total ACL is exceeded, and that applies both commercial and recreational. Those of you around remember that we did consider some potential changes to the management regulations, again recognizing that definitely on the commercial side you would more than likely see that quota being exceeded, but more concern on the recreational side.

In the end we stayed with the current regulations, which are a 33-inch fork length minimum size limit, 2 per person possession limit. That applies both recreationally and commercially. In Florida their state regulations only allow one per person recreational and two commercial. One-day possession limit; must be landed with heads and fins intact; charter/headboat permit required; and the fishing year is January 1 through December 31. That's it for Atlantic cobia; any questions?

MR. PELOSI: Gregg, I will say it's nice that the council accepted some of our recommendations and worked them into the plan so far. It shows that our work is not done in vain.

MR. WAUGH: Yes, I agree; they did adopt quite a few of them.

MR. GAY: Bob, I'll echo what you said. I like what they did, basically covering the overages from either sector, of not deducting them unless the other one exceeded it also, unless the total ACL was exceeded. I'm wondering, the concern that we had last year, Tom and the group here in South Carolina had of wanting to recognize a separate stock down here. Where does that stand?

MR. WAUGH: We did not do anything within the Amendment 18 to address that. The council talked about it a lot and shared the concern about it and felt that once we get the results of the SEDAR stock assessment, then we'll take a look at that and see whether we need to handle that separately. We'll talk a little bit about some issues with the stock assessment; but once we get the results, which will be late this year, then we'll see whether we need to deal with that group of fish separately.

MR. OGLE: May I just add to that some folks I talked with in the DNR said that before they could do anything definite within our specific area, that it would have to be a stock assessment within those areas and then deal with it from that point on. I don't know about any plans to do that at this point.

MR. WAUGH: If we then look at SEDAR 25, this is where we will get the stock assessment for Spanish mackerel and cobia. Since we just talked about cobia a little, let me mention here that remember the council set as the boundary between the two migratory groups the council boundary. One of the interesting issues coming out of the data workshop is a decision to use the Florida/Georgia line as a stock separation.

There was some discussion about using the Cape Canaveral area, but they looked at the data and there are good biological reasons to draw that stock boundary not in South Florida but in Northeast Florida, and they picked the Florida/Georgia line as being the biological boundary. Assuming that carries forward in the stock assessment, which right now there is no reason to think that it wouldn't, it is going to present some issues.

The councils have already started talking about how they handle that, because what we've done, you remember in king mackerel the Gulf Council sets the Gulf ABC and ACL and a portion of that is allocated to the Florida east coast and then we manage that. We were trying to come up with some way of doing the same thing. That is the intent right now.

We'll just have to see how that shakes out, but you if you have some thoughts on that as we get into Amendments 19, 20 and the framework at some point, you may want to have some discussion about that. I think between the two councils they are still interested in coming up with some way that the fishermen on the Florida east coast can be managed by the South Atlantic Council. It would then be up to the Gulf to allocate a portion of what is going to be the Gulf migratory group to that Florida east coast, similar to what is done with king mackerel.

MR. PELOSI: Gregg, you're saying that there is evidence that the fish we catch off East Central Florida are Gulf fish?

MR. WAUGH: Yes.

MR. PELOSI: Has that been based on a couple of tag returns or from the DNA?

MR. WAUGH: It is based on tag work and genetic work. I wasn't at the data workshop; and I think it would be better to wait until once the assessment workshop is done, which is coming up

May 7-11 in Miami, they are going to have some more discussions about this. That is when they will actually do some of the preliminary runs. Then we'll know whether that is going forward as the boundary. But, yes, they looked at it and the South Carolina folks were there and presented their genetic work. People from the Gulf were there that had done some of the early tagging work and so forth.

MR. PELOSI: I collected and sent them like 157 samples last spring. The only word I got back was that they were not the Port Royal and the other estuary fish. I just assumed they were Atlantic fish. Okay, we'll have to wait and see.

MR. WAUGH: As far as how that timing is going to work, May 7-11 is the assessment workshop in Miami. Again, all of these workshops are open to the public, so for any fishermen in that area you are welcome to attend. August 6-10 the review workshop will take place in Atlanta.

If it goes according to schedule, the council should have a preliminary report that they will be able to look at in their September meeting; not take any action but at least have an idea of what is in there. It is going to be reviewed by the SSC at their October 23-25 meeting in Charleston and then presented results. The final results of the SSC review and the assessment are scheduled to be presented at the December 3-7 meeting up in Atlantic Beach, North Carolina.

What we'd expect there is then the council would approve alternatives that would go out for hearing in the January/February timeframe. We're trying to get on an annual cycle where in January/February we're out doing scoping meetings and hearings as necessary and then a second round in August.

This timing should work that we will have some alternatives, if there are any changes that are needed at that December meeting, and then take them out to hearings in January/February, and this is now 2013. The council will look at that in March and probably you guys getting back together this time next year to give any input. Any questions?

Okay, then next going in to Mackerel Amendment 19, and this deals with permits and sale – let me mention as a way of introducing 19 and 20, one of the points we'd like to get from you is the Gulf Council went ahead and they've already conducted scoping meetings. They've already refined their alternatives.

The South Atlantic Council has refined some of the alternatives. In large part the measures that are in 19 and 20 are things that you all have seen before that you've weighed in on before and that you have been wanting to see some action taken on for quite a while. We also have the option of doing quite a number of things under the framework.

Before you leave tomorrow, one of the guidance we would like from you is whether you feel we have to have any additional public meetings prior to us approving this to go out to public hearing. Right now our schedule is for the council to look at your recommendations here and approve it for public hearing at the June council meeting, and we would do public hearings in August.

If you think we should have a public meeting or two before then, then we would like to talk about that tomorrow. Then if we look at Amendment 19, what I'm going to do is I can walk you along the actual amendment, which is Attachment 1 in your materials. I'll tell you which page number we're on.

But then the Gulf Council met last week and they made some changes to this. What I'd like to do is use that and I'll tell you what the changes are. It's in Attachment 2; PDF Page 16 is the first item which deals with sale of king and Spanish mackerel. Here's what the Gulf Council has – the changes they have made.

Action 1 is what's in place now. There are no federal permit requirement to sell king and Spanish mackerel. Sale of king and Spanish mackerel harvested under the bag limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of king or Spanish mackerel of the closed species, migratory group, subzone or gear type is prohibited, including any king or Spanish mackerel taken under the bag limit.

We had Alternative 2 here which was included for a person to sell king or Spanish mackerel in or from the EEZ of the Atlantic or Gulf, those fish must have been harvested aboard a vessel with a commercial vessel permit endorsement for each species. What the Gulf Council did was come up with a new Alternative 4 that basically includes all of the wording from Alternative 2, except they added “and prohibits the sale of king or Spanish mackerel caught under the bag limit.” What they did was add this Alternative 4, which is basically Alternative 2 with that additional statement of prohibiting the sale of king or Spanish mackerel under the bag limit.

MR. PELOSI: Okay, Gregg, that would prohibit the sale of the tournament-caught fish?

MR. WAUGH: Well, Action 3 will deal with tournaments. We'll get to that.

MR. PELOSI: Okay, that has got to be separate?

MR. WAUGH: Yes.

MR. PELOSI: So then for any other sale, that would also include the charterboat or will there be a separate thing for that?

MR. WAUGH: No, this would prohibit charterboat sale. This would allow sales aboard a vessel with a commercial vessel permit.

MR. GAY: Gregg, as I recall when these allocations were set up between commercial and recreational sectors, a certain percentage of the fish that had been being sold by the recreational sector caught under the bag limit was allocated to the commercial side so that that would be covered. Do we have any updated information on that as to whether that amount is being exceeded now?



MR. WAUGH: Jodie, that was more for the Gulf. In the Gulf they factored that into their allocation. I don't believe that was a part of the original rationale on the Atlantic side when we were doing the split, but that certainly is an issue, and again we would have to do all that analysis.

Those data haven't been pulled together yet, because again this is just coming back from scoping. Some of that analysis will be in there before the June meeting, definitely before the public hearings.

MR. GAY: My recollection and yours are different. I really thought that there was an adjustment on the Atlantic side for that as well.

MR. WAUGH: I'll certainly take a look, because I've learned not to trust my memory too much, but I'll double check it.

MR. BRAME: I remember the same thing as Jodie at a meeting, but it was no way near the rigorous sort of allocation they do now; it was more of a swag. They caught about this much and we'll put that in. Is that what you remember, Jodie? I don't remember it being a real rigorous analysis.

MR. GAY: I believe there were some numbers that were looked at. I don't recall how they were derived.

MR. WAUGH: I'll definitely go back and look. I think we did that in like Amendment 1 or 2, but I'll go back and look at those original allocations and see. I can have that answer for you in the morning.

MR. PELOSI: Gregg, my memory was that it really wasn't considered too much. It always was a bone of contention that these fish were being counted against the commercial quota, but it wasn't such a big thing until that year they sold, what was it, 144,000 pounds after the commercial season was closed by the charterboats in the Keys. That's when it really got to be a hot topic. We've discussed a lot of different options but we never really came up with anything.

MR. GAY: I'll follow up one more time. I am 99.9 percent positive. At least it was my belief the entire time I sat on the council that a portion of the bag limit caught fish were sold as was allowed, and I supported that. But the only reason I supported it was because it didn't come off the commercial allocation. It couldn't shorten the season for commercial fishing.

That allocation was set aside. It was added – instead of it being a 63/37 split, I think there was 3 or 4 percent that was added to the commercial side to account for that. I was just wondering if the bag limit sale had exceeded that number now. If it hasn't, I don't know what the problem is.

MR. WAUGH: Yes, I will check on it, but also we are in the process of putting together the data request to go to the states to find out in each state – each state has varying levels of ability to identify recreational sales. We will have that information and be able to look at it. If we come back to the alternatives that are laid out here, the other thing that the Gulf Council did was to

take Alternative 3 -- the South Atlantic Council had it just applying to the South Atlantic Council's jurisdiction.

What the Gulf did was say, okay, let's split it up with two sub-options so that under Alternative 3 you would prohibit the sale of king and Spanish mackerel caught under the bag limit, except for allowing sale by for-hire vessels that possess the necessary state and federal commercial permits to sell coastal migratory pelagic species in the South Atlantic and/or Gulf area.

Alternative 3 would allow sales by the for-hire sector. But again once the commercial sector closed, then that would stop. What it does is it leaves you with three alternatives, one where we are right now where there are no federal requirements about selling king of Spanish as long as it is consistent with state law, until the commercial closure takes place. The revised Alternative 3 would allow sale by for-hire vessels, and then the new Alternative 4 would prohibit all bag limit sales.

You would have to have a commercial vessel permit. What we would look for here are there any other alternatives that you want to see included? Are there any here that you recommend be excluded? And again if you could just remember to state your name when you start talking, please. We can do it by motions, that will be fine.

**MR. GAY: I would move that, if we're going to do it in formal motions, that we leave it as Alternative 1.** I know when I was on the council I could not have supported -- I always supported bag limit caught sale even though it wasn't popular at all, but it was only because there was no way he could shorten the commercial season.

I could not have supported that if it could have shortened the commercial season. I think if it goes back the other way, the recreational sector is going to fight to get that 4 percent back. Then the commercial quota is going to be lowered even lower. I think it opens up a can of worms to start another fight. I would suggest we leave it like it is.

MR. ADAMS: I'll second Jodie's motion, because I agree with him on the reasons for why we should leave it as Alternative 1.

MR. PELOSI: Okay, anymore discussion? I'll ask a question. I presume that means that you'd have to have what we commonly call a kingfish permit to sell kingfish and a Spanish mackerel permit to sell Spanish. You couldn't have a Spanish permit and sell kingfish the way it's worded there?

MR. WAUGH: You're asking now under no action?

MR. PELOSI: No, I'm sorry; I should have held that question for later if we discussed Alternative 4. Well, if there is no more discussion, let's go ahead and call the question. Did you have a question?

MR. BRAME: Yes. I don't disagree with Jodie. It's really not recreational sale of fish. These guys have got to have commercial permits and they're just selling bag limit caught fish. If the

state wants to allow that, that's fine, but where I have a problem is with the charter for-hire selling fish.

I think if you're recreational fishing you shouldn't sell fish, and a recreational trip shouldn't sell fish. I would like to see, Jodie, if there was some way in Alternative 1 you could exclude the for-hire; maybe not. I just wanted to put that on the record. I personally don't think that a for-hire trip ought to be allowed to sell the fish if you've got paying customers.

MR. PELOSI: If Bill Wickers was here, he'd have a lot of argument, but it is traditional in some areas. The fish belong to the boat and they do sell them. That is a big part of their income. There are other areas it is not done. It has a long history.

MR. BRAME: So was put-gunning waterfowl.

MR. PELOSI: Well, that's probably true, too. Yes, go ahead.

MR. HIGH: To his point, back in the day when I did charter fish, there were a lot of times we'd pull to the dock and we'd have 30 or 40 Spanish, and the guy would like, look, I'm hopping on a plane, I can't do nothing with it. Now, granted, there could be some conversation to begin with, but we're talking about two species of fish that are not overfished. Overfishing is not occurring. Why deny the market? Standing on principle is one thing; just being ridiculous is another.

MR. HOUCK: I just have a problem with recreation fish being taken off the commercial quota. I'll agree with the recreational fisherman is a recreational fisherman. If he's commercial he should have a permit. I just don't agree with this motion. I don't have a problem with the recreation selling his fish if it doesn't come off our quota. Jodie, you said something about they put in a plan that they could sell their fish and it wouldn't come off the commercial quota? I don't remember it, but I didn't remember a lot of things probably.

MR. GAY: Gregg disagrees with me and he'll probably be right, but I was surely mistaken for a lot of years if this is the case.

MR. HIGH: I will agree with you if they hadn't done that provision. I remember them just the way Jodie remembered and we'd been doing it now since the early nineties and these discussions. Where this thing ran afoul is in Amendment 1 when they set quotas up they said permitted vessels/non-permitted vessels.

The quota was meant for a permitted vessel. Then somebody – and I'll just blame Dr. Crabtree just because he's an easy target – somebody said, no, anything that is sold is commercial. Well, that wasn't the way the quotas were set up. They were set up for permitted vessels and non-permitted vessels. That would have solved everything and then we got into the problem of money and everything that sells goes against commercial; but when they gave us the extra 3 or 4 percent to allow for that bag limit sale and tournament-caught fish, that eased everybody's mind for a while. I would be shocked if we find out that it didn't get put in, but I've been shocked before.

MR. HOUCK: Well, maybe we ought to just hold up on this motion and wait until tomorrow so we can find out just what it is. What do you think, Jodie? We don't know; maybe it's so.

MR. GAY: Yes, if it is something that can be resolved overnight, I am willing to withdraw the motion or table it until tomorrow.

MR. PELOSI: Okay, will you withdraw the motion?

**MR. GAY: Yes, I'll make a motion to table it.**

MR. PELOSI: Okay, we'll let Gregg do a little research on that this evening.

MR. ADAMS: Are you withdrawing the motion, Jodie, or are you just going to table it until tomorrow?

MR. GAY: Well I think we've got to have the discussion at some point, so I think just tabling it until tomorrow will be more appropriate.

AP MEMBER: As the seconder, I'll agree to that.

MR. PELOSI: We'll discuss that tomorrow and then we'll take it up.

MR. WAUGH: Any additional alternatives or are you all comfortable with this range of alternatives? This has got everything in there that you need. I think it does; it covers it pretty well.

MR. GAY: You said tournaments are covered separately, correct?

MR. WAUGH: Yes, in Action 3 will deal with tournaments. The next action we'll deal with is sale of cobia. Again, the no action, no federal permit requirements are in place to sell cobia. Sale of cobia under the bag limit is allowed for persons that possess the necessary state permit. However, if there is a commercial closure that has been implemented, then sale is prohibited.

Alternative 2 it is on PDF Page 19. The Gulf did not propose any changes to these alternatives. Alternative 2 would create a new commercial permit for a person to sell cobia in or from the EEZ of the Atlantic or Gulf. Those fish must have been harvested aboard a vessel with a commercial cobia vessel permit.

Alternative 3 would require that they had been harvested on board a vessel with a commercial vessel king mackerel or Spanish mackerel permit. Alternative 3 would allow existing vessels that have a king mackerel or a Spanish mackerel permit to also sell cobia. Alternative 2 would create a new separate cobia permit.

Then Alternative 4 would require that they be harvested on board a vessel with one or more of the following commercial vessel permits; king mackerel, Spanish mackerel, Gulf reef fish, South Atlantic snapper grouper, or South Atlantic dolphin and wahoo. The intent here is under

Alternative 2 would require a new commercial permit. These others are to allow the sale by vessels that have existing permits.

Part of the rationale was for the vast majority anybody harvesting and wanting to sell cobia commercially would also have a Spanish mackerel permit. This Alternative 4 would allow basically all our commercial vessels to sell commercial cobia. Again, remember the quota is only a little over 125,000 pounds.

MR. PELOSI: Any discussion? Well, I'll start if no one has. I kind of like that Alternative 1 is the one that does have the cobia permit in it. The reason is if it became overfished, and cobia could very easily become overfished, you could put a moratorium on the permits much like kingfish where the others there would be no mechanism to do that – yes, Alternative 2, the permit in it, Alternative 2. That would be my reasoning. Any other discussion?

AP MEMBER: I agree with you. I think it is problematic to fold a permit into all these other permits when it could be just as easy for our fishermen to get an additional permit. You may also have the specter of a recreational guy really who is a cobia fisherman who would like to sell some cobia and he could then get a permit, just a single permit for selling cobia.

MR. GAY: Yes, I don't think there is a fisherman out there or a commercial fisherman that wants another permit; especially to be able to sell a fish that is going to have 125,000 pound quota, basically. It is requiring an awful lot of boats to get a permit to sell a half a dozen fish a year.

MR. PELOSI: I agree with you on that account, but the fact that if they become overfished you could put a moratorium on them is the only reason. Any other discussion?

MR. WAUGH: If you want to make a motion at this stage, you can, yes.

MR. PELOSI: Okay I'll put that into – well, let's see are there any other alternatives someone likes up there?

**MR. HOUCK: I like Alternative 4 myself. Just like Jodie said, I don't feel like getting another permit. This here covers your commercial fishermen, this Alternative 4. It covers them. Most of the time we don't target cobia, anyway, if we happen to see one –**

MR. PELOSI: You're right, yes.

MR. HOUCK: So I don't think you have a problem with commercial guys overfishing cobia. I just don't see it. I think I've caught one all year and the rest of them are probably catching about the same thing I am, so I don't really see a problem with overharvesting cobia.

MR. PELOSI: Any other discussion?

**MR. HOUCK: Bob I'd like to make that a motion.**

MR. PELOSI: You want to make that a motion. Seconded by Andy. Okay, any more discussion? All those in favor of Alternative 4 raise your hand please. Six and I guess, what, four hands did not go **up so the motion carries**.

MR. WAUGH: The next item is on PDF Page 23. That is Action 3 which deals with tournament sales of king mackerel. That is the only one we're looking at allowing tournament sales. Alternative 1 is no action, no federal permits required to sell king mackerel during a tournament sale of king mackerel harvested during a tournament is allowed for tournament organizers that possess the necessary state permits. However, if a commercial closure has been implemented the sale or purchase is prohibited.

MR. GAY: I was just going to go ahead and move Alternative 1.

MR. PELOSI: I think we ought to go ahead and read them real quickly. What does that one mean that has been marked out?

MR. WAUGH: This one is highlighted. The one that's highlighted is the Gulf Council just wants a little more explanation of this. The South Atlantic is the one that was interested in allowing tournament sales. Alternative 3 would prohibit the sale of tournament-caught king mackerel. Alternative 4 creates a set aside from the recreational king mackerel ACL for tournament sales. Tournament organizers would be required to report all king mackerel harvested during the tournament.

MR. PELOSI: Gregg, do we know how many have been sold in prior years?

Mr. WAUGH: We've started gathering that information. We had some of it presented at the last meeting, but that will be in the version that the council looks at in June. It's not a large number at all.

MR. PELOSI: But it does count against the commercial quota.

MR. WAUGH: Yes; once it's sold, yes.

MR. PELOSI: Do the tournaments currently have to get a permit to have a kingfish tournament? You do now, don't you, on all tournaments?

MR. WAUGH: It varies by state. North Carolina probably has the most extensive system of tracking tournament sales. In their case they may actually separate the tournament sales such as that doesn't get reported as commercial. But for the most part in the other states if it is sold, it counts against the commercial.

MR. PELOSI: I know in Florida they have to have a permit to have a tournament but there is nothing about the sale.

MR. OGLE: South Carolina DNR last year prohibited sale of king mackerel at tournaments.

MR. ADAMS: The problem I'm having with it – and I like Alternative 1 for the simple reason that the South Atlantic quota has never been filled to my knowledge on king mackerel. I don't particularly like the idea of tournament fish being caught and being sold on the commercial quota counting against those fish.

But are we creating more of a problem than we're solving by having them obtain a permit or prohibit the sale totally, when it's my understanding a lot of these tournament fish that are being sold are used for benefits. Money is not going into the pocket of these folks that are in these tournaments, for the most part. I just see us creating a real problem for the tournament people when it's not actually causing a quota to fill that keeps us from fishing.

MR. PELOSI: Well, it does go against the commercial quota, the poundage.

MR. ADAMS: I understand, but you're looking at maybe a price drop; you are not looking at an opportunity where you have to leave your boat tied up.

MR. GAY: As Gregg said, North Carolina does require a permit for tournaments to sell their fish. In order to get that permit, they have to name what charity the sale of that fish will benefit. It's almost always a children's charity or artificial reef association, something of that good. In a lot of cases it's actually going back into the fishery to benefit the way things are done. This was a consideration also, as I recall, in the discussion we had earlier that was added to that percentage of fish. It's really not a great number of fish. I would be in favor of anything that continues to allow the sale of these fish be it a combination of Alternative 1 and 4 perhaps. The federal permit, I don't see a reason to go that far with it. I think that's just extra cumbersome.

I fished the SK Nationals in Biloxi in 2009 when the commercial season had closed on the Gulf side. It was one ugly sight seeing all those fish come in and getting drug through the parking lot and thrown in the trunk of cars. They called the local food bank; they got all they wanted. Mostly the Vietnamese community showed up getting them. There were babies being carried and king mackerel being wheeled around in baby strollers and thrown in cars. It was not a pretty sight.

MR. HOUCK: I'm worried about quality control, too. I don't know if they've got the same requirements we do now.

MR. PELOSI: They really take care of their fish.

MR. HOUCK: Do they? It doesn't sound like it from what Jodie was saying.

MR. GAY: No, this was after they had hit the scales.

MR. PELOSI: When they come in, they are in those zipper bags with ice bags in them and they don't want them to lose a tenth of an ounce.

MR. HOUCK: Well, another thing, it does come off the commercial quota. If the Atlantic stock ever does get dropped, we're going to need every fish we can get. You never know.

MR. PELOSI: Well, your Atlantic season closed and some fish were caught in those Key West king mackerel tournaments that I presumed were sold, so that went against your quota obviously. It's not true that it hasn't ever added to it. Okay, any other discussion? Tim.

MR. ADAMS: Just as a comment; is there any other option or any possibility that you could do these tournament fish simply like you do the commercial for-hire; 1 or 2 percent of the commercial or recreational quota annually be allocated to the commercial to cover what they may sell in those tournaments.

MR. PELOSI: I think that could be, done but the first thing we need to know is how many are sold.

MR. WAUGH: One additional factor here, too – and I think Jodie was on the council when we dealt with this – there is a level of mercury in king mackerel and the larger the fish the more mercury. This is in the discussion for this action. Should the council do something different from no action that allows the sale of these fish, we are going to have to address that. Thus far, the council has tried to stay away from dealing with mercury in any of these species. That is just an added complication in terms of looking at some of these other alternatives.

MR. PELOSI: I think the council has always sort of leaned toward the fact that mercury should be handled by the food and drug. Don't think cobia don't have mercury. One of my fellows that fish cobias – his wife was pregnant and he works at a lab. He caught one and he analyzed it and it was over three parts per million. That's a hot fish. I don't know how much cobia has been looked at.

MR. HIGH: Well, just talking, Alternative 4, if you added something to it might cover all the concerns; with an addition to it being said that any sale provision of these tournament-caught fish be left up to the state. Tom, you said South Carolina just prohibited all sale; North Carolina allows it with certain provisions. I'm not sure, does anybody know what Florida does with tournament sale caught fish? I think that could possibly cover us as far as the mercury, bringing in more federal oversight.

MR. PELOSI: I think what Florida does is the organizers find someone in the area with a permit and that person takes those fish down, sells them, and then the money is given back to the tournament, which gives it to whatever charity or artificial reef fund or whatever. The money does go into a charity.

MR. HIGH: And that would alleviate one more level of management for the council itself. You're allowing the states to control how these fish enter the marketplace; and if there are concerns of the quality of the fish or the mercury, it would be a state responsibility, which they have more feet on the ground to actually do this work.

MR. PELOSI: Does anybody want to make a motion yet?



**AP MEMBER: I'll make a motion for Alternative 4 with the addition of the any sale provision there that Andy just submitted; unless you're going to make that Alternative 5.**

MR. GAY: I'll second that.

MR. PELOSI: That was Jodie who seconded that. Okay, any more discussion? .

MR. BRAME: I'm going to be ridiculous again. Again, a recreationally caught fish ought not to be sold; and if it's going to be sold, if they're going to do it like in Action 1, it has to come off the commercial harvest, because by definition if you sell a fish it comes off the commercial allocation. If the state wants to allow that, that is fine, but I don't think creating a set-aside from an estimated harvest is the appropriate way to go, especially when you are looking at it a census harvest versus an estimated harvest. I think that's a problem. I'm opposed to this.

MR. PELOSI: Any more discussion? I'll call the question. All those in favor of Amendment 4 raise your hand please, Alternative 4; all those that vote no. **The motion carries.**

MR. WAUGH: The next item is Action 4 on PDF Page 26. This deals with the elimination of latent endorsements in the Gulf Group King Mackerel Gill Net Sector. What the Gulf Council did last week was they voted to move Option C, which is using six years before the control date, to move that to the considered but rejected. What we have is the alternatives, no action, do not eliminate any gill net endorsements.

Alternative 2 would renew gill net endorsements for commercial king mackerel permits if average landings meet the threshold. Option A would be all years with data available, which is 2001-2011, and then various ways to calculate that. Option B would use all years before the control date, so that would be 2001 through 2009. Then Option D would be the threshold for average reported landings would be 5, 10, 15 or 20,000 pounds.

The choices here would be one option from A through C and one option from – or it's actually one option from A and B and then the threshold that would be applied would be picked from Option D. Option 3 would renew permits for commercial king mackerel gill net vessels only if the vessel had reported landings – and A would be the fishing year ending June 30, 2009; B at least one of the five years preceding that; and C is two of the five years preceding that control date. Those are the three alternatives now for eliminating latent endorsements in the Gulf group king mackerel gill net sector.

MR. PELOSI: I remember when I was reading this the other day. There was like 130 endorsements out there but only a few of them had been used in recent years; is that correct? It was a very small number.

MR. WAUGH: We've got right here from 2001-2009; well, well again up here we're talking of 5,000 to 20,000. But if you just look at one pound, there were 18 qualifying endorsements, but if you get up to starting at 5,000 pounds; so at 5,000 that would knock it down to 16, 10 would knock it down to 14; 15,000 pounds would knock it down to 13; and 20,000 would knock it down to 9. That's under 2B, which are all years before the control date and averaging the years.

You can see that the numbers change a little bit depending on whether you average or one of the last nine. They are all pretty close other than when you get to looking at the number of years. One of nine years up to the most restrictive three of nine, so you are still looking around 15 vessels.

MR. PELOSI: How many vessels are permitted now?

MR. WAUGH: It looks like 23.

MR. PELOSI: That's all?

MR. WAUGH: Just looking here, it looks like 23.

MR. PELOSI: I was under the impression that there were a large number of vessels that had not fished in the fishery in many years but still had their permits.

MR. WAUGH: The discussion under Page 16, PDF Page 27 says consequently the number of gill net endorsements has decreased over time and now stands at 23 valid or renewable permits. Some of these permitted vessels have not had landings in recent years, if ever.

MR. HOUCK: Bob, I'd like to speak on this Alternative 1 here. The fishermen over on the east coast feel like we shouldn't take any action on this. The reason is because we struggle during this time of year when they are catching these fish; and we're scared if we bring down the number of boats, that this season could be extended down there and hurt us even more. I like Alternative 1 myself. If it gets down to six or seven boats and this season goes on for a month, we're going to be hurting on the east coast because of prices. We've thought about this and we feel like Alternative 1 would probably be the best thing for us on the east coast.

MR. PELOSI: That's something to think about, yes. Tim.

MR. ADAMS: I agree with Ronnie. I know most of the guys that are the players in that fishery down there. I've known them for a long time. They pretty well regulate themselves as to when they're going to fish, at what time they're going to go. They get together. They wait until the market can sustain the type of harvest that they are able to inflict on it.

Even though there is a lot of animosity with some of the hook-and-line fishermen on the east coast of Florida, they just absolutely can't bear the fact that they were caught in a gill net. It shouldn't even come into the consideration, but it does. But at any rate I would prefer Alternative 1 as well even though it is 23 boats.

They don't impact our fishery as significantly as a lot of guys would want to think that it does. I'd certainly like to see it continue down there. It's one of the last of the gill net fisheries in Florida. It is the traditional fishery. If we could control all our gill net fisheries like these guys have been able to do on their own, I don't think we'd have as many problems that we had in the past in Florida. I'd prefer Alternative 1.

MR. PELOSI: Okay, that quota's not that big is it, Gregg?

MR. WAUGH: The quota for the gill net sector is 520,312 pounds.

MR. PELOSI: The quota would stay there regardless if there were 10 boats in the fishery or 20.

MR. WAUGH: That's correct.

MR. HOUCK: Yes, the quota is 500,000. It doesn't matter how they catch it. We just want it over with quickly. That's our main thing is getting that quota over.

MR. PELOSI: Okay, well, why don't one of you put that into a motion.

MR. HOUCK: Okay, I'll put it in a motion.

MR. ADAMS: I'll second it.

MR. PELOSI: **Okay, what they're saying is Alternative 1 for Action Number 4, the elimination of the latent endorsements.** Okay, motion has been made, it has been seconded, no more discussion, we'll call the question. **All those in favor, six votes, it carries;** no's, two votes no; you're abstaining. Let's take a short break.

(Whereupon, a recess was taken.)

MR. PELOSI: Okay, let's bring the meeting back to order here. Gregg, where are we at now, Action 4?

MR. WAUGH: We just finished Action 4; so now we're on Action 5, which eliminates latent permits in the king mackerel hook-and-line sector. This is in PDF Page 29 or it is the actual page number on the bottom of the pages, 18. We've got no action; do not eliminate any king mackerel permits.

You can see that this is similar to the one before, renew commercial king mackerel permits. Remember now there is only one permit, Atlantic and Gulf combined. Renew commercial king mackerel permits; that's average landings meet the threshold defined below during – Option A is all years with data available in '98, '99, and again we're tracking the fishing year here; 2009 to 2010, average of all years, average of the best however many years of 12, 1 in 12, 2 in 12; 3 in 12. Option B uses ten years and Option C the Gulf Council proposed removing.

In Option D some more discussion about these threshold levels, but again similar to before we need to pick the threshold level and then one of these. Alternative 3 is to renew commercial king mackerel permits only if the permit had reported landings in the year ending June 30, 2009, which is the control date. Then we've got at least one of the five and two of the five.

Then there are a couple of tables here that show in terms of these thresholds to renew the numbers for the three-year average using 2006 through 2007 and fishing year through '08, '09. If you use some level of landings it would be 308, and then as it goes up – let me see what the header is on this – number of permits that would not meet various landing thresholds during these time periods.

If you said you had to have at least a thousand pounds, then 829 permits would not meet that requirement based on these three years. If you use 2007-8 through 2009-10, then it would be 833 that would not meet the requirement. You can see as it goes up, you get up to 20,000 pounds and the number is considerably higher. Again, this is to eliminate latent permits in the king mackerel hook-and-line sector. Action 4 dealt with latent permits in the Gulf Group King Mackerel Gill Net Sector.

MR. PELOSI: There is a difference between the two. The gill net permits can only be handed down through family; is that correct? The hook-and-line permit; that is something that can be bought and sold. Latent permits are often available on the market to be purchased by someone wanting to enter the fishery; correct?

MR. ADAMS: Is there a real big need to eliminate those permits out there?

MR. WAUGH: Well, on the Atlantic side you have the expectation that commercial quota is going to be met, perhaps not on the Gulf side. You have these latent permits there that you could have effort shift into the fishery. We have put in place lots of other regulations in snapper grouper and other fisheries. There is a concern that you are going to have permits that haven't been active before become active.

MR. PELOSI: Okay, but that wouldn't show up in this data here, because the last year was, what, 2010, I guess.

MR. WAUGH: 2009 through 2010.

MR. HOUCK: I've looked over these alternatives and the options and maybe this option would probably be maybe something to consider. Fishermen with latent permits, maybe we could do something like you can't sell that permit and put it back in the system. Let them keep their permits, but they can't put it back in the system.

You take people down in the Keys that stone crab and lobster and they have a bad year and they need to go do something besides lobster and stone crab, they'd always have that permit. You know, it is hard to take somebody's permit. It would be easier to let them have their permit and not put it back in the system. It's something to think about.

MR. PELOSI: What you are sort of saying is they couldn't be able to sell it?

MR. HOUCK: They couldn't sell it, yes. Maybe pass down to a family member of something, but I don't think we ought to take their permits because they may have to fall back on it. I like the idea of not putting it back in the system.

MR. PELOSI: Well, I have known a couple of old king fishermen that got to the point where they really couldn't fish much anymore, but they kept their permits for several years. Most of those guys unfortunately are gone now, but something happened to those permits or maybe they are some of the ones they are talking about, I don't know. I tend to agree with what you say there. Any other ideas?

MR. HOUCK: I don't know what you do to figure out the landings. I don't know what you do for the criteria of a latent permit. Would it be three years? Maybe somebody could come up with some type of discussion about what would be a good idea with this control date – I mean, this permit, you don't lose your permit. Maybe somebody could come up with something to add to this if it becomes a motion.

MR. WAUGH: It seems to me what you're suggesting here is adding a new alternative; and then as Ronnie just said, it seems to me either then in terms of calculating what these latent permits are, the two alternatives are to use the subalternatives, suboptions under Alternative 3, or those that are – the others are the same, A, B, and D.

It seems at least if you're looking at what – if you're looking at the alternatives we have here, it would either be the subalternatives that are under 2 or the subalternatives under 3 or pick something else totally or just one set of them. Like if you want to use Option D there, just use those.

MR. PELOSI: Okay, Jodie has something he wants to say. Maybe it addresses this.

MR. GAY: As somebody who has left the fishery, it is tough to sell a boat without the permits. It is very tough to sell a boat without the permits. The boat is no good to anyone that would buy it without a permit. For people retiring out of the fishery and stuff of that nature, I think I'd be opposed to this.

MR. HIGH: I've had a king mackerel permit since they first issued. Some years, eight months out of the year, six months out of the year all I did was troll mackerel. I moved into some other fisheries to diversify, trying to make sure that I could keep a steady income blowing for the house and not be locked into one place. Eliminating permits, latent or not, there are some of those options up there – like I said I've had it since the beginning of the permits; that I probably wouldn't qualify under, because I have gone and done other things; trapped sea bass, chased tuna fish, chased swordfish, chased sharks. I've done a little bit of all of it.

Then some years I had health problems and missed a fishery. The last three years I've had health problems in the wintertime and I've not been able to participate. Somehow we got to -- when we start talking about latent permits, we've got to have some way to look at this person's history and see is the reason that they're not fishing – their permits are called latent; is it health? Is it they've moved to a different fishery? Locking people into one fishery is not the way to go.

Dewey Hemilright, I saw him leaving, and he said, on that tire on your car you've got five lug nuts. If one comes off it starts wobbling and then all of a sudden the wheel is going to fall off at

some point. Eliminating any permits in my opinion is the wrong way to go especially on a fishery that is not being overfished.

AP MEMBER: Andy makes a good point and it is my situation exactly as he described it. My latent permits, which were shark, snapper grouper, stone crab, are all gone. I'll never get those back. I'm seeing myself being forced further and further into specific fisheries that is creating problems as well with king and Spanish mackerel.

I try to pompano fish a little bit. I try to do some trout fishing during the summer, but it still comes right down to the fact that if I had those other permits I'd have some alternatives to fall back on; even though in numerous years previous to be needing them, I didn't use them. I can see the same thing with king mackerel permits being the same exact reason for why I would just prefer not to eliminate them.

If they are not being used and they are not in the fishery, then how much of a problem are they just being there as a latent permit? What people are complaining about in the king mackerel fishery is the other participants, those permits that are being used, those permits that are active. I've always contended that if it is a latent permit and it's sitting on a shelf or in a file somewhere, it is not a problem to any of those people out there trying to make a living. I can't understand the justification for wanting to eliminate them other than the fact that they are out there. The potential is there, but then again if you destroy that potential for somebody to make a living later on, I don't want to see that happen.

MR. PELOSI: Okay, are there any other thoughts? Does somebody want to make a motion? Ronnie?

**MR. HOUCK: Yes, I'll make a motion. What would that be, Option 4, Gregg? I'd like to make a motion that we accept Option 4. Do I need to read it?**

MR. WAUGH: What that would do is it would add a new alternative that says do not allow sale but do allow transfer to family members of latent permits but do not eliminate them. Then it would leave it – the council would have to talk about, okay what criteria would you apply to define what these latent permits are.

MR. PELOSI: Okay, is there a second to that? Okay, it dies for lack of a second.

MR. OGLE: I'll second it.

MR. PELOSI: Okay, Tom has second it. Any more discussion? All those in favor raise your hand, five; how many no's, three no's. **The motion carries.**

MR. HIGH: We've accepted this as a new alternative. Is there going to be a recommendation then by us on this threshold or are we going to allow the council to pick their preferred. The alternative that just passed begs, okay, let's define what a latent permit is.

MR. PELOSI: Well, they defined one, didn't they, in the beginning? It's one that's not being actively used?

MR. WAUGH: There are two sets of alternatives of how you define what a latent permit is. What this would do is set as criteria for renewing your permit that you have to meet this set of criteria under Alternative 2; or there is another alternative with a different set of criteria. Either you all discuss it and provide a recommendation now or then the council would discuss this and pick one to apply.

MR. GAY: Gregg, I'm not sure that we need to dig into this as hard as that. I think we can get our point across by just asking that it be noted to the council members that there was serious opposition to anything other than Alternative 1 in the beginning; and that if any others are adopted, that it be as lenient as possible; the lowest number of pounds for the least number of years to qualify you.

In other words, go back as far as you can with the smallest amount of landings requirement. The fishermen have got to be able to retire and they can't without their permits. They also, like Andy said, you've got to move from fishery to fishery to survive; that is the only way. Do you think that can be accomplished without us digging in to figure out which one of these is the most lenient?

MR. WAUGH: Yes sir, I do, no problem. Your intent is clear. Yes, that finishes that. The next action is Action 6 on Document Page 21 and PDF Page 32. This is a passive reduction of permits. This is something that our council was interesting in moving forward was looking at a two-for-one in the mackerel fishery similar to the two-for-one that has been in place in the snapper grouper fishery.

The Gulf Council has said, well, we're not interested in moving forward with this. They have moved that to the considered but rejected appendix. Unless our council looks at this and insists that it be in there, then it won't be. The Gulf recommendation is to remove Action 6 from this amendment.

MR. PELOSI: Both councils would have to agree to it, right, since there is just one permit?

MR. WAUGH: That's correct. I certainly can't speak for the council, but I know this is something that particularly Ben Hartig was interested in moving forward. But given that the Gulf has spoken against this and I know the National Marine Fisheries Service is not warm and fuzzy about this, I doubt it will go forward.

MR. PELOSI: Okay, what should we do; just probably do the same? Yes, Andy.

MR. HIGH: Gregg, was there a reason given why they didn't? This would achieve reducing of the latent permits a lot better than just snatching permits from people. That's letting the market handle the latency. Was there any other reason given that they didn't like the alternative?

MR. WAUGH: Not that I know of yet. Again, this is just from their committee and their council motions, and there wasn't a lot of rationale there. I know that the concern has been expressed in the past that, well, we've tried it in snapper grouper and it's not working in snapper grouper. You've got issues of you get corporations that are formed that have the permit and then you can buy the corporation and those permits can transfer effectively one on one.

There is some question about – certainly, our expectation in snapper grouper that there would have been a more rapid reduction in the number of participants, but again the market didn't dictate that. I know that is some of the concern that was expressed during our committee and council deliberations. Our council did approve it being included, and I'll certainly get the rationale from the Gulf Council as to why they decided not to go forward with it.

MR. GAY: I would support this two-for-one thing over anything other than Alternative 1 in the previous thing. If you are going to do something, this would make it consistent with snapper grouper. Let me be clear; my preference would be that it be left like it is. This would be the next of all evils.

It would at least get it to the same point that snapper grouper is now so there would be some consistency. I agree that there are some inequities between corporations and corporate-held permits and individual-held permits. That was never, as I recall – and we've questioned my recollection already today.

As I recall that was never the council's intent anyway when we put that in place. I know when that went down with snapper grouper. I remember it painfully well. It was never the council's intent that it be that way, that the corporate permits transfer one to one. We didn't even know about it until it was basically a legal – something that the legal crowd with the National Marine Fisheries Service said that was the way it was going to be.

MR. HOUCK: I like that Alternative 2. I still don't understand why there is a problem with it with the Gulf. I would still like to maybe make this a motion where the council recognizes that we are for this. Maybe they can go to the Gulf Council and maybe let them know how we feel over here about it. **I'm going to make that a motion that we go with Alternative 2, to be able to do two-for-one transfers.**

We're trying to get rid of permits. We've got a problem in our fishery down there. We've got it seems like a boat for one fish. There are two boats for one fish down there, and we've got to get rid of some of these permits. There are just too many boats, and it is a serious problem over on the east coast. I'd like the council to recommend to the Gulf Council Alternative 2. That's a motion.

MR. PELOSI: Okay is there a second on the motion; that the corporations would have to have the same requirement as individuals, two for one; could that be put in there.

MR. WAUGH: We could put it in there but that is not going to do what you want it to do. Jodie is absolutely correct; our original intent was that all the transfers would be two-for-one, except I think we had an exception for family members. The determination was – and this was an



education for all of us in business law – that once a corporation is formed, if that corporation has a permit and you buy that corporation, you buy all the assets and all the liabilities of that corporation. We can't come in as a council and then put on a requirement that if you buy that corporation and then want to use that permit that you have to buy another permit.

MR. PELOSI: Okay, that was news to me, too. All right, so that would just apply to individuals. There probably aren't that many corporate licenses out there. Okay, anymore discussion? Okay, let's call the question. Go over it one more time; is this what you want, Ronnie?

MR. WAUGH: There are a couple of recommends in there. You could get rid of that first AP recommends; it would read a little better.

MR. HOUCK: That looks good to me.

MR. PELOSI: Okay, all those in favor raise your hand, 8. **Okay, that is unanimous with the number of people in the room here and no no's at this time.**

MR. WAUGH: Action 7 deals with regulatory compliance. This is on Page 22, PDF Page 33. What this gets at is that all vessels with federal – right now the no action, all vessels with federal commercial king or Spanish mackerel permits, as well as coastal migratory pelagics charter permits, are subject to applicable federal coastal migratory pelagic regulations when fishing in the EEZ and are subject to applicable state regulations when fishing in state waters, state CMP regulations.

Alternative 2 would say that all vessels with federal commercial king and Spanish mackerel permits, as well as coastal migratory pelagics charter permits, must comply with the more restrictive of state or federal CMP regulations when fishing in state waters. Right now if you are in state waters, you have to comply to the state regulations. If you're in federal, you comply with the federal. Alternative 2 would make it that when you're fishing in state waters if the federal regulations are more restrictive, then you have to comply by them.

AP MEMBER: Mr. Chairman, I have a question about that Alternative 2. Now how would that work, for instance, with Spanish mackerel where the permitting in the state of Florida to harvest Spanish mackerel, you don't need a permit to harvest them. However, if you go into the federal you'll need it. Now will that preempt this?

MR. WAUGH: No, all this would say is under Alternative 2, if you have a federal commercial king or Spanish mackerel permit or the coastal migratory pelagics charter permit, then you have to abide by the more restrictive regulations while you are in state waters. If you don't have any of those three permits, then this would not apply to you.

MR. PELOSI: Any other discussion? This would mean that if you had a federal permit, any permit, right, fishing in state or federal waters you would only be allowed the state limit of one cobia?

MR. WAUGH: No, what this does; if you have the federal commercial king or Spanish or the coastal migratory pelagics charter permit; then if you are in state waters – for instance, if we close federal waters, then you would not be able to possess that king of Spanish in state waters.

MR. PELOSI: In state waters if it's closed.

MR. GAY: I'm trying to think of an instance in the South Atlantic where this would apply and create problems. I know in the Mid-Atlantic it would be a great problem. Stripers have been closed in federal waters forever, it seems like, but yet all the states have a season. This seems somewhat dangerous.

MR. ADAMS: I guess the question to Gregg; how would this affect – in years past it hasn't happened since the net ban in Florida – but in years past when the federal quota was filled on Spanish mackerel, they caught them gill netting them, the state still allowed their provision for a 500 pound daily landing limit after the federal quota was filled.

I don't think we'll ever get back to that situation again; but if in the event that it should happen in federal waters at that quota the east coast was to fill, this would eliminate the state's 500 pound bycatch. That's what it was; it was a bycatch fishery of Spanish mackerel. You couldn't actually go target them; you had to be in another fishery with a 500 pound bycatch. That would eliminate that 500 pound bycatch, wouldn't it?

MR. WAUGH: Yes.

MR. ADAMS: Well, I guess I have to agree with Jodie; that's getting into some dangerous territory because we do still have a federal quota that fills with cast nets. I think, Ronnie, like we fish in the hole down there in Salerno and the east coast of Florida in state waters, this would eliminate that fishery on Spanish mackerel.

MR. HOUCK: I'm not sure if I understand. I'm having trouble understanding it, too. You're talking about Alternative 1, Tim, or 2 that would eliminate cast net in our area for Spanish mackerel, 2?

MR. ADAMS: It wouldn't eliminate the cast netting. What it would do is you could still go cast netting, but you are going to have to target either bluefish or something else with that cast net to be able to possess 500 pounds of Spanish mackerel.

MR. PELOSI: If it was closed.

MR. ADAMS: If it was closed. But my understanding is that you wouldn't even be able to possess those 500 pounds of Spanish mackerel when you're targeting something else. In other words, say you are going to go troll for bluefish, the price is high on the bluefish, you know they are there, you know there is a lot of mackerel mixed with them like the power plant.

You are going to have to throw those mackerel back overboard, you can't possess them, the federal quota is filled. This would eliminate your 500 pound bycatch of your Spanish mackerel in your blue fishing operation.

MR. HOUCK: Well, in the past hasn't it been after the quota is caught, if the quota with Spanish mackerel was ever caught, we'd go to 500 pounds of Spanish mackerel and that didn't have to be a bycatch; they'd just give that to us. Maybe I got this misunderstood before this.

MR. PELOSI: That's my understanding of it.

MR. HOUCK: Before this.

MR. ADAMS: In other words, the option you want is Number 1 or alternative, no action.

MR. HOUCK: Yes.

MR. PELOSI: Okay, does somebody want to make a motion for Alternative 1?

**MR. ADAMS: I'll make a motion for Alternative Number 1, no action.**

MR. PELOSI: Second please; second by Andy. Anymore discussion? **All those in favor raise your hand, eight; and no's, there are no no's.**

MR. WAUGH: Next is Action 8 on Document Page 23, PDF Page 34. This gets into modifying or eliminating the income requirements for Gulf and South Atlantic commercial coastal migratory pelagic permits. Right now there is an income requirement to obtain or renew a commercial vessel permit for king or Spanish mackerel.

At least 25 percent of the applicants earned income or at least \$10,000 must be derived from commercial fishing or from charter fishing during one of the three calendar years preceding the application. Alternative 2 would be to establish an income requirement for cobia consistent with the requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits.

Alternative 2 would keep the same income requirements for king and Spanish but add it as a requirement for cobia. That is if we set up a separate cobia permit. Alternative 3 would eliminate income requirements for commercial king and Spanish mackerel permits. Alternative 4 would replace the current income requirements for king and Spanish mackerel and cobia, if applicable, with a coastal migratory pelagics landing requirement; such that one of the three preceding years preceding the applications, landings must be greater than 500, 1,000, 5,000 or 10,000 pounds of coastal migratory pelagic species together.

Alternative 5 would be to modify the income requirement to allow Gulf or South Atlantic Council to suspend the renewal requirements by passage of a motion specifying, A – and this is basically to deal with emergency situations – whether the event or conditions triggering the suspension be the duration of the suspension; and C, the criteria establishing who is eligible for this suspension. The affected council would then request that the regional administrator suspend

income requirements according to the terms outlined in the motion. Alternative 5 could be selected alone or with Alternatives 2 and/or 4.

MR. PELOSI: Does anybody want to start the discussion on that? I can throw my two cents worth in. I think maybe Alternative 1 is the best. Ronnie, did you have something you wanted to say?

MR. HOUCK: Yes, Bob, it doesn't seem like income requirements are working. I'm thinking more into landings is what I'm thinking.

MR. PELOSI: Okay, does anybody have any other ideas? I might add that you don't have to prove your income requirements anymore. I sent the documentation in and they told me that there was some technicality and that they weren't requiring it anymore.

MR. WAUGH: Could that be that they can no longer require you to submit your tax return as supporting documentation, perhaps?

MR. PELOSI: That could very well be the reason. I did send mind, but they sent it back.

MR. WAUGH: The earned income requirement is still there. They can't just drop it unilaterally.

MR. PELOSI: What they sort of said was if it ever comes to something you might have to prove it in court, like if you were written up on it for some reason, but I don't know who would ever write you up on it. Then the other problem I think we have in Florida is the SPL and the RS is too easy to obtain or counterfeit or something that is a requirement to sell king and Spanish mackerel in Florida.

MR. HIGH: This whole document, when I read it, looks like the intent of the entire document is to find multiple ways to reduce the number of permits whether through poundage, whether through income requirements. It seems like that's what this whole document is about. Now we're on Action 8. I know a couple of them were dealt with different.

That's what it seems like this whole thing is about. Are we spending so much time on all the different actions and evaluating all that; spending so much time and effort and money on it that really what we need to say as an advisory panel is, look, if the intent, if we have to reduce the number of permits and fishermen, then these are the ways of doing it.

Instead of doing it in a piecemeal fashion, we're going to get five or ten fishermen this way, we're going to get five or ten out of this one, we're going to get five or ten out of that one. It just seems like we got so many different actions that do the same thing. As far as this one goes, Alternative 1 makes the most sense to me.

Generally because it is at least 10,000 derived from commercial fishing, I'd take the or from charter fishing out of it, but derived from commercial fishing that gives you the flexibility to have participated in another fishery. I'm a hundred percent commercial but I didn't fish in the past two years in the king mackerel fishery. Am I going to be penalized because I was a hundred

percent commercial doing something else? It is a very confusing way of going about to do business is what I'm saying.

MR. PELOSI: Would you want to put the Alternative 1, no action, in the form of a motion?

MR. HIGH: I'd prefer hearing some more comments first, because we could probably come up with something a little better.

MR. PELOSI: Okay, anybody else got any ideas?

MR. HOUCK: Well, the reason all these actions are kind of toward getting some of the permits is because like I said before we do have a serious problem on our southeast coast there. We've got way to many boats and there are not enough quota. That's the reason we're pushing to limit some of the permits.

The income requirements, it seems like you can maneuver that income around to make it work for people; it seems like. I think we ought to go with maybe Alternative 4 with landings, and I don't think that means just – I'd like to see it where it wasn't just kingfish, Spanish mackerel and cobia, but maybe change it to some other varieties of fish; maybe possibly something like that. I'm just thinking and maybe somebody could help me with this, but we need to come up with something that commercial fishermen that fish for a living are in this fishery and not people that do it as pleasure and getting a little extra change.

MR. HIGH: Well, I think we're on the same page about what is going down but I don't necessarily agree with there is not enough quota. You get shut down; we've not been shut down. We've watched our fleets diminish. I used to see 40 or 50 boats a day. I was out last week and there are five of us. I don't know how to handle inequities between Florida and North Carolina and all points in between.

If we did go with a poundage of fish – our whole problem seems to be we've decided long years ago we were going to manage pelagics, bottom fish, sharks, tunas, all in different groups and we never came up with a cohesive way of actually these are your commercial fishermen and these are not or they are something in between.

We're kind of strapped to try to figure something out. I could go with the pounds of fish, but I would want to add in some of the – like your snapper groupers; something just to protect those that might be having a great year doing one thing and they missed the king mackerel bites. It just doesn't seem right to just toss a sector out for that.

MR. HOUCK: Gregg, could it be possible we could put snapper grouper in there as a landing along with kingfish, Spanish mackerel and cobia, and then come up with a weight amount of fish for a requirement instead of income requirements?

MR. WAUGH: Let me just ask a quick question. What you want to do is basically what is there for Alternative 4 now; but just instead of limiting it to coastal migratory pelagic species, what you want it to be is coastal migratory pelagic and snapper grouper.

MR. HOUCK: Yes.

MR. ADAMS: I'm looking at the poundage from my own perspective and when you're looking at migratory pelagics, for me if it were 5,000 pounds I'm done. As far as kingfish are concerned, my permit is gone. I harvest in excess of the 10,000 every year, but it is not coastal pelagic. Some of it might be a pompano or a mullet, spotted sea trout.

Do we necessarily have to specify what particular species when you're relating it to the poundage? Why not just the total poundage of a species or a commercially caught product? It could be clams and oysters for that matter; but if you are going to limit it down to a migratory pelagic species you'll get some elimination, quite a lot more than I think you're expecting to.

MR. PELOSI: Well, again to Florida's case where you have to have \$5,000 worth of fish sales for the restricted species, which is a requirement to sell Spanish and king mackerel, they just manufacture trip tickets. I've seen it done.

MR. ADAMS: Well, in Florida waters it's 25 percent of your income or 5,000 pounds of product, or whichever is less. It doesn't necessarily specify pelagics.

MR. PELOSI: No, no it doesn't. Its dollars, it is \$5,000; it doesn't say of seafood sales. A person starting out, he either has to get it through crew shares, and that is often an easy way of doing it, or you can buy – I guess you can buy some sort of a vessel that has a restricted species vessel license or you catch \$5,000 worth of jacks and sand perch or something and sell it. But so many are manufactured – and you're seeing the same thing I do, all the new boats in the fishery, especially in the last two years with the recession.

MR. ADAMS: I'm just looking at this as myself and some other fishermen as well, too, that they do like I do. They fish for other things. I generally kingfish or Spanish mackerel fish when the market is paying well and you have other alternatives. It's kind of like what Andy said; you have to be able to go and do other things. Some guys don't. They prefer not to. They stick to one species or two species; I don't. I've fished like that all my life.

It doesn't matter to me whether kingfish are biting real well and they're catching their limits every day; if they're not profitable enough for me to go, I don't go. I go find something else to do. Other fishermen are different. They will go regardless. Over the last few years I've been watching real closely on my poundage of king mackerel. There are quite a few years here in the past that I haven't exceeded 5,000 pounds.

MR. PELOSI: I would bet that most Florida fishermen are like that. Ronnie is an exception; he's a kingfisher. Let's see, we do not have a motion, do we? Ronnie, do you have something to say?

MR. HOUCK: Tim, it's all right if I ask you this question. How could we word that where it is landings instead of an income requirement, because it doesn't seem like the income requirement is working? Would you involve maybe – it's Spanish mackerel already, it's kingfish, cobia and

grouper snapper already? How could we do it where it's a full time-fisherman or something like that where we can change it from what we've got now and try something else, because what we've got is not working?

MR. ADAMS: It would be the same thing, Ronnie, as the language that they use with the saltwater products license whereby you derive your income from the sale of saltwater products. It wouldn't necessarily specify a particular group of species of fish as you're doing with this with pelagics. In other words, make it Option D, 10,000 pounds of saltwater products, which could include shellfish and finfish.

MR. HOUCK: I'd sure like to hear some more discussion.

MR. BRAME: If you want to get at the people – if your goal is to get at the people who truly make a living at it, then you remove the “or” and put “and”. It is some poundage and a minimum income requirement and not “or”, if that is your goal.

MR. HOUCK: I'm going to direct Tim with another question. Tim, do you think you could put a motion together like that somehow?

MR. ADAMS: Ronnie, you're not going to want my motion because it will be no action.

MR. HIGH: Can we briefly look at our alternatives that we've done on the others to see what type of reduction we have asked for on the others so that we could possibly justify doing the no action here. The no action to me is – like Tim I like the no action. I ain't warm and fuzzy about it, but overall I like the no action better than that.

MR. WAUGH: Action 7 dealt with the two-for-one. You supported Alternative 2 that would use a two-for-one. We don't know how many that would reduce, and that would reduce over time. Action 5 was eliminating latent permits; and you came up with a new alternative, do not allow the sale of latent permits; allow transfer to family members do not eliminate them. Alternative 4, elimination of latent endorsements in Gulf group king mackerel, you approved no action. Action 3 gets into tournament sales. Action 4 was no action; 5 was this new Alternative 4; and then 6 was the two-for-one.

**MR. HIGH: All right, again we're dealing with a fishery that is not being overfished, overfishing is not occurring. Being we've already asked for two-for-one and we've looked at these others, I make a motion that we support Alternative 1, no action.**

**MR. ADAMS: I'll second the motion.**

MR. WAUGH: There was a question about the income requirement. Kari looked this up; NMFS, tax documents are not required or accepted to demonstrate income qualifiers now. What you have to do is you have to fill out an income qualification affidavit, and that gets into you are certifying that you do meet these requirements.

If at some point in the future you have to prove that in a court of law, then you will have to prove that in a court of law, but the income qualifications still exist for king and Spanish. That's where we stand right now. Action 9 on Document Page 26, PDF Page 37; this is the final action in Amendment 19 deals with Spanish mackerel gill net endorsement.

This would actually create – right now there is not a Spanish mackerel gill net endorsement. Alternative 2 would establish a Spanish mackerel gill net endorsement with qualifying poundage for a commercial gill net endorsement based on the new control dates and average landings during the most recent 5, 10, or 15 years prior to these control dates.

The control dates are shown up here. For Gulf Group Spanish Mackerel it's March 31, 2010. For Atlantic Group Spanish it is September 17, 2010. In order to get that gill net endorsement you would have to have either, 30, 20, or 10,000 pounds average during the most recent 5, 10, or 15 years.

MR. PELOSI: Any discussion on that? Do we have any idea how many are being caught by gill nets? They are always telling us there is a lot being caught at the Cape and that's why the prices are so low.

MR. WAUGH: We don't have that information pulled together at this stage, no.

MR. PELOSI: There must be a reason that we needed a gill net endorsement or we wouldn't have it there, I presume.

MR. WAUGH: Yes, and again the concern is that this commercial quota, at least on the Atlantic side for Spanish is going to be met. It's a way of getting a handle on the fishing power. Part of the concern is the fishing power of gill nets is substantially higher than cast nets and hook and line. In the past there was an equitable balance among the gears. In recent years there have been additional vessels entering the gill net fishery in the Atlantic, and this can negatively impact hook-and-line and cast net fishermen as gill net catches occur earlier in the season than other gears.

MR. HOUCK: I'd like to know a little bit more about this Alternative 2. Is that an endorsement something like we got in the southwest Keys with the run-around gill net on the kingfish? Is that what they're trying to do, maybe? If it does go to a gill net endorsement, can these fishermen eventually sell that permit; or they die or something, is that permit dissolved? I'd like to know a little bit more about it.

MR. WAUGH: The council would have to specify those details. I would imagine right now – obviously we haven't talked about this in a lot of detail, but I think it would track other endorsements like this in the mackerel fisheries.

MR. HIGH: You don't have any idea? When we fill out our trip tickets, isn't gill net part of the gear used for it?



MR. WAUGH: Yes, we just haven't pulled that information together yet. Remember, these are alternatives that the council has approved to go out to scoping to get feedback. Now we're getting your AP feedback very early in the process. We'll have those numbers for the councils to look at in June before they approve it for public hearing.

MR. HIGH: Would it be proper to add other alternatives here and possibly ask for other types of data sets; because we'll get this next year this time, again one more time?

MR. WAUGH: According to schedule, we should finish it before then. What you would have is another opportunity to review the version that goes out to public hearing. Now whether we pull you together in a face-to-face meeting, maybe that's something you need to indicate if you feel that you really need to have another face-to-face meeting in order to review these two amendments. Once all these numbers are in here before the council finalizes it, you should let us know that, but, yes, you can add alternatives.

MR. HIGH: Being we've seen past actions of the council and similar things, an alternative that I would like to see instead of automatically giving options of pounds is to just set up the Spanish gill net and mackerel endorsement so that we can actually get a handle on actually how many people are fishing this. We are putting the cart ahead of the horse here. If we don't have a handle on who is actually fishing with what gear, how do we make a reasonable assumption, especially with no data that we have?

MR. HOUCK: I agree with Andy. Don't we have trip limits coming up on the gill net fishery? Isn't it something like 1,500, then it goes to 3,500, and then unlimited or something like that, Gregg? If we changed the trip limits to say 3,000 pounds, that would put the gill netters about the same status as the cast netters. That may solve the whole problem here.

We need to just go a little further down with it and find out exactly what we need to know and what we need to do. I just don't know enough about this Alternative 2 to make a good decision, because I don't know if something happens to a fisherman or he wants to sell his permit, can he? If he passes away the permit is dissolved? I really don't know enough to make a good decision on this.

MR. WAUGH: We do have in the list of framework actions looking at the trip limits. Yes, that's in the framework.

MR. HOUCK: Well, then it would probably be best to find out what the trip limits are. If the gill netters are equal to the same limit a cast netter is, it wouldn't make a whole lot of difference, I don't think.

MR. HIGH: The only difference it would make is that gill netters are not going to spend 5 grand on new webbing every year; he is going to just buy a cast net and go cast netting.

MR. PELOSI: I'm in the fishery and there is nothing going on between October and December as far as cast netting, so it kind of helps them out until cast net does start. Most of your gill netters are cast netters. As a matter of fact, I think all of them are.

MR. HIGH: Yes, that's the difference in North Carolina versus your area. Again, I don't think we've got enough – and we need to specify this to the council somehow some way. We really don't have enough information to go down this road, because we don't know who is participating, and what amounts they're using and what are they doing?

MR. WAUGH: Here are the current trip limits that are in place for Spanish. The commercial possession limits, northern zone, Georgia northwards are 3,500 pounds per day. Southern zone, which is Florida from March 1 through November 30, it is 3,500 pounds per day. December 1 until 75 percent of the adjusted quota is taken, it is unlimited; Saturday and Sunday 1,500 pounds. Then after 75 percent of the quota is taken, it is 1,500 pounds.

Then once 100 percent of adjusted quota is taken, then we've got these 500 pounds per day until the end of the fishing year. But in the list of items that are being considered for framework, we have several alternatives that could change these trip limits. I think that is what Ronnie was getting at.

MR. PELOSI: Those trip limits apply to all gear types, correct?

MR. WAUGH: Yes.

MR. PELOSI: Any other discussion? Tim, did you have something?

MR. ADAMS: I just have a question. When you're talking about the options there from A through C, anywhere from 10 to 30,000; you're not talking about increasing those landing limits to those poundages, are you?

MR. WAUGH: No, what this is saying is that in order to get a Spanish mackerel gill net endorsement you would have to show – for instance, for Atlantic Group Spanish you would have to demonstrate that since September 17, 2010; so 5, 10, or 15 years prior to September 17, 2010, your average landings need to have been 10,000 pounds or 20,000 pounds or 30,000 pounds in order to get a Spanish mackerel gill net endorsement.

MR. PELOSI: Okay, I would presume that the endorsement would be needed to catch and sell Spanish mackerel caught in a gill net. Now these gill net fisheries, we don't have them really in South Florida. We have the net ban in the Atlantic that goes out three miles, but they don't gill net down in our area very often in federal waters. Up around the Cape they do, but isn't that a very mixed fishery up there? They are catching all sorts of fish, aren't they? Do you know, Ronnie or Tim? Tim, you might know.

MR. ADAMS: Yes, it is. It's when everything is migrating south from the Carolinas from the summer range. It is pretty much off the Cape; and once they get south towards Sebastian, they tend to come ashore. They get into the state waters and from that point on, as they are starting to move south, they tend to congregate a little heavier and we cast net them.

From what I'm seeing of the gill net fishery over the last several years is there have been a number of boats that got into it and a number of boats that got out. The number has been increasing, but not by a real significant amount, I don't think, Ronnie. There are a lot of people I know that are gearing up for next season. But I think just about as many gear up, it seems like the following year as many drop out.

MR. HOUCK: Tim knows as well as I do in the past we've had warm years and it seems like we're kind of getting that trend now warm years, and the fish never did come in there where you could cast net them. If that happens, I'd like to be able to put a gill net on my boat and go fishing. I gill net up there.

I have gill netted up there, but this could eliminate some of the guys that strictly mackerel fish from going out in federal waters. The more I think about this, I am starting to support Alternative 1, and maybe bring down the unlimited gill net limit down to 3,500 or something like that where the gill netters would be more equal to the cast netters. I'm thinking in that direction.

MR. PELOSI: Tim, you got any thoughts on Ronnie's suggestion there?

MR. ADAMS: Is that a motion, Ronnie? **I'll make a motion for no action. I just don't think that we have enough information or at least understand what this would do until I get a chance to talk to some of the guys that are involved in the gill net fishery, but I'll make a motion for no action, Alternative 1, for discussion.**

MR. HIGH: Ronnie seconded it. I do believe in this so it is relayed to the council Tim's feelings there saying we just don't have the data to look at this to make any rational decisions and don't see how they could either.

MR. PELOSI: Could we put on there no action at this time and more information needed or something for the council?

MR. WAUGH: I can add that to the wording of the motion. It will be in as your rationale. It's up to you.

MR. ADAMS: Mr. Chairman, I keep looking at this and I'm also thinking in the back of my mind to the current fishery. Whether its cast net or gill net, it is 3,500 pounds a day on the specified days; and then after November 1 when it comes to what we use to consider, Ronnie, the unlimited fishery, which was the big boats, they could go out and strike Monday through Friday.

The fish houses for the most part are dictating to the boats what they can and can't catch when it is unlimited now. If those fish do get where they could be struck with a net that was capable of catching 10 or 20,000 pounds; the fish house won't let them go. They don't have the facility to unload.

The markets are real finicky because of the economy. I don't know of anybody on the east coast right now that could handle a big boat with 20 or 30,000 pounds of mackerel on it, I really don't, out of the dealers that are there now. They absolutely will not let you strike those fish and do

like we have done in the past. I'm kind of thinking that we might be trying to rectify a perceived problem.

MR. PELOSI: Okay, we've got a motion on the floor. Anymore discussion? Okay let's go ahead and we'll vote on it. All those in favor of the no action with the – we put something in there about more information needed at this time, okay. **All those in favor of Alternative 1, no action, raise your hand, eight; no no's.**

MR. WAUGH: That's the last item for Amendment 19. We've got in there Attachment 2, the scoping comments that cover both 19 and 20, but the next agenda item is to start in on Amendment 20. That's Attachment 3A and Page 4 of the document, PDF Page 12. That's this document that you had, the options paper for Amendment 20.

Again, the Gulf Council has acted on this. What I'll do is walk you through a listing of their actions. The first action to consider modifications to the existing commercial fishing boundary line between Gulf group king mackerel eastern zone and western zone. They moved that to the considered but rejected. Given that this is a Gulf action, our council would probably go along with it. I don't know if you want to offer any comments on that or not.

MR. PELOSI: Does anybody want to say something about that or just let it go? Let it go.

MR. HOUCK: Wait a minute, Bob. Modification to the existing commercial fishery boundary line, the Gulf group king mackerel eastern zone and western zone; okay, let me think about this a minute. I think the fishermen from our coast over here; they don't want any change. We had a meeting a few weeks ago about some of this stuff and the majority of the fishermen didn't want this particular change, whatsoever. That was about 40 fishermen that got together.

MR. WAUGH: This Figure 2 shows where that current line is. It's at the Florida/Alabama line. That is right here; that is the existing line. There were alternatives in here to consider moving it either east or west in the Gulf. Again, by putting it in the considered but – eliminated from detailed consideration appendix, then it stays at status quo, which is that line right there at the Florida/Alabama line.

MR. PELOSI: If that's agreeable to everyone, we'll just status quo, I guess.

MR. WAUGH: Action 2, which is on Document Page 6, or PDF Page 14, this considers retaining or eliminating the northern subzone based on any of the boundaries chosen in Action 1. We're still with no action, existing boundary in Action 1. If eliminated, consider transferring the current allocation percentage to either the eastern or western zone based on any of the boundaries chosen in Action 1.

What the Gulf did was eliminate Alternative 3 and developed a new alternative to develop alternatives to permit access to the king mackerel fishery by those just north of the Collier/Lee County boundary. Again, this is all Gulf stuff. Collier is down here, so I guess it is up in this area up in here.

MR. ADAMS: Gregg, it's just north of Collier County where Lee comes in; Lee and Charlotte Counties come in. I'm familiar with what they're asking for there. Since the establishment of the quotas, they've never had a fishery there. It's either filled north of them; the fish come through and go on to the south. When it opens, their fish have already gone by. They're just asking the Gulf Council to try to establish some type of a sub-quota or subzone for them to be able to participate in the king mackerel fishery.

MR. WAUGH: Then I'm assuming Alternatives 2 in this new alternative would do that. Alternative 2 would eliminate that northern subzone and add the assigned allocation to the eastern zone. Then Alternative 4 would develop alternatives to permit access to the king mackerel fishery by those that haven't been able to participate in that zone before. It looks like this will get alternatives in the document that will address the concern.

MR. ADAMS: Yes, and what the state of Florida did was allow fishermen leaving, say, for instance, out of Collier County to go into Monroe County where they have a viable fishery where it's open, and transit back into Collier or on up to Lee County provided they don't fish or stop on the way to the dock. They're already starting to rectify what situation they've got down there as far as being able to allow those fishermen access to the resource.

MR. WAUGH: Then it sounds like we feel like there is a sufficient range of alternatives in here to address the problem at least from Tim's perspective, who has some knowledge of that area. Then Action 3 on Document Page 7, PDF Page 15, looks at modifications to commercial trip limit in the eastern and western subzones.

Again, I guess this is getting at the same sort of thing. What the Gulf did was eliminate Alternative 2 because they basically rolled a 3,000 pound trip limit down into Alternative 3. It doesn't show in this wording here, but I checked with Gulf staff and it should be added there. I'll just put that in a different color to make sure I know that it's different. That would have the eastern and western zones at 1,500, 2,000, 2,500 or 3,000 pounds with no step-down.

Right now there is 3,000 pound for the western zone, 1,250 pounds for the eastern zone until 75 percent of the quota is taken. Then it reverts to 500. I think during the scoping comments there were – and we certainly heard this when we were down there that particularly some of the Keys fishermen who have to run 60 miles offshore to catch 1,250 pounds, it makes it uneconomical.

We heard a lot when we were down there doing some hearings on spiny lobster even last year. There is a lot of support from the fishermen to raise that trip limit. Their concerns would be addressed with this new alternative. I'm sure they would support going up to the 3,000 pound level.

MR. PELOSI: Does anyone have any comment on Action 3?

MR. ADAMS: This just basically mimics what they have to do in Louisiana when they leave out of the Mississippi there and run south. Sometimes they're 40, 50 miles from their offloading facility and it's a 3,000 pound landing limit. Conversely, it seems to be almost the same situation out of Stock Island or Key West.

Some of those fishermen leave Louisiana to go down there and participate in that winter fishery and say for Pete's sake this is almost like being in Louisiana; we've got the same fuel; we're burning the same distances for the most part and half the amount of product coming back into the docks. That's why they are asking for that.

MR. PELOSI: They know that the quota will be filled that much sooner. They are aware of that now. Anyone favor one of the alternatives? Ronnie.

MR. HOUCK: I'm going to get back to the king fisherman on the east coast that go over there. I believe Alternative 1, no action; they will probably be happy the way it is over there.

MR. PELOSI: Now you're speaking of the whole Gulf or just the western Gulf?

MR. HOUCK: I'm speaking of the whole Gulf. Well, it's western zone, 1,250 pounds, that would cover from Alabama – no, that would cover Destin and Pensacola.

AP MEMBER: Right all the way to Key West as I read it.

MR. HOUCK: For the eastern zone until 75 percent of the quota is taken, at which time the trip limit reverts to 500 pounds, which that would be all of it.

MR. PELOSI: But the complaint is that that is too far a run for just 1,250 pounds and then the 500 pounds is completely out. Isn't that what you understand, Tim, and what Gregg said that they complained about at the lobster meeting last year?

MR. ADAMS: Yes, but my understanding of it is that the western is from the Alabama west. That is the 3,000 pounds there. Then there is a separate quota that comes into play near the Panhandle, Ronnie, the one you're talking about, Destin. I think that is at 1,200 pounds. Gregg, I don't think this changes that, does it, for that particular – I think they call it an eastern Gulf, but yet still it is not those fish that are being counted in Monroe County in the winter months. That is a separate quota.

MR. WAUGH: My understanding is this is the quota that is fished down in the area to the west, here where the guys out of Key West and the lower keys are running. I thought that was the eastern – what is referred to here as the eastern zone.

MR. ADAMS: Correct, but I think that has its own poundage established separate from what they have in the Panhandle. The one in the Panhandle, if I'm not mistaken, is around 165,000 pound quota. Once it is filled – that's 1,250, Ronnie, a 1,250 daily landing limit on that. Once it fills, then it is closed until those fish get to that southern zone.

I think it starts in November, to the south. Unless I'm mistaken, I don't think that changes the landing limit on that zone to the north on the eastern quota. I may be wrong. If that's the case, then I know that that is not what those fishermen in the Panhandle would prefer, because they try

to get as much time out of it as they can on that. Price is generally real high and I think they want to keep that at 1,250.

MR. WAUGH: I don't know; I'll have to look into that. We don't have that level of detail in here and I'm not that familiar with that area, but I can look into it. Again, what Alternative 3 does is it lays it – and it talks just about the eastern and western – if that zone up in the Panhandle has a separate quota that is separate from this eastern and western zones, then it wouldn't affect it at all.

MR. ADAMS: That is my understanding as well.

MR. PELOSI: I would feel better if you would research that and we could take it up in the morning. Then we've got one other thing if you're going to research, and we'll take that up in the morning. Let's skip on to the next one and we'll come back to that tomorrow.

MR. WAUGH: The next item is Action 4. This is on PDF Page 17; Document Page 9, which deals with changing the opening date of the Gulf group king mackerel season for the eastern and western zones. Right now it is July 1. Alternative 2 would change the Gulf group king mackerel season for the eastern and/or the western zone or other subzones from July to September. Alternative 3 would change it from July to October, and Alternative 4 would change it from July to November 1.

MR. PELOSI: Okay, maybe Ronnie could speak to that since he fishes that area.

MR. HOUCK: Yes, once again the fishermen on the east coast, we had a meeting, there was 40 fishermen. Alternative 1, no action, they are perfectly happy with July 1 opening.

MR. PELOSI: Tim, do you hear anything up in Sebastian?

MR. ADAMS: Is that your motion, Ronnie?

MR. HOUCK: Yes, I can make it a motion.

MR. ADAMS: I'll second it; that is exactly what I've been hearing as well.

MR. PELOSI: Any other discussion? Well, let's go ahead and vote on it. **The motion is to accept Alternative 1 of Action 4, no action. The opening date remains July 1.** All those in favor raise their hand, six in favor; opposed, no hands raised. **The motion carries.**

MR. WAUGH: The next action is Action 5 on Document Page 10, PDF Page 18. This is to establish a transit provision for fish harvested in the EEZ off Monroe County when the rest of the west coast of Florida is closed. Right now there is not a transit provision. Alternative 2 would establish a transit provision for fish harvested in the EEZ off Monroe County when the rest of the west coast is closed.

There is a definition of what transit is. It's defined as on a direct and continuous course through the closed area. Generally we require that the gear be appropriately stowed. What that means is a gill net must be left on the drum. Any additional gill nets not attached to the drum must be stowed below deck. A rod and reel must be removed from the rod holder and stowed securely on or below deck.

Terminal gear that is hook, leader, sink, or flasher or bait must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the downrigger and stowed separately. This would allow a transit, and I think we heard from Tim that some of this is ongoing now.

MR. PELOSI: This more or less just applies to Collier and Lee County; is that correct?

MR. ADAMS: Correct. **Mr. Chairman, I'll make a motion to accept Alternative 2, establish the transit provision for the fish harvested in the EEZ off of Monroe County when the rest of the west coast of Florida is closed.** That would make it consistent with what the state of Florida has just done as well, too; for those fishermen coming out of Everglade City and Collier County to go to Monroe County, harvest the fish and then transit back out of Monroe County to Everglades. I believe if I am not mistaken that includes Lee County as well, but I know Collier, for sure. The game commission just approved a rule on that recently.

MR. PELOSI: Okay do we have a second to that motion? Jodie seconds the motion. Anymore discussion? Then this would make it consistent with the Florida law. It's just a matter of where the fishermen are based at. It's not taking fish from another closed area. Okay, everybody understands that. All those in favor of the motion raise your hand, **seven in favor of the motion; opposed, no hands shown.**

MR. WAUGH: Action 6 is on Document Page 11, PDF Page 19; restrictions on fishing for king mackerel in multiple zones. Right now vessels with king mackerel commercial vessel permits may fish in any zone in the Gulf or South Atlantic. Alternative 2 would require that prior to the beginning of the fishing year, each owner of a permitted commercial king mackerel hook-and-line vessel must identify the zone or subzone in which the vessel will fish during the upcoming year; western zone, Florida east coast subzone, Florida west coast southern subzone or Florida west coast northern subzone.

Just a note here, those are probably the subzones we were just talking about earlier, so I'll get that information for you in the morning. Option A would allow only one zone may be identified. Option B would let you fish in two zones. Then Alternative 3 would require an endorsement to fish in a particular zone or subzone. A, only one endorsement is allowed at any one time and is not transferable during that year. Option B, no more than two endorsements are allowed and they are not transferable during that year.

MR. ADAMS: **Mr. Chairman, I'll make a motion; Alternative 1, no action.** The reason for that; I know a number of fishermen that come from different states and different areas that are struggling to make a living right now. Some come from North Carolina and fish in Florida with



us. Some of us leave with them and go to a subzone over on the west coast of Florida in Destin and fish for a time.

Some go back home to North Carolina, some go to the Keys. This eliminates all of that. To be able to be able to make a living king fishing as some people do – and, Ronnie, I know you participated and you move around. This would severely hamper you and myself as well. I'd just as soon at this point in time and history, no action.

MR. HOUCK: I'll second that motion.

MR. PELOSI: Any more discussion on the motion? All those in favor of the motion of no action at this time. **That is nine votes for the motion to Alternative Number 1, no action on the multiple zone issue.**

MR. WAUGH: The next Action is 7; Document Page 12, PDF Page 20; set the Gulf and Atlantic migratory group cobia ACLs. Remember I said that in the stock assessment they are going to use a different boundary. What we had set up under no action, the Gulf group cobia ACL equals the ABC for Gulf group cobia, 1.46 million pounds. They set that as a single stock ACL.

For the Atlantic migratory group we set the ACL equal to the ABC, currently 1.571 million pounds based on the interim control rule. We split that recreationally and commercially. We have a recreational ACL of 1,446,000 pounds, roughly a commercial sector ACL of just under 126,000 pounds.

The entire Gulf migratory group cobia ACL applies to the Gulf Council jurisdiction and the South Atlantic cobia ACL applies to the South Atlantic jurisdiction. Now we're going to get a stock assessment that's not done at the council boundary, but it's done at the Florida/Georgia line. The question is then how do we handle that?

For the Atlantic north of Florida it's more straightforward, because that value we get for the Atlantic migratory group will apply to that area. Basically we are left with what do we do with the Florida east coast area? Alternative 2 would have the Gulf group cobia ACL equal to the ABC for the Gulf migratory group cobia based on the SSC Control Rule and latest stock assessment.

It would be divided between the Gulf jurisdictional area and the east coast of Florida based on the options below. A portion of Gulf group cobia ACL is assigned to the east coast of Florida. The ACL for the Atlantic migratory group would be the portion north of Florida plus this portion on the Florida east coast. Then how do you come up with that allocation that should go to the Florida east coast?

The Gulf would have to set that up or the councils would set that up in a joint amendment. Option A would use 2000-2009; Option B would use 2005-2009; and Option C, 2007-2009. Option 3 would divide between the Gulf jurisdiction portion of the Gulf cobia ACL is assigned to the east coast of Florida. The ACL for the Atlantic migratory group would equal 90 percent of

the ABC from – this would be stepping it down – from 100 percent of the ABC to 90 percent of the ABC. It doesn't really get at the split.

What we're trying to do here, and the council – us discussing this has been difficult to figure out how to suggest a solution to this. While we will certainly welcome any input you have on this now, it is nothing you need to act on at this stage. Whatever comes out of the stock assessment – it is even starting to get ahead of it, because conceivably they could pick another boundary. We wanted to make sure we got something in this amendment early that would address what was going to come out of the stock assessment.

MR. PELOSI: I really think you're putting the cart before the horse. I think probably most of us, I know certainly myself, would like to really see some good proof and documentation that those fish are Gulf fish that we're fishing on. I think no action at this time and just more information needed to make a decision. Does everybody pretty much agree with that? They certainly have presented the idea so it will not come as a shock to us a year from now or so. I will continue collecting fin clips and let them figure out where our fish come from.

MR. WAUGH: Then the next action is Action 8. This is something that has been talked about for a while particularly on the Atlantic side, particularly for kings; is establishing state-by-state or regional quotas for Atlantic migratory group king mackerel, Spanish mackerel or cobia. Like I've said, we've talked about this a lot for king mackerel, less so for Spanish and, of course, it hasn't been discussed at all for cobia.

We'd like your input here and certainly as with all allocations we'd have to come up with how we're going to do that split. I think it would be helpful to get your recommendations at this stage. Is this something that you feel strongly that should be pursued? Again, we expect the Spanish mackerel commercial quota to be met. It's quite possible king could be met.

The cobia, 125,000 pounds is going to go conceivably fairly quickly. Right now there is one commercial quota for each of these Atlantic migratory groups. Alternative 2 would establish commercial quotas for each state for Atlantic migratory group king, Spanish and cobia; establish a commercial quota for – we would need to do one for the Mid-Atlantic Council area for Atlantic migratory group of these species.

Option 3 would set three regions, North Carolina/South Carolina, Georgia/Florida, and then separate commercial quotas for the Mid-Atlantic Council area. Alternative 4 would have three regions, North Carolina separate and then South Carolina/Georgia/Florida together, and then a separate one for the Mid-Atlantic Council area. Again to recap, Alternative 1 would not have state by state. Alternative 2 would set state by state for North Carolina through Florida and then a separate one for Mid-Atlantic.

Alternative 3 would have North Carolina/South Carolina together, Georgia/Florida together and then the Mid-Atlantic; Alternative 4, North Carolina separate; then South Carolina/Georgia/Florida together and the Mid-Atlantic. Part of the rationale here is North Carolina has participated for years in the Mid-Atlantic and New England fisheries and they track

species on a state-by-state basis up there. North Carolina has experience with it and is interested in doing this and feels they can handle that.

MR. PELOSI: That's certainly a big change from what we've been having. King mackerel already are divided up with different quotas and areas although the Gulf mackerel are involved. Does anybody have any thoughts on that? Do you really think it's necessary at this time? Is there one state hogging the quota that we know of? Has there been a big change in where the fish are coming from?

MR. HIGH: A lot of this came from the fear of closure and that North Carolina would be shut out of our wintertime fishery for king mackerel. That's where a lot of this came from. Kelly Schoolcraft in Hatteras, he was very instrumental in wanting to push for this and all. I've talked with some of the guys when I'm fishing in Hatteras and one of them is in Wrightsville Beach. It becomes an issue when the quota gets tight.

When the quota looks like that there is no problem, it's not an issue. I'm on the fence on it. I've seen the numbers that DMF has put together about what each state or region's quota would be. I'm just on the fence about the whole thing, to tell you the truth. I just don't have a strong feeling either way. Some people in North Carolina are very strongly opinionated about it, that really want it. From my standpoint I am on the fence; I can go either way.

MR. HOUCK: Alternative 1, no action; that is where I'm at right now until we find out more about it. **I think I'll make that a motion, Alternative 1, no action.**

MR. ADAMS: I'll second that motion.

MR. PELOSI: Okay, we've had a motion made and seconded. Andy, discussion?

MR. HIGH: Again, I would put in the motion that at this time we need to see more information on the subject; because it seems that when it gets to council, they will see no action, no action, no action and they'll say, well, they just don't want to do anything, but they don't understand why we say no action because they're not reading our minutes.

MR. PELOSI: Maybe we need more information and rationale for requiring this division, something like that.

MR. WAUGH: What we will do is we've gotten to the point where we're putting in the AP recommendations and it will have what your motion was and it will have your rationale as well, because I think Andy captured it very well. The rationale here is if the quota is going to be met fast, somebody is going to get standing around and no chair to sit in. If it's not, then it's not an issue.

MR. BRAME: On the other side, in listening to the council, North Carolina is very strongly in favor of this. South Carolina and Georgia don't want to touch it and Florida is kind of I don't know.

MR. GAY: There is no doubt that if somebody gets screwed over on it, it's North Carolina as it exists now.

MR. HOUCK: What Andy said there; would that be like to amend my motion, Andy; put an amendment on it is what you're saying?

MR. HIGH: Well, since Gregg said that they put our rationale and our discussion on it, I don't know that we need to put it in there, especially if they list it right under it. Human nature, if I've got to go find why you all did it, I don't really care, I'm just going to make it up. I just want to make sure human nature doesn't miss our conversation about it.

MR. PELOSI: Okay, any more discussion? All those in favor of the motion of no action in Alternative 1 of Action 8, raise their hand., **eight in favor of the motion; those opposed, no hands were raised, no votes.**

MR. WAUGH: The next action is Action 9 on Page 15, PDF Page 23. This sets annual catch targets by subzones for Atlantic migratory group cobia. Right now there is no commercial sector ACT for Atlantic migratory group cobia. There is no commercial. The recreational ACT equals – and there is that formula that was applied.

Alternative 2 would on the commercial sector set the ACT equal to 90 percent of the subzone ACL. The recreational sector ACT for the Atlantic migratory group subzones would be applied using that same formula. If you were to choose to do this, this would basically step down the commercial quota in recognition of the current system's difficulty in tracking commercial quotas and projecting in sufficient time to shut the fishery down so that there isn't an overage.

MR. PELOSI: What you're saying is they would take some from the commercial quota because they couldn't count them fast enough?

MR. WAUGH: Yes, basically. The idea behind setting an ACT, an annual catch target, if there is management uncertainty. What we did in 18 was we set the ACL equal to the ABC, the portion of the ABC on the commercial side. Then what you should do is step it down. If you feel like you're going to have difficulty tracking that quota and closing, then you should set a lower target and track it and close it when that target it met so that you ensure you don't go over your ACL.

Now the councils are putting new requirements in place – working on new requirements that will tighten this up. The National Marine Fisheries Service, Southeast Fisheries Science Center briefed us at our last meeting. They are working on a new system to track commercial quotas. It's supposed to be better and faster and it's supposed to be implemented May 1. We will get another presentation at our June meeting.

MR. PELOSI: This may be another case of maybe we don't have enough information and rationale.

MR. WAUGH: Well, yes, one would have hoped at this stage we would have our commercial quota tracking system such that you could track and close it when the quota is met. We don't. It seems like almost every situation we are exceeding our quotas. NMFS is trying to fix the problem; the council is trying to fix the problem.

What the guidelines that the National Marine Fisheries Service prepared said in those situations you should not set your ACL equal to your ABC. You should set lower, and we haven't done that. When there is management uncertainty, you should set it lower, and we haven't done that. Again, you're talking 125,000 pounds.

MR. PELOSI: Yes, we're talking about a very small quota. Also there is a very small bag limit. It's not like one boat can come in with 10,000 pounds. I just hate to see them take away a little bit of the small quota that we're allowed when we don't really know whether they're overfished or not.

**MR. HOUCK: Alternative 1, no action. I'll make a motion.**

MR. PELOSI: Okay, is there a second; second by Andy. Any more discussion?

MR. BRAME: I think it is worth it to note here that this is in general they have not set the ACTs on the commercial fishery any different from the ACL because they generally are tracked better. Certainly in a recreational fishery where you get your data 45 days at a minimum after the end of the wave, after a two-month wave, you don't often know what the catch is, so you have an ACT so you don't go over.

With a small catch like this one, what the council is trying to do is take into account the problems with tracking cobia harvest. It's not tracked as closely as something like black sea bass. In this case I have to say it's probably an appropriate use of an ACT in a commercial fishery, would be my guess.

MR. PELOSI: As I alluded a minute ago, the chance of it being overfished by a large amount is very little because of the small bag limit. With the mackerel, king and Spanish, when the quotas get clear, they start making calls to the fish houses. There is no system like that in place for cobia at this time.

MR. HIGH: At least since '99 I have been on the National Marine Fisheries Service to somehow bring us out of the Stone Age to how to update what has been caught. In general every person that works in NMFS has a \$2,000 laptop in front of them and they cannot – I've developed software for DuPont for quite a number of years – and they can't come up with a way of bringing us online. All of a sudden we're going to penalize the commercial community because the National Marine Fisheries Service can't track something? I'm sorry; I just can't see doing that, not in this time and age.

MR. PELOSI: Any other discussion? Do we have a motion on the floor; we do, don't we? Ronnie made the motion there, no action. Okay, anymore discussion? Well, let's call the

question. All those in favor of the motion, no action at this time, raise their hand, **eight in favor of the motion; opposed, one opposed. Motion carried.**

MR. WAUGH: The next item is Action 10, accountability measures. We've got in place now accountability measures for Atlantic migratory group cobia; track it and close it. The recreational we use – for 2011 we use 2011 landings; 2012 the average of 2011 and 2012; and then the three-year average. That was to get at this issue of when you have variable estimates of your recreational harvest.

The problem comes in if you have one banner year that goes over, then you're averaging that for several years. Now the feeling is under Alternative 2, the current commercial and recreational AMs for Atlantic migratory group cobia apply to each of the Atlantic migratory group cobia subzones. That gets at that issue of when we're looking at it for the Florida east coast.

But under Alternative 3, the current commercial and recreational AMS for Atlantic migratory cobia apply to each of the Atlantic migratory group subzone except that the three-year moving average is placed by the most recent year's landings. We're getting away from using that three-year moving average.

MR. PELOSI: Now, are these subzones already in; it was my impression they weren't.

MR. WAUGH: No, they are not. You may want to just deal with this the way you did the other one is wait until you see what shakes out on that subzone; other than this part about whether you think it's better to use the most recent year's landings or do you want to use this three-year running average? Again, by using the three year running average, if you blow it one year then you are going to be using that high number for two more years, three more years.

MR. PELOSI: Or if an area has an exceptional year, it will be in the average for three years like we had last year on cobia off our coast. It is not repeating itself this year. How do you feel, gentlemen? Tom, you had something?

MR. OGLE: What is the impact of having an especially high catch in one year and not so much so in the other two years?

MR. WAUGH: Well, it depends on if when you have that high estimate the catches really were high. If they were, then that means that you had high mortality that year. Then if you continue to average that in, that is saying in the second year when you may have average landings, then you are going to average an average year's landing with a superior year average. You are going to then overestimate what your mortality was and require a further reduction on the recreational side.

MR. OGLE: You're saying that an especially strong year averaged over three years; the commercial catch would be reduced to reflect that for a longer period of time.

MR. WAUGH: This only applies to the commercial side – I'm sorry, on the recreational side. On the commercial side we track their landings and shut them down hopefully before they

exceed their allocation. Whereas, on the recreational side what we're doing is looking at what happened last year.

MR. OGLE: The payback or whatever is adjusted within a year?

MR. WAUGH: Here the recreational there is no payback unless it is overfished. If there is an overage, the reduction in the recreational – and it's overfished, which we don't have any indication that they are yet, then that ACL would be reduced the following year. Again, what it's doing is getting away from using this three-year moving average to just looking at what happened last year, which is perhaps a better indicator of what the actual mortality was, rather than averaging over three years.

MR. OGLE: Maybe I'm misunderstanding; this impacts what the catch will be the following year, what the total allowable catch will be the following year; is that correct?

MR. WAUGH: Only if it is overfished. If you look here at the recreational AM, the accountability measure is shown up there in B. If the recreational sector quota is exceeded, the regional administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector quota for the following year.

For instance, if last year we went over the recreational ACL, then this year the season would be shortened. The ACL would only be reduced if it was overfished. If you had a high, high year last year, then you are going to have a short season this year. Then for next year you would average your high, high year plus a shortened season. That would be used to calculate your season in year two. You keep carrying that high, high catch for three years until it drops out.

MR. OGLE: But you're also carrying a low, low year that followed after the high year. It should average out pretty quickly. That is what I'm trying to understand.

MR. WAUGH: Yes, obviously if you get a high, high year and a low, low year, it is going to average out. But if you have a high, high year and an average year, then it doesn't drop out so fast.

MR. OGLE: What I'm understanding, if you have a high, high year, you are necessarily going to have a low, low year so that you can balance the two out. Isn't that the whole point? Won't the regulations make sure that the high year is followed by a low year?

MR. WAUGH: It may, but remember cobia harvest; the bulk of the harvest is during the spawning season in the summer. It is a very short window when the bulk of the fishery occurs, so you may not.

MR. BRAME: This came from using MRFSS data where it was highly variable and you would have these shifts and spikes in harvest, up and down, one way or the other. What the stock assessment guys do is they smooth it. They do this running average. Well, that can come back to bite you when you're managing the stock.

Think of it like an income; if you're averaging your income over three years and your income is increasing, you are always underspending. But if your income is decreasing and you're averaging over three years, then you are overspending as the stock gets smaller. That's the real problem with this. The stock is declining and you keep your harvest artificially high.

MR. PELOSI: Well, has anybody made sense of it to the point they could make a motion?

MR. WAUGH: If you're unsure, you can wait until you see it the next time with the analysis in here that will make you more comfortable in making a determination. There is nothing wrong with that.

MR. PELOSI: Would everybody feel comfortable waiting for more analysis and information? Is everybody shaking their head yes pretty much? Everybody looks confused. I think it would be best if we just waited until next time. Okay we can move on to the next one.

MR. WAUGH: That's all the items that are in here but the Gulf did approve a new Action 11 to be added into this. What happened was in Amendment 18 we made some changes to the mackerel framework. This may be another one that you all want to wait until you have time to think about and see.

It was included in the material that you received as 3B, some proposed modifications, but it gets into specifics of what can be done via the framework. It allows us to change in-season accountability measures, post-season accountability measures. Alternative 3 would modify the framework procedure to include changes to accountability measures under the standard documentation process for an open framework action, which again is getting pretty technical without seeing all of this laid out.

The one that I would call your attention to is Alternative 4 is yet another way we're looking at potentially dealing with this issue of cobia and the stock assessment, how the numbers are going to come out. It would modify the framework procedure to include designation of responsibility to each council for setting regulations for the migratory groups of each species.

I don't think this solves all the problem, because, yes, we have Atlantic migratory group that is Florida north. The Gulf has Gulf migratory group that includes the Florida east coast. I don't know that our council is going to want to have the Gulf Council managing our fishermen on the entire Florida east coast. Again, this is something that will be analyzed more like the other measures and you may choose to wait until you see the analysis before taking a position on this.

MR. PELOSI: Okay, does anybody have any discussion or do you want to wait to get some more information? I don't think we know enough about it to discuss, it even. Let's wait until next time and see what they come up with. What else do we have?

MR. WAUGH: That gets us through Amendments 19 and 20. What we have then are the framework items, and there is quite a bit to cover there.



MR. PELOSI: Okay, it's quarter after five and how are we doing on our agenda? We're moving along pretty rapidly, aren't we?

MR. WAUGH: I think looking at this; we should be able to finish before noon tomorrow.

MR. PELOSI: Well, why don't we break up for tonight and adjourn and be back at it tomorrow morning. What time are we scheduled to be here; 8:30 tomorrow morning.

MR. GAY: I'd like to apologize. Due to an injury at my shop today, I'm going to have to get back. I enjoyed being with everybody. Just one note that I'll leave with on this whole bag limit sale of fish thing. To me the easy answer to it is always being – and I know Dick disagrees – on our trip tickets in North Carolina – and I know the other states have systems that could easily do it as well. It would just be so simple to put a box at the top of the ticket that the fish house fills out saying this was a bag limit caught fish or this was a permit caught fish and list the permit number. It is that simple.

I don't understand what the problem is with tracking whether it is a recreational catch or a commercial catch. It's been that simple for a lot of years but it's just never been able to be accomplished. I do appreciate the opportunity to be here and I can't be here to aggravate everybody tonight no more.

MR. PELOSI: Okay, Jodie, is there anything else that might come up tomorrow that you had a strong opinion on?

MR. GAY: No, this whole recreational bag limit thing, the sale of it, to me – and when I was commercial fishing and not in the tackle business, I felt the same when I was on the council. Maybe it's the republican in me. How much government do you want? You are told where to fish, when to fish, what to catch, how big it can be, what hook to use in a lot of cases now, and what you can do with it when you get to the dock.

It's just how much do you want? That's always been my opinion on it. Certainly, at the very, very least, these tournament fish are dead. They may as well go to these charities. I don't foresee it saving a fish to prohibit the sale of tournament-caught fish. At the very least they should consider letting two fish be donated and sold per boat.

The only reason I don't say one is a lot of times the tournaments are set up as two days; you can weigh one fish today and one fish tomorrow. Then if the captains meet and the weather looks horrific for one of those days and for safety reasons they'll shorten the tournament to one day and weigh two fish. The aggregates where they allow you to weigh three fish; I don't know of a single tournament that does that anymore where you can weigh three fish the same day and that type of thing. At the very minimum allow two of these fish to be sold and the money goes to good causes.

MR. PELOSI: Thank you for that and we'll see you at the next meeting. We'll adjourn for this evening unless anybody has anything else to say. All right, see you tomorrow at 8:30.

(Whereupon, the meeting was recessed at 5:25 o'clock p.m., April 24, 2011.)

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**APRIL 25, 2011**

**WEDNESDAY MORNING SESSION**

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The Mackerel Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Hilton Garden Inn, North Charleston, South Carolina, Wednesday morning, April 25, 2012, and was called to order at 8:30 o'clock a.m. by Chairman Robert Pelosi.

MR. PELOSI: Let's get started here. This will be Day Two of the Mackerel Advisory Panel meeting. I'll turn it over to Gregg at this point.

MR. WAUGH: Good morning. Yesterday you asked that I get some more details on those two zones in the Gulf. There is a western and an eastern zone, and that eastern zone is subdivided into a northern and southern zone. Both of them have separate quotas. This is when we were talking about the transit provision and so forth.

Both of them start out with the same trip limit, 1,250 pounds; and then as the quota is being filled goes down to 500 pounds. There are separate quotas for those two areas. Are there anymore questions; are there any questions about that?

MR. HOUCK: You are saying 1,250 pounds on what we call the northwest zone, Gregg. That is for the southwest; that limit is for the southwest as well?

MR. WAUGH: Yes.

MR. HOUCK: Okay, that has nothing to do with the western zone.

MR. WAUGH: Correct.

MR. ADAMS: Gregg, do we need to make a suggestion through our AP as to support of the 3,000 pound increase for the south quota, the Monroe County?

MR. WAUGH: I'm looking, because I thought that was one of the actions and I thought we did that. We're waiting and we would come back to it; that's right.

MR. PELOSI: I think the request was they wanted to raise that 500 pound to make it more worthwhile with expenses and fuel and traveling so far.

MR. WAUGH: Yes, it's in Amendment 20, so let me pull that back up. It is Action 3; here where we were talking about modifications to the commercial trip limit in the eastern and western zones based on any of the boundaries. Right now what's in place is this 3,000 pounds in the western zone and then the eastern zone that is subdivided into this northern and southern zone. Both of those have the same 1,250.

Then once 75 percent of the quota is taken, it goes down to 500. What the fishermen in Key West were asking for – and this is shown in the scoping comments that you have here – is 3,000 pounds. That has been added to Alternative 3, so it is setting the commercial hook-and-line trip limit for both eastern and western zones. This would allow the councils to change this 3,000 and the 1,250 and change it such that it would either be 1,500, 2,000, 2,500 or 3,000.

I think here what Tim was asking is should you all indicate your support. If you agree with what the fishermen are suggesting from the Keys that that eastern zone and I guess it would be the southern portion of that eastern zone that should be increased to 3,000 pounds, I think that would be a good motion to put forward.

**MR. ADAMS: I'll offer a motion to support Alternative 3 for the 3,000 pound landing limit in the southern portion of the eastern zone for king mackerel.**

MR. PELOSI: Is there a second to that?

MR. HOUCK: I'll second it. I'm not sure if I understand it, but we'll get into discussion and maybe figure out this motion.

MR. PELOSI: Okay, the motion has been seconded. Now that would leave the northern portion as is and 3,000 pounds. They would quickly get that quota and then they'd be shut down to zero.

MR. ADAMS: What my understanding is of it, Ronnie, is that with the 3,000 pound landing limit on the western portion, which is basically Louisiana or Texas, those boats that leave Louisiana or that western zone later in the season, which will be ultimately in the winter when they go to Monroe County, are having to travel almost as far as they do when they are up there on that summer range.

The expenses are pretty much the same, so they are asking for a 3,000 pound landing limit, just exactly like they would be getting in Texas, Louisiana, and I believe Alabama and Mississippi. But for that portion of the quota where I think you participate and some of the others go there to as well, that's a substantially smaller quota, 165,000 pounds; it would probably be in the best interest of the fishermen to leave it at a smaller landing limit of 1,250 rather than increase it along with the 3,000 pound increase in the south zone.

That's what we're looking at here, 3,000 in the western zone and 3,000 in the southern portion of the eastern zone, but retaining or leaving alone the 1,250 pound landing limit in the Destin-Panhandle area east of the Alabama/Florida line there.

MR. HOUCK: That's what my big concern was. I was getting a little mixed up on the western zone, the east western zone; what you call the east western zone is what I call the southwest zone; we're talking about the Keys. I was concerned about the Destin area and Pensacola area that stays 1,250 and then it has a step down to 500 after 75 percent of the quota. That's a concern of mine. If this motion takes care of it, I am fine with the motion.

MR. ADAMS: The way I understand it, it does.

MR. WAUGH: I was trying to see where that exact boundary is, but it is somewhere in here, looking at this chart, somewhere right in here where there is this northern zone and then a southern zone. What your motion would do would be addressing this southern zone down here and recommending an increase of 3,000 pounds. It would not change that 1,250 trip limit up in the northern zone.

MR. ADAMS: Right, I think it starts from the Alabama/Florida line to the Monroe/Collier County line would be the 165,000 pound quota. Then as you get from I believe November 1 from the Collier/Monroe County line southward up to, I guess it's Flagler/Volusia on the northern range there, it would be that 3,000 pound quota.

No, its Dade/Monroe County line on the east side there during that winter months; that's where the northern boundary is right there. It would be Collier/Monroe on the southwest coast, Dade/Monroe on the east coast, then our subzone kicks in where we fish on east central Florida or the east coast of Florida later on. It's not going to impact us at all. We'd still be at our 50 head fish.

MR. HOUCK: Before I vote on this motion, I'd like to talk to some of our fishermen that do go down there. There is a certain amount of them, Jimmy Turner, Danny Kane; I don't know how this would affect them. I don't know how this would affect the prices on our coast. It's a pretty radical change; I think it's 15 to 3,000. We're doubling that limit. I don't know how it will affect the smaller boats in the Keys. We've got smaller boats down there. I don't know if they would be able to compete. I don't know enough about how our fishermen feel to go along with this motion yet.

MR. ADAMS: I haven't talked to very many about it. I do know that some of them said that they would probably go down there and participate in that particular quota or that fishery if it was a higher landing limit, because it would be more profitable for them and they could afford to do that.

That might possibly eliminate some of the competition or boats that we have on the east coast of Florida, but yet could create some problems down there for some of those people out of Stock Island with the increase there. I know that there were boats, half a dozen or so went down there from the east coast of Florida this year and participated in it.

The ones that I did talk to said it would certainly be nice – given the circumstances with the travel and the amount of time that it takes to get offshore, that it would be nice if they could go off there for the few days that they get to make those trips, to be able to have that landing limit

be what it is in Louisiana, because basically they said it is almost the same scenario there as it is in the Louisiana or the Upper Gulf in the summer. That would alleviate some of the problems that they are having now with the expenses.

MR. PELOSI: We don't have to go up to the 3,000 pound; we could make it a less amount. I just feel that season will be over so quick; it's what 160,000 pounds.

MR. ADAMS: The 165,000 is specifically from the Florida/Alabama line to the Collier/Monroe County line. That is generally filled in September/October. Then I believe its November 1 that Monroe County fishery starts, and that is a significantly higher quota there. I'm not sure what the poundage is. Gregg, you may have it there on that.

MR. WAUGH: I don't have that poundage right here; I could dig it out. To Ronnie's point, I understand the concern of approving new alternatives, but what you're doing here is recommending to the council that this be added as an alternative, and then the analysis will be done and then you'll be able to see all the impacts and you'll have a chance to look at it in detail.

I just want to give you some assurance that by approving this, what it does is add it as an alternative that will be looked at. It's already in Alternative 3 here, but what you're doing is just pulling it out and specifically mentioning it for that southern portion of the eastern zone. Then the analysis will be done and you will have then a chance to look at it. It doesn't commit you to supporting it. I just wanted to give you that assurance.

MR. PELOSI: Okay, so we get another shot at it at the next meeting. Is there anymore discussion? Let's go ahead and vote on it. **All those in favor please raise their hand, six in favor; those opposed raise your hand, and there are no votes opposing it.** We're going to look over what we did yesterday on that matter where the Gulf Council has proposed limiting access to the Gulf stock by east coast boats. Gregg will bring us up to date on the things that we voted on yesterday on that issue.

MR. WAUGH: There was concern that a number of the actions in Amendment 20 dealt with – 19 dealt with this issue of permits and participation, and you had a lot of good discussion yesterday about how you didn't feel that we needed to actively reduce the number of permits; that there was a lot of argument for having the ability to switch from fisheries.

And you are correct; a lot of those alternatives were different approaches for removing some of the latent effort. You talked yesterday about some of the benefits of having that in there for future options to fish. What Bob mentioned to me this morning was would it be a good idea to spend a few more minutes just discussing that and reiterating how important you think it is for you to have the ability to switch from fishery to fishery.

That's why there are some of these latent permits out here, and perhaps now is not the time that the councils need to move forward to reduce the number of latent permits. You sort of had some discussion that if you do want to go ahead and do that, one of the ways that – I don't want to necessarily say favored, but you all felt the best approach to it would be that two for one, because

it would let the market start to reduce it. I think it would be good to come back and just reiterate your justification for not reducing the amount of latent permits.

MR. PELOSI: How would you suggest we go about doing that?

MR. WAUGH: Well, I think just opening it up and letting people restate what their feelings are and why they think that it is okay right now for there to be latent permits and why that gives you economic opportunities.

MR. PELOSI: Okay, fair enough; does anybody want to start out? Tim.

MR. ADAMS: If we were going to make a recommendation in an attempt to try to eliminate some of the latent permits, what I would suggest doing is if it is going to be a poundage, put it at a poundage that would somewhat mimic what the state is doing now with the saltwater products license or a percentage of income.

With the state of Florida, with what we've got there, it is either 25 percent of your income or 5,000 pounds of saltwater products or whichever is less to qualify for an RS, which is the restricted species endorsement to be able to harvest certain species. I would be comfortable with something like that on the permitting of king and Spanish mackerel as well.

That way those like myself and numerous other fishermen – it's not just Florida, it's in other states, too, to where they would be able to qualify for the king and Spanish mackerel permits so long as it was of other products that were harvested annually to be able to achieve those poundages that we've specified, either the 5 or 10,000 pounds.

MR. BRAME: I think probably the first thing is just does the panel support – do they feel the need to get rid of the latent permits or not? Then once we answered that question, then we go about how, but do we feel that latent permits are a problem or not? Do you think the council should start reducing them? To me that's the first discussion and then once we decide one way or the other, then we go about how you do it.

MR. PELOSI: That seems like a very reasonable approach.

MR. HOUCK: With the motion that I made yesterday to not get rid of anybody's permit, but the ones that don't have a catch history, they keep that permit but pass down to a family member. With what Tim is coming up with, with someone that can put all his fish together instead of one type of fish would qualify him. We've got to clean up these latent permits. It's a problem.

Anybody can buy one. The fishermen are stressed now with competition, too many fish going on the market. If we get good weather for two days, we'll get \$1.24 a kingfish. That's how many boats are in our fishery right now – in the fishery, I don't say our fishery, but in the fishery. Nobody can make any money now. We've been lucky this year.

We had a lot of bad weather and only fished like in two days, three days at tops. If we get four or five days of fishing, we're not going to get anything for our kingfish. I'd like to clean up

some of these latent permits, but I don't want to put any full-time fishermen out of business. If you put all these landings together – Tim you trout fish, you pompano fish, you mackerel fish. If you put all those landings together, I am sure it would put you way above the threshold of 5,000 pounds. If you don't catch 5,000 pounds of fish in a season, you better go find a job.

MR. ADAMS: I agree with Dick; that's probably the right approach to take as whether people are comfortable with that. Yes, I think that if you've got permits that aren't being utilized, it would probably be an effective way to eliminate some of those. I know for a fact that there are permits that people are holding on to that will never intent to fish with them in an attempt to possibly get someone to fish under that permit later on.

Rent it out to them, put a boat on the water and go from that aspect of it; that's okay. It's perfectly legal what they're doing, but yet in this day and time do we necessarily need that to continue and we probably don't. I would feel comfortable if we put a mechanism in place that would eliminate some of the latent permits.

I don't think there are that many of them that are inactive. I was looking yesterday with Rusty Hudson there. I think you're somewhere in the neighborhood of maybe 300 permits that are considered latent; was that the number? You're not talking about a large number, but I just want it to be a reasonable alternative that we come up with to where somebody who does have a latent permit and intends to use it later on doesn't get eliminated unnecessarily.

MR. HOUCK: We're not taking anybody's permit if we go with the motion that I made yesterday. We're not taking the permit; we're going to let them keep it but not put it back in the system unless it's a family member. There is one thing taking a permit, but kind of letting the guy keep it and not putting it back in the system. He continues to fish, he has got insurance if he doesn't catch any fish or something happens, a disaster where he can't grouper fish, snapper fish, he can always go back to kingfish. He just can't put it back in the system.

MR. PELOSI: That's the motion we approved yesterday.

MR. HIGH: We have put a moratorium on new permits on mackerel; have we not?

MR. PELOSI: Yes.

MR. HIGH: How long has that been in place?

MR. PELOSI: A long time.

MR. HIGH: I thought it was just an income requirement, not a moratorium on any new permits.

MR. PELOSI: It's a moratorium on new permits in king mackerel. If I wanted to get a permit, I'd have to buy it from someone. They are out there to –

MR. HIGH: I was misunderstanding it, okay.

MR. WAUGH: Well, this is one of the motions you approved yesterday. In looking at this passive reduction that the Gulf recommended removing that action, what you recommended was – and the discussion will reflect this – that if the council feels a need to pursue this passive reduction, one of the ways to do that would be to use that two for one.

You've got that as an option, and then you've also got this alternative here that will be looked at, analyzed and you'll have an opportunity to comment on it again. I think what would help, too, is as much discussion as you can put on the record now as to – as Dick's point, if you don't feel that – and some of you obviously do, that you need to reduce some of the latent effort; then what is the benefit of being able to switch from fishery to fishery and how important is that?

MR. HIGH: Again, I'm going to go back to the fishery is not overfished, overfishing is not occurring. I understand the problem that Ronnie and them have. This alternative combined with the two-for-one sale again does not snatch a permit from somebody, which I am totally against snatching a man's permit. It does start some reduction.

It is a step forward of identifying the needs-based type of when you need to hold onto a permit. The combination of those two would be, in my opinion, the right step. You are not telling somebody he can't fish. But at the same time if someone wants to get in the fishery, he can buy two, and if there are permits lying around, or if there are permits that people want to get rid of.

I hate to say it; I do know several friends of mine that have two king mackerel permits. They've got one on their Jon boat and they've got one on their big boat. They're using it as, okay, when I sell it I'll have a little investment. You can define that as latent. But somewhere down the road this alternative here still allows the market to work as far as reducing another permit, and it doesn't put somebody out of business.

MR. ADAMS: Andy, I agree with you there. If you look at this right here on the threshold to renew in pounds, even if you go with 5,000 pounds as the alternative and you look at your three-year average, 1,204 to 1,219 permits, you scroll up a little further, I think you're removing just about 80 percent of the permits right there with a 5,000 pound qualification.

That is way far and above what we're looking at for elimination of permits. That's why we've got to be very careful about what we suggest about getting rid of latent permits. We could be eliminating a lot of full-time commercial fishermen in an attempt to selfishly try to control the competition.

MR. HIGH: I think this being in the middle between the two options that we put in is going to confuse people, because it's going to look like, well, this is what we're in favor of is this threshold and giving them options to look at. I would recommend when this document gets updated, having that moved so that it isn't confused as this is part of the motion that Ronnie offered.

MR. WAUGH: Yes, we'll definitely make sure that's the case, because this table applies to these alternatives up here. No, there is no motion; I don't know that we need one. You covered it



yesterday. What we were doing was just giving you the opportunity for some added discussion and rationale.

MR. HOUCK: We're going to look at this again aren't we, Gregg, later on?

MR. WAUGH: Yes, this is very early in the process. Remember, under other business we want to have some discussion about what you think the next step should be for this. Do you think it would be beneficial to have another meeting before – a meeting with fishermen in your area before the council takes action on this in June? We'll talk about that under other business.

But, yes, definitely, the current schedule is for the two councils to approve Amendments 19 and 20 for public hearings at their June meeting. We're looking to do the hearings in August. We'd have a full range of public hearings in August, and you'll have a chance to see the full document with all the analyses. You can also talk about whether you think you need to have another face-to-face AP meeting to go through those in detail. And then plus whatever we do with the framework actions, that will be another issue.

MR. HOUCK: We don't really need to get hung up with this too much right now. Now when you were speaking about switching and going to different fisheries, I'm not sure what you're talking about to jump from one fishery to another fishery. You mentioned that you'd like for us to go on and speak about that a little bit. Maybe you can explain to me and maybe some of the other members what you're talking about there.

MR. HIGH: Let me give you a typical example of how my year runs. I'm mackerel fishing right now. By the middle to the end of next month I would be – that's middle of May, I'll be gearing up to go trapping sea bass; but now that they've proposed moving it to July, I will probably Spanish mackerel fish or go grouper fishing. Then I'll trap sea bass until that season closes.

Then I'll move my whole operation to Hatteras and I'll go back mackerel fishing or I'll go yellowfin tuna fishing. Then I'll mackerel fish until about Christmas. Then I'll put a gill net reel on the boat and I'll go dog sharking, and I'll go croaker fishing, and go white dot fishing. Then about the first of March I come back to Wrightsville Beach and I go back to king mackerel fishing.

I've hit snapper grouper, I've hit sharks, and I've hit tunas. Bluefin tunas, if they show up like they did this year, I've hit them, so I've gone through five different management options. Some years the tuna fishing was so good years back I'd go the first of July to Wanchese and I wouldn't come home until January or February. Then I'd take a month or two off because we had such good yellowfin fishing. It's just moving between the different management regimes.

MR. HOUCK: Do you have to have different permits to jump around? I'm thinking about your fishery. That's the way it used to be for us, but with all the permits we can't jump around anymore and we depend on like kingfish. I love your setup, that's pretty nice, but you have to have permits for each one of these fisheries, don't you?

MR. HIGH: Yes, sir.

MR. HOUGH: So to jump around you have to have permits, but you don't have a problem with it because you've got all the permits you need. I'm just trying to figure out what's the problem with what you've got right now?

MR. HIGH: From 1999 until 2006, I believe, I did not king mackerel fish. All I did was trap sea bass. The sea bass fishing was so good, it continues to be so good, it's just they don't let us do it, that's all I did because it did a lot of things for me. It was a day fishery; I was in and out each day, and I could come home and I could actually be a member of my family by hanging out with my kids, go to swim practice or go to their swim meets and stuff like that.

Those six years I didn't mackerel fish at all. I didn't go tuna fishing, I didn't go grouper fishing. But if we all of a sudden on each species start taking permits away, oh, you don't have enough landings for king mackerel; well, doggone, I'm 100 percent commercial fisherman. That's what I'm nervous about when we start talking about poundage limits. All of a sudden they say if you haven't got 5,000 pounds of king mackerel in this amount of years, we're going to take your king mackerel permit. Well, now I'm being forced to participate in a fishery.

(Recording ended here and started again as recorded below.)

MR. BRAME: The stock is not overfished and overfishing is not occurring. If you are not close to the quota, then everybody can fish. If the quota is really restricted or you're hitting it fast like black sea bass, then the full-time guys get the first cut. I think that would be a much more equitable way to go about it; have it hooked to the status of the stock.

MR. PELOSI: I thought that you were going to add onto that motion, define what a full-time commercial fisherman is and use that in such a way as to favor those full-time fishermen. That is something else we could also put on there. There really should be a preference for the full-time fisherman.

MR. BRAME: The reason we're defining them is expressed in the motion. There is no other reason to define one other than to favor one. We could put it in there.

MR. PELOSI: I think we should.

MR. BRAME: The intent is to define a full-time commercial fisherman and use that information to address the latent permit.

MR. PELOSI: We could say latent permits and other options or something.

AP MEMBER: Use that to give the preference.

MR. PELOSI: That might be a way of putting it, preference. Did you hear what we said, Gregg, about adding something in there that the definition for a full-time fisherman in addition to the latent permit thing could be to give preference to address the latent permits.

MR. BRAME: Have it read what a full-time commercial fisherman is and use that information and use that to get preference in addressing the latent permit.

MR. PELOSI: That's agreed on the second, to whoever seconded.

MR. ADAMS: Tim Adams, yes, I seconded and I agree.

MR. PELOSI: Let's go ahead and vote on it unless anybody has something else. Okay, all those in favor of the motion raise their hand, please, I have seven in favor; and no votes; there are no, no votes. The motion passed. Where are we at now?

MR. WAUGH: I think that's it on 19 and 20. If everybody is okay with that, then the next item is to get into the framework actions. I don't know if you want to take a short break before we do that.

MR. PELOSI: Let's probably do that and then we'll get into that and hopefully we can get through that pretty quickly. These are the only four things on there.

(Whereupon, a recess was taken.)

MR. WAUGH: The next item is looking at items that we can address through framework. What we've got here is a list that's been compiled over time, and you all recognize some of the actions are in 19 and 20. This is the balance of the actions that have been sort of on the back burner for mackerel that you have been asking us to address in dealing with all the SFA requirements and Magnuson Act changes. We're now getting back to picking up these items in mackerel. I know Ronnie has an additional item to raise when we get towards the end of this.

The first item there, changing Gulf group king mackerel commercial trip limit, that is addressed as an action in Amendment 19 and you already indicated your preference there. That item would be deleted from the list of things that would be considered for framework. The next item is changing the king mackerel size limit. Right now it is 24 inches fork length.

We've got alternatives to reduce it to 23 and 22. The concern here is that in late winter and early spring there are smaller kings that are in there, a number of them undersized. There is concern about the survivability. Just dropping the size limit an inch or two will eliminate those discards. What we'd be looking at here is just your indication of whether you think this should be included in the framework, and do we have a sufficient range of alternatives. If we need to add some, let us know.

MR. OGLE: Well, as you know, Ronnie, we talked about this last night. This is a difficult problem but we years ago arrived at the 24-inch size limit because that gave the fish a 50 percent chance of going to first spawn, which is not great guns, anyway. According to the data from NMFS, a 22-inch king has about a 33 percent of having reached first spawn and a 23 inch about 0.4, about 40 percent chance of reaching first spawn.

I understand and I feel for you guys who have a small group of fish that are easy to catch and you don't want to throw them back dead for a small period of time, but what this would be doing is opening the whole coast to this same kind of scenario and I can't support that. I think catching a fish with only a 50 percent chance of its first spawn, is low as it is, I don't think that is very biologically suitable either. What would you want to say, Ronnie?

MR. HOUCK: We do have a problem in our area. You really can't see our problem until you are there to see what is going on. But we get into bodies of fish that they're catching one ten-pound fish out four or five between a 23- and 24-inch fish, maybe some 22 inches. But I just can't see sitting on a bunch of fish and catching one fish out of four fish, one fish good size limit, four fish under the size limit.

I like 23 inches – I don't like 23 inches, I don't like any. It probably ought to be even larger, but right now to start this discard; and a lot of these fish are dead or going to die when you catch them, I think the rate is probably pretty high for these fish when you release them. I was thinking where it doesn't affect the whole entire seaboard, maybe a Florida to Georgia line where it is 23 inches south of the Florida/Georgia line and stays at the 24 inches north of the Florida/Georgia line. What do you think of something like that, Tom?

MR. OGLE: Could it be restricted in terms of months; like the couple of spring months you mention here where you see fish of this size?

MR. HOUCK: I thought about it a little more. We have a problem with that in the southern zone and the northern zone. I got to thinking about it and I said, you know, this year here it was happening in the winter months. Right off Sebastian and Cape Canaveral, we were reeling in those fish.

You get one eight- or ten-pound fish and you get four fish that are between 23 and 24 inches long. If those guys would go and catch them, they are killing them, anyway. Any way you want to look at it, is it better for the fish for us to stick with this 24 or is better for us to go with 23? Either one is bad, but which one is the worse?

MR. OGLE: This strikes me as here is a case where we are catching a whole pot load full of black sea bass and they are 11.5 inches and we have to release them. I know they're going to die; and if we didn't have to release them, we would be able to keep them and have a good catch and they would be marketable. It's an argument that has an awful slippery slope.

MR. PELOSI: That's true, but if the fish are retained they will go towards the quota, although they don't weigh that much. It just seems that the fishermen will not – that there are no other areas that are free of these small fish at that time of the year, so the fishermen are going to stay there trying to catch that ten-pound king.

Then they're releasing a large number of these small ones that are injured. I'm afraid, even though I like to think of a fish released that's undersized as money in the bank for next year, the tendency is to get rid of them real quick and so they're not too careful about unhooking them,

and a lot of damage is done in the unhooking. It is a tough one. A retained fish goes against the quota, which will close the quota earlier. This is Ed Holder who hasn't talked too much.

MR. HOLDER: My turn; I'm going to jump in on the commercial side of this thing. The state of South Carolina would not be in favor of reducing the size limit, mainly recreationally, because that's our fishery. If you designated the area of the change and designate that also it was commercial only, that might make a difference.

MR. PELOSI: That has merit; we could certainly do that. Recreationally you do catch a few of them. They don't catch large numbers of them, very few. Recreational fishing, I catch a few but it's not a big problem as it is with the commercial fisherman.

MR. HOUCK: I just believe that the mortality rate would be a lot less with the recreational, because he's using a rod and a reel where we're using a lot of time is electric reel.

MR. PELOSI: That's true; we don't break their neck coming on and bringing them in.

MR. HOUCK: We pretty much break their necks when we hook into one; not all the time, but a lot of times we do. I think that is a good option Ed came up with. If we could combine these options together with the Florida/Georgia line and Ed's option, maybe we could come up with something, if we could just figure out what that would be.

MR. PELOSI: What are the months?

MR. HOUCK: This happens from April 1 until the quota. The quota on the Gulf that we're fishing, it happens all through the month; more so in other months than other months, but still it happens. You never know when this is going to happen.

MR. ADAMS: From what I've seen on the east coast, it is generally during the winter fishery, and it is more prevalent in the Fort Pierce/Sebastian area than it is anywhere else. Some springs in April when the quota starts again we've got little fish, but generally that's a better average, a better size. But it is generally a winter fishery; and that March/February fishery that they have down of the Hobe Sound/Jupiter/Stuart area, those tend to be those smaller fish as well.

MR. HOUCK: What Tim is saying it is more so in a winter fishery but we do have that in a summer fishery as well. We do down around Jupiter, Palm Beach, even Fort Pierce. We do have a problem with it. We have the winter fishery and the summer fishery. We've got to come up with some good ideas and recommend this to the council; because in this situation here it is not about the fisherman, it is what's best for the fish. If they are not counted toward the quota and they are being thrown over, and more are caught, that is not a good management plan at all.

MR. HOLDER: Well, the issue seems to be the time limit, the seasonal time limit. Somebody is going to have to come up with the seasonal; designating the commercial side and leaving the recreational alone. I don't think we want to change anything recreational and give an opportunity for somebody to go out and kill a bunch of small fish and specify the zones or areas.

If you did that, that would help the commercial, like Ronnie is saying, the commercial fisherman in those specific areas during that specific time; and if you don't want to do the time limit, that is understandable, because it might be anytime, but the commercial, check that off and the areas would be a check off.

MR. PELOSI: Well, what I've been trying to do is put all these sort of together and then hope someone will make a motion. We've got a season, but you say it runs through the winter and through the spring; maybe make it full time.

MR. HOUCK: I'm thinking the Florida to Georgia line, 23-inch commercial, and leave it the same.

MR. PELOSI: Florida east coast to the Georgia line, commercial.

MR. HOUCK: Georgia line south to, say, Palm Beach – I've never seen it happen in Palm Beach, but as far as Jupiter goes.

MR. PELOSI: That's Palm Beach County, Jupiter is.

MR. HOLDER: We could say Palm Beach County.

MR. PELOSI: Well, the Dade/Monroe line is used for Spanish. I'm trying to go with something that is already established. Its south about where the turnpike ends, somewhere below Florida City, somewhere right in there.

MR. HOUCK: That would be fine, and the recreation stays the same.

MR. PELOSI: Yes, absolutely. Yes, Stephen.

MR. SWANN: Ronnie, would that lead to some guys not leaving a school of small fish? I'm not sure how it works down south, but I know up around Jacksonville if you're in a school of small fish you generally take off. Would that leave people to stay on that school of small fish or is it truly just incidental to chasing the larger fish?

MR. PELOSI: When it happens, it seems that it's happening in our area there, all the fish are mixed. Certain times of the year they do seem to segregate to sizes, right, Tim, but not at that time?

MR. SWANN: I guess what I'm saying is would it change the habits of the fishermen if the size limit changed?

MR. HOUCK: It could. There are times where there is a body of fish there that are probably 22 to 26 inches long. There are times, but I guess you could say one of the bad parts of the fishery, some things we've got to accept, but there are a lot of times there are fish pounding on fish trying to catch that ten-pound fish.

Which is the worse of the two worlds? I would say leaving it at 24 and fishermen throwing fish back and not being counted towards the quota. Most of the fish we do catch is between 23 and 24. If it's a 24-inch fish you can put him in your box. When you get in, it is 23.75; they shrink up probably about a quarter of an inch. If it's the worse of the two worlds, which one are you going to pick? That's entirely up to us sitting right here to recommend to the council.

MR. PELOSI: Okay, let's hear what Tom has to say.

MR. OGLE: A couple things really bother me. One is once you make this rule the 22 inchers are going to be targeted by everybody, and are we eliminating a potential spawning source for the next year? Are there no groups of kings around that are larger than that, they just don't aggregate; is that the idea?

MR. HOUCK: There are times, Tom, that there will be a body of small fish and we won't even bother them. We'll go to the larger fish, but the days that it is not like that and they are all mixed up, that's where the problem comes in. You are right, there are times. It's just which of the two worlds you want. We've got to pick out which one would be best for the fish, not for us but for the fish in this situation.

MR. OGLE: Yes, but those fish will be targeted now.

MR. PELOSI: Remember, we're limiting this just to commercial.

MR. OGLE: Well, I know but net boats that maybe haven't gone out because they're small fish now say we can catch the 22 inchers and they hammer them.

MR. PELOSI: I'm afraid those boats are still going to be out there hoping to get them over 24 inches so they can keep them. It is pretty much human nature to go for the bigger fish, which add up poundage quicker. These guys have a communication system. Those cell phones are going. I don't think they use a radio as much anymore. I know when we're down there mackerel fishing, and all of a sudden you see all the boats leave, well, the word is there are more of them or there are bigger ones a few miles away. They will go to the larger fish if they are available.

MR. OGLE: This really detracts from our 24-inch limit for recreational fish even if recreational guys are not taking fish less than 24 inches. The 23 inches that the commercials are just hammering to death are not going to ever get to 24 inches. I think it may have an impact down the road on spawning potential.

MR. PELOSI: See, a lot of this is during a time when you are limited to the number of fish you could keep, the winter fish. You have what, 50, so there is another governing factor there. If you're only allowed 50 fish, you want the biggest fish available.

MR. OGLE: Then why are we talking about this?

MR. PELOSI: Yes, you are not going to have somebody out there getting 3,500 pounds of these small fish.

MR. OGLE: That's a good point; would you enlarge on that? How big a landing is there on fish this size?

MR. PELOSI: Ronnie, you're probably more familiar, Tim.

MR. HOUCK: What are we talking about; are we talking about when there is a bunch of fish that there are not any ten pounders; say they are 21 to 26 inch. Are you talking about – which most of the time this is the scenario. They're mixed up. Which one of these scenarios are you talking about, Tom? I'm not sure.

MR. OGLE: Well, you said you would like to be able to go after groups that are 23 inches. What kind of poundage is that on a given day?

MR. HOUCK: I'm not interested in going after groups that are 23 inches. I'm interested in the guys that are catching one ten pounder and throwing back four undersized fish. That is what I'm interested in stopping.

MR. WAUGH: As I understand it, during this time there is a 50-fish limit. The question is do they catch 50 fish and release fewer fish if the size limit is reduced to 23; or to get to their 50, if it stays at 24, the contention is they have to discard more dead fish to get the 50 that you can keep. The net result with the 24-inch size limit is more dead fish to get to the 50-fish trip limit. I think that is the concern.

MR. OGLE: Can we keep this regulated to the point where it's just this fishery and not open coastwide and not open even Florida-wide, but just during this period of time when the limit is a 50-limit fish?

MR. PELOSI: It extends into the spring season and what is the limit during the spring?

MR. HOUCK: Well, we have a South Atlantic group, you know this, and we have a Gulf group. This occurs in both groups. I don't know how you could make a zone or a time of year with it when it happens in both groups. I wish I knew how to do this, but I don't.

MR. ADAMS: I remember a couple of years ago with the AP we addressed this size issue, didn't we, about this, reducing it?

MR. PELOSI: Yes we did, and we went round and round and ended up not doing anything.

MR. ADAMS: Yes, and I also remember talking to some fishermen about this, too, and at least getting their feel on it. I agree with Ronnie. I've even gone to what I'm using now is a handy hooker on those smaller fish when I get into them. If I can get out of them, I try to. The mortality that I'm starting to see, rather than putting them over the dehooker and the kill box, go to the stern of the boat and just keep it there and dehook him overboard.



I'm not killing as many of them as I did in the past. That's one situation there that could be remedied. The other is the comments that I got from other commercial fishermen were don't change it. There is no reason to start harvesting those smaller fish when the fact is that if you're going to try to conserve on your stocks of fish, you want your fish to spawn at least once, possibly twice before he's caught or harvested.

A lot of them wanted to retain it at the 24. True, there is some mortality. I don't know what extent the mortality is; the percentage is compared to what we take, but I do know that lowering it is going to be an incentive for people to set there on those smaller fish. We're getting as high a price for king mackerel as we've ever gotten in history before.

They are up around the \$3.75 a pound mark. You have fishermen that will target those fish and stay on them. It's not a situation where there is going to be an incentive for them to go off and try to find something bigger. Like I say, I've got to agree with Ronnie. I know it can be a problem, but me personally; I try to get out of them.

MR. PELOSI: Right, I think most conscientious fishermen do try to get out of them. But another thing you just said, and then maybe that could be worked in, a fisherman brings the fish in; he throws them over with that dehooker; he comes off and he goes into that big box. I don't think you're going to see many of the fishermen stop fishing and try to catch that fish that is flopping around and throw him overboard. They'll probably wait until he's dead. I see that in other fisheries, that a lot of them they don't measure fish until it's time to ice them down.

MR. ADAMS: Well, I'd feel more comfortable about reducing the size limit if I knew that we had something to look at as far as a percentage of the mortality; to know as if it was a significant amount of mortality and discard rather than something that may be insignificant and still be able to retain the 24 minimum size, because I'm not in favor of reducing it.

MR. PELOSI: What about requiring the boats to have a handy hooker?

MR. ADAMS: Well, I'm not so sure that we want to get into that as well. I think Jodie made the comment yesterday that they've gotten to the point now that they tell them they've got to fish with a certain kind of a hook. I don't want to have to put that in a form of a regulation or new rule, but I mean that's just common sense.

The other thing is. Too, that is very important; that if on our logbooks the discard reports, I know some fishermen are just writing no discard and sending it in when in fact they are discarding. It's really important that they put that down as to the amount of fish that they're catching that are undersized that are being discarded, whether they be alive or discarded dead.

It gives the statistics to where they have an idea of just what kind of undersized fish they have in those stocks. That would be a big help to the council, too, I think if they had a better understanding as to what is being discarded and the percentage amounts. Then we could make more informed decisions on something like this as to whether or not it is necessary.

MR. BRAME: I understand Ronnie's problem, but I do have to end up agreeing with Tom. I think you need to let them spawn at least once. I would hope that the fishermen would address this problem with some kind of gear or mechanism change rather than try to change minimum sizes. I would think that would be a much better solution.

Plus we've just run into problems in North Carolina in the commercial when they are disparate size limits, be they recreational or commercial. If they would have different size limits, you end up a guy has got to throw back a 22-inch king mackerel and then go into market and buy one. It just leads to tension. I would hope there would be a way with gear that could fix this problem rather than by changing the minimum size.

MR. ADAM: As we're looking at this, if you scroll a little further on down, I mean you've got another option there about the bigger fish, anything over 50 inches, throwing those back as well. I mean what are you going to do about the mortality in that? That's a fish that is very beneficial to the spawning stock.

You're creating a situation there now where bigger fish, harder to handle, probably more damage to the fish being inflicted by trying to save it. Ultimately what you do is wind up killing that fish. For me, my way of thinking I would prefer to leave it at 24 inches for the time being until we have more information to know whether there is a significant amount of mortality in those fish being caught to where it would make a difference in the amount of fish that are in the stock.

Personally, I kind of think it is not as significant as maybe we think it is. I don't like the idea of being on a 50-head fish limit. Catching 50 head and knowing that I caught and possibly killed 20, 30, or maybe 40 head of fish to get to the 50 head. but that's something that I don't know if it's even occurring to that extent.

MR. PELOSI: Okay, we can certainly make the recommendation to the council that they look into the mortality rates. We never got to a motion; did we? Yes, go ahead, Andy.

MR. HIGH: These are just options taken to the council, right? This would be included. As far as I'm concerned, I don't know of anybody in North Carolina that is squabbling about the 24-inch limit. I might see one or two a trip; but as far as it just being an option for the council, it would be something for them to look at.

MR. PELOSI: If there is no motion, why don't we just make a recommendation that the council try to look into the mortality rates of these undersized fish and come back at another time.

MR. ADAMS: I have a question for Gregg. Gregg, do you have any kind of statistical information on mortality rates in king mackerel?

MR. WAUGH: We can pull out what was used in the last stock assessment, but I think what we would need to do is look and see if there is any more specific information with the way that the commercial fishery is operating now, as was described by Ronnie. I don't know offhand of any studies that have been done on that. You guys probably have a better handle on what the level of mortality is. I think this is why this surfaced.

Ben has been pushing this, and he was concerned. You all know how biologically conservative Ben is. He was concerned about the biological losses here. I wouldn't get too hung up on needing to make a motion. This is on the list that the councils are going to be looking at. What you have discussed here is there is some interest in looking at reducing it to 23. There is more interest in leaving it where it is. I think that is fine for that information to go before the council. If they decide to include this in the framework, then we'll analyze it and have all the detailed impact.

AP MEMBER: You can leave it in there as a discussion item.

MR. WAUGH: Yes, because again you are welcome to make motions. You don't have to make motions. It is fine to indicate what the differing views are. I think this is one clearly where we have differing views. Even if you were to make a motion for D, for instance, and it was to get disapproved, the record is still here and it will still be up to the council whether they want to include this for further analysis or not.

MR. PELOSI: Okay, you just put in that statement there, examine the mortality rates, didn't you? Maybe you could make that bold print. Would that satisfy everybody at this time in point and history?

MR. HIGH: As long as it's just another option to look at. I don't know that I could vote for it for our preferred, but as long as it is just an option to be looked at, yes, I've got no problem with it.

MR. PELOSI: Okay, and we'll, of course, have another shot at it in future meetings. Gregg, I guess we could go to the next one.

MR. WAUGH: The next one is similar to this, and this was suggested by a recreational fisherman, is to limit the retention of only one king mackerel greater than 50 inches. Here again the concern is how does the average recreational fisherman boat a large king and measure it without having significant mortality. This other issue that is in here on the Spanish mackerel, we looked at that in Amendment 18 and did not change the regulations there. But coming back to the kings, is that something that you think should be analyzed or not?

MR. PELOSI: You're speaking of the retention of one king larger than 50 inches?

MR. WAUGH: Yes.

MR. PELOSI: I'm afraid that like with the cobia fishery where I see people gaffing undersized fish, well, certainly, with these big fish they would gaff them, bring them in the boat, and then they'd measure them. If they were over 50 inches, they would have to throw them back and in addition to the injury from the catching it and thrashing around in the boat, it now has a gaff hole in it. I think we probably should leave it as it is. In the commercial aspect, it certainly goes towards the quota and we'll close the quota that much quicker.

MR. HOUCK: I feel the same, especially when fish are high priced, which very seldom they are high priced; but when a fisherman reels in a fish, especially our live baiters down there and it's a 49-inch fish or it's a 50-inch fish, they'll probably gaff that fish. I think we may be getting into something and we're opening up a can of worms that we don't want to open up right here. It could create another –

MR. PELOSI: I think it could do more damage.

MR. HOUCK: My suggestion is leave it alone.

MR. OGLE: I think we should leave it alone, too, but I do have one rationale that ought to be addressed if they want to consider it again, and that is what is the biological advantage of having this? If it doesn't really matter to the fish stock, I think it is more problems than it solves.

MR. PELOSI: We always say these big fish are the big spawners, but a fish that dies from release mortality is not going to spawn anymore.

MR. OGLE: Exactly, and there are not that many fish in that size range. I don't think you can have a large impact, even though they do have, what, ten to the square times the eggs of one that is a couple pounds smaller.

MR. PELOSI: Okay, the consensus to leave it as is. Okay, we can go on to the next one, commercial trip limits.

MR. WAUGH: This is for Spanish mackerel and we've got some options in here, two options. The rationale is – and we talked about this a little bit yesterday, the unlimited season is no longer needed. Most fish houses have limited their gill net vessels to 3,500 to 5,000 pounds due to quality and marketing.

The above options are designed to generate discussion at the scoping level. We've already had some scoping; you've got those comments in here. The seasonal fall gill net fishery in Florida is usually over by mid-November. The two options are April 1 to March 31, Monday through Friday 3,500 pounds; on weekends, 1,500 pounds, and it is reduced to 1,500 pounds when 75 percent of the quota is landed; 500 pound trip limit after the quota is caught.

Then Option 2 is April 1 to September 30, 3,500 pounds; and then October 1 to November 30 is 5,000 pounds, so slightly higher in the fall. Then Monday through Friday; and then 1,500 pounds on the weekend; December 1 to March 31, 1,500 pounds with the 500 set-aside. The third option is April 1 to November 30; 3,000 pounds; and December 1 drop to 2,000 pounds until 80 percent of the quota is landed; then 500 pounds until the quota is caught.

MR. PELOSI: Okay, Option 1 is basically where it is today, right?

MR. WAUGH: No, let me pull up Amendment 18 and show you where we are.

MR. PELOSI: That does away with the unlimited quota, okay. Does anyone have something to say there? Ronnie.

MR. HOUCK: I'm thinking we need to maybe make a new option and add that to the options. How many options do we have up there?

MR. PELOSI: Three.

MR. HOUCK: Option 4, 3,500 pound limit year round – let's change that Gregg; 3,500 pounds until 75 percent of the quota is caught and then have a step down to 1,500 pounds after 75 percent is caught. After the complete quota is caught, we go to 500 pounds where the guys can finish out the season with 500 pounds and get a decent price.

It wouldn't be as profitable, but they could keep things going at 500 pounds when the entire quota is caught. Let me see, this would coexist a little bit on the gill net endorsements. I don't know why we'd have to put gill net endorsements on the gill netters when it is year round 3,500 for the cast netters and gill netters. Maybe we can kind of use this and not have the endorsement. Maybe we could coincide with both of these somehow or another, but that's just an option.

MR. WAUGH: Your contention is if you put this trip limit in, then the gill netters are at the same poundage level as the cast netters and then you don't need the gill net endorsement.

MR. HOUCK: Exactly. This would help a lot probably on law enforcement. Our fish companies are not set up for large volumes of fish. It used to be we had some big boats. I had a big boat; and for them to exist, we had to have an unlimited fishery a certain time of the year. But this is all gone and I think this option is more of a reality of what's happening today in our fishery, 3,500 pounds. I think that would probably be one of the best options we could come up with. I'm sure there will be other discussion about this.

**MR. ADAMS: For the purpose of discussion, I'll make a motion that we go with Option 4, 3,500 pound until 75 percent.**

MR. HOUCK: I'll second.

MR. PELOSI: Any more discussion? Well, let's go ahead and vote on it. All those in favor of the new option, Option 4, raise your hands, **seven in favor; those opposed, no votes against it. The motion passes.**

MR. WAUGH: To clarify one thing, in terms of this 500 pounds allowance after the quota, what we would have to do is estimate that ahead of time and then adjust the directed quota to make sure we don't go over our commercial ACL. That's how it has been done in the past, that we had that adjusted quota, and it was adjusted by the estimated amount of what the harvest would be under this 500 pound trip, which is really a bycatch trip limit. I just wanted to make sure that was clear; because now with the ACLs in place, we can't allow that ACL to be exceeded. We would need to deduct an estimate of what this would be from that directed quota.

MR. PELOSI: We could do that or maybe make it 1,500 pounds until 90 percent of the quota is caught. That 500 pound can be very important, because it limits the number of fish on the market, the market goes up, and it is also going to occur during Lent; although Lent is not as important as it used to be, but it still has an influence on especially Spanish mackerel. I think we've got to have that.

MR. ADAMS: You could change this. I mean it could be altered somewhat, but as far as a motion is concerned to get something on the table for discussion, particularly with the council, and other fishermen will weigh in on it, I'm sure, but there are all kinds of things that you could do with this.

You could start out with your 3,500 pounds and take that 75 percent and reduce it back to the 50 percent, to where it goes into 1,500 pounds to try to spread it out. With what you mentioned on Lent, that is exactly what I was thinking as well, spread those fish out until the Lenten market kicks in, and then you'd be harvesting a 1,500 pound per day per vessel.

You may not wind up even getting into the 500 pound trip limit later on. If you did, I think it would probably be a very short timeframe that they would be on the 500 before the April 1 start date for the new quota, anyway. You could adjust it. It's just right now for the purpose of just putting an option up there, 75 percent.

It could also be at 75 percent with a lesser amount, 1,000 pound; whatever the fishermen feel comfortable is enough to give them at least enough fish to make money on. The goal is from what we're starting to see now in the mackerel fishery is to try to slow it down enough to where that Lenten market has a substantial amount of fish to be harvested. That is where the money is being made on Spanish mackerel now.

MR. PELOSI: Absolutely, there is no money in fish going to the freezer.

MR. HOUCK: I think Gregg had a good idea when he said let's just adjust it with the quota. Then we don't run out of this 500 now. We could catch 10 percent of – I don't know why we'd want to do that if we're going to be getting our best prices in. Let's adjust it, let's put it where we can continue fishing on that 500 when the quota is caught, and we'll just adjust it on next year's quota. I think that makes more sense.

MR. ADAMS: Yes, either way. Like I say, at least this option leaves it open to be able to tweak it.

MR. HOUCK: We need this option.

MR. ADAMS: You're exactly correct. Gregg, with what you suggested I think would work.

MR. HOUCK: Would you add that to your motion?

MR. ADAMS: No, I don't think we need to.

MR. WAUGH: I don't think you need to either. I just wanted you to be aware that when we do up this analysis, we'll have to look at that; because now with these ACLs, you can't exceed it. One option could be, if we don't know when the season will end exactly, is to do a payback and in the following year lower it by the amount necessary. I think we've got your intent. I just didn't want you to be surprised when it came back with having a limit.

Are there any other alternatives you want to add or options under that commercial trip limit? Then the next item is a king mackerel trip limit. This one has been around for a long time, looking at increasing the trip limit for the shark driftnet fishery. This option was designed to coincide with the limited access plan for the shark fishery. The feeling was when we started looking at this option was not appropriate until the number of vessels in the shark driftnet fishery was limited.

MR. PELOSI: Is there still a viable driftnet fishery? Tim, can you speak to that?

MR. ADAMS: Drift netting in the federal zone was prohibited 10 or 12 years ago or longer, I believe. It's done. It's over with; it doesn't exist, not in king mackerel.

MR. PELOSI: Okay, but wasn't there a coastal net fishery? It may not have been drift nets. That's gone, also?

MR. ADAMS: In Florida it's gone. I think Andy could address the net fishery in North Carolina that they have.

MR. PELOSI: Go ahead and tell us about it.

MR. HIGH: It is not a driftnet type deal. It's a set net and it's generally made up when the kings come up on the beach. The guys will set the big web in a five and a half, six inch stretch to catch the big sharks and stuff, and the kings will show up. They'll hit them two or three days a year, but, no, this isn't a directed type.

MR. PELOSI: You see it as not a problem?

MR. WAUGH: Or that we've waited long enough to get back to it, that it is no longer necessary.

MR. PELOSI: I think that's probably the case.

MR. HIGH: My recollection when this feller first brought it up in Cape Canaveral was that we were waiting on them to define how many boats, how many fish. They start off I think wanting 12 fish then by the end of the conversation they wanted 24 fish. I don't ever remember them getting back to us on any information. It might be just the place to let it die.

MR. PELOSI: We never made a trip limit, did we, for them?

MR. WAUGH: We had talked about various levels. I think now they are limited to the bag limit.

MR. PELOSI: Yes, I think so. They're gone.

MR. WAUGH: Then the consensus is not to include; no longer required. The state-by-state issue was addressed in Amendment 20, so we don't need to address that. The other item was eliminating the commercial trip limit reduction at 75 percent of the quota for the Gulf eastern zone, southern subzone.

MR. ADAMS: Item 6, there, is something that this past winter there were fishermen that had called the National Marine Fisheries Service and asked if they could do an emergency change to eliminate the 75 percent or keep the current amount of harvest at 50 head rather than increasing it to 75 fish after the 75 percent had reached that certain timeframe. I think it's February, if there is not 75 percent of the fish caught, it increases to 75 head. There were a number of fishermen that would just as soon eliminate that given with what we're dealing with now; that there is a significant amount of harvest with 50 head that most of the fishermen are starting to realize now that there is no need for that 75 percent in there and the increase to the 75 head per day; just keep it 50 percent from the start to finish – 50 fish, yes, correct. It wouldn't be year round, it would just be on that subzone, Gregg, that we have there for the winter fishery. There you go, 50 fish, because the April 1 start date is 75 head and that is the Atlantic stock.

MR. PELOSI: Well, that takes care of that. Are there any other items that have come up?

MR. HOUCK: Tim, would you like to make that a motion to let the council know that this is pretty important and maybe get a vote and see how the panel, how they favor this, because this is a pretty important option right here for us. This is to extend the season, put us more into Lent.

Everyone knows that we have a short winter there because of the boats and the quotas get caught very fast. This is the winter months, this is Gulf stock and we need to extend this. I'd like maybe the advisory panel to vote on this and recommend to the council this is a pretty important issue with us on that winter stock.

**MR. ADAMS: Yes, I'll make a motion that we eliminate the 75 percent portion of the quota for the Gulf eastern zone, southern subzone.**

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

MR. HOUCK: I'll second it.

MR. PELOSI: Do we need to talk anymore about it?

MR. OGLE: I want to make sure that this is the Gulf stock that we're fishing on. This doesn't pertain to the Atlantic stock. Just make sure; sometimes things get mixed up. I want to just make sure this isn't mixed up with Atlantic stock; this is the Gulf stock.

MR. ADAMS: Well, it's right there, eastern subzone, which is obviously those Gulf stock fish. That has nothing to do with –



MR. OGLE: I didn't see a date. It starts November 1, and it ends, if we don't catch the quota, April 1, and we start into the landing stock April 1, just to make sure, Tim. I noticed when I was at the Fort Myer meeting, when they had two for one, our intent was for new entries. Well, they thought it was for everybody. I just want to clear this up and make sure we're talking about the winter months on the Gulf stock that we fish here.

MR. PELOSI: Now that does not include that group off Key West that we voted. I just want to make sure that it's absolutely clear that it does not include them.

MR. WAUGH: Is it a reduction or an increase? When 75 percent of the quota is taken, does the trip limit go up and we want to keep it at 50?

MR. ADAMS: No, it would reduce it. In other words, it's 75 percent of the quota. If in February you haven't reached your 75 percent threshold on your quota, it automatically goes to 75 head of fish – from 50 to 75 head in an attempt to fill the quota. What's been happening is we're starting to get to that 75 percent in February or near there. Like this year for instance, we didn't get to it.

We didn't get the 75 percent in February. It automatically increased to 75 head of fish. A lot of the fishermen said, boy, this is not good. Now we have no way to spread them out. It was kind of a voluntary effort to stay at 50 head, but a majority of them didn't stick to it. They went ahead and caught their 75 head of fish and they had every right to.

MR. PELOSI: Then it closed, right?

MR. ADAMS: Then it closed. It closed several weeks early. We were left in March there with about three weeks of no fishing until April 1. Had we reduced it, it would have probably put us within several days of the new opening in April for the Atlantic stock. Just by eliminating the 75 percent provision in there and increasing it to 75 head, it should eliminate the problem. Start it November 1 with 50 head of fish and continue until the quota is filled at 50 head of fish for the southern zone, southern subzone.

MR. WAUGH: I think that makes it clear now. We're eliminating the increase from 50 fish to 75 fish. If 75 percent of the quota is not taken by February in the Gulf migratory group eastern zone, southern subzone; keep at 50 fish in that subzone from November 1 through March 31.

MR. ADAMS: Correct; 50 fish start to finish. In the past there was a problem with those fish not being caught and they realized that, hey, you know what, we're not filling our quota here, we need to get a mechanism in place so that it ensures that it gets filled, and it did. Now it's working to our disadvantage to where it's getting the quota filled too quickly when we need them.

MR. PELOSI: That sums it up very well. Is there anymore discussion? Okay, let's go ahead and vote on this motion. **All those in favor, 7 in favor; those voting against it, no votes**

**against it. The motion passes.** Are there any other items that the panel wants to bring forth at this time?

MR. ADAMS: Mr. Chairman, I've got two items just to throw out and to see for discussion. One would be on control access dates. In the past what we've dealt with is when you've got a control access date it generally is, say, for instance, here we are in 2012, dealing with permits, king mackerel, Spanish mackerel, and we automatically go back three or four or even five years for a control access date.

I would like to see it in the future where if we're going to do control access dates, those control access dates coincide with the implementation of the new regulations. If we pass something in 2012 or the council passes something in 2012, that also becomes the control access date as well; rather than going back to previous years and implementing it from that point on.

MR. HOUCK: I like this, Tim. I think this should be recommended to the Gulf Council from the South Atlantic Council. A lot of our boats are going to the western zone to catch kingfish. Some of them started after a control date of 2009. That is not really 2009; that is really 2008, because they start after 2009. It really puts you – if you haven't fished in the western zone in 2008, that during that season you don't qualify. I think that should be recommended by our council to let these fishermen that have already been fishing over there continue to fish over there.

As a matter of fact, I really feel like any full-time king fisherman should be able to fish over there. I don't know how far – either/or, but I'll agree with this, but I think it should be recommended to the Gulf Council from our council here, because we do have a lot of fishermen that go over there, and it is very important for their livelihoods, very important.

MR. PELOSI: Any more discussion? Now, this was just a recommendation?

MR. ADAMS: Yes, I don't think I need to put that in the form of a motion do I, Gregg? That's a recommendation.

MR. PELOSI: Okay, we'll put down recommendation.

MR. ADAMS: Something else – and I'm not going to make this in a motion, but it is something that I would like to suggest as well. Given the situation now with fuel and the economy and the way things are to date, on occasions you've got fishermen who hold a federal kingfish permit. They have their own boat, they are the operator.

They're either broke down or, for instance, what we were doing a couple of years ago is some fishermen were going and catching king mackerel in the morning, setting a shark line, and catching their limit of sharks as well, and they would double up. In other words, another king fisherman would have to anchor his boat off or climb on another boat and help the man that had the shark line over.

What I'm going to suggest that if in the event in the future if an individual who has a valid federal kingfish permit wants to double up or get on another vessel who also is participating in a king mackerel legal, valid, permitted boat. that if the limit is either 75 head or 50 head of fish, depending on the time of the year, those two fishermen could legally harvest on one vessel the legal amount of kingfish for his particular permit, although he is not on his own vessel at the time, and sell under his own permit.

It's a situation, too, where an individual may be broke down at the dock. The weather has been bad. He's still not going to be able to fish because of the conditions, but yet he can climb on a boat with another fisherman, at least get in a day's pay and be able to sell those fish and make a little bit of money. I can also see some abuses that would occur in this, but I want to throw that out for your consideration to see what you think about possibly doing something like this.

MR. HOUCK: It's a new one on me here. That's interesting, Tim; I never thought of that. That may work and it may not. It may be taken advantage of. I think we'd have to work this one out. There would have to be a lot of discussion, but I'm inclined to go along with that. I'd like to hear a lot of discussion about it.

MR. ADAMS: Well, one of the things is we're talking about latent permits and we want to reduce them. If we do reduce those, that becomes a reality, these permits are eliminated. We know we've got fishermen that hopefully with what Dick suggested we get a definition on what a full-time commercial fisherman is. I just want to make it an option or a feasible alternative for a fisherman to continue to make a living if he's in a situation where he needs to go but can't, or if they have to double up, they can do this legally.

It's not going to put anymore boats on the water. It's not going to increase the amount of fish being harvested. It is just that he is a valid permit holder who is on another vessel, and they're harvesting the same amount with less boats on the water. Quite frankly, they did something like this in the state of Florida with spotted seatrout where they're allowing two individuals with a salt water products license and an RS endorsement.

It has to be the two individuals have to hold individual permits. It can't be that a man can get on a boat and hire another individual with him. They have to be permitted, both of them. But they can also have in and above the 75 fish a day; they can retain 150 head of fish, which would basically be what it would be if you were in your own individual boat and he was in an individual boat, except there is not two boats there. There are two men in one boat.

I'm thinking about possibly trying to do something in this with the king mackerel fishery. That was spotted seatrout. That was a state rule that they just implemented in the state of Florida. I'm thinking in terms of something like this on the federal level particularly for king mackerel, not necessarily for Spanish mackerel, but in the king mackerel fishery, just to give it a shot and see how it works, and get some suggestions from people as to what they think might be the pitfalls or the benefits.

MR. HOUCK: Well, I like the idea of not burning the fuel, jump on the boat with you and go out there. Like you said, we need some ideas. I haven't talked this over with any fishermen,

really, but I'm sure you have, Tim. It's an interesting thing and the council can take a look at it and see what they think. Maybe something can come of it.

MR. ADAMS: No, I haven't suggested it to anybody. I wanted to wait until I got to a more civilized crowd before I threw something like that out.

MR. HOUCK: I don't know if I'm going to get tarred and feathered or not for this.

MR. HIGH: Playing devil's advocate here; we're talking about eliminating king mackerel permits, latent. We've got a fella who can't afford the repairs on his boat, ain't fished in five or ten years, but he's got a permit laying there. Are we introducing another person into the fishery?

MR. PELOSI: That's my concern, too, that you bring these latent permit people back on the water jumping on another person's boat. That's something to consider.

MR. HIGH: I understand from the Florida standpoint. You deal with so much of the 50 fish. I haven't caught 3,500 pound of king mackerel but three times in my life as far as our trip limit. That would be no advantage to our place, but you all work it out. I just think you are going to have people – and isn't the permit to the boat and the person?

MR. PELOSI: I don't know; maybe someone knows.

MR. BRAME: I would suspect your biggest impediment to this would be law enforcement. It's a great idea, I think.

MR. ADAMS: To address Andy's concerns, Andy, you're correct, that's one of the problems that you've got here. I would suggest trying to implement something like this after you've dealt with the latent permits. Once you've got a rule or a system in place that you know what you're dealing with the latent permits as to how you're going to eliminate those or keep them out of the fishery, then you could possibly entertain what I'm suggesting.

Dick, you're correct. Law enforcement, you would have to – I don't know if NMFS would even go for something like this, because you are right, the permit goes with the boat, basically, and you have either an owner or an operator on that permitting process. I don't know how they handle it in law enforcement as far as the logistics. I'm sure it could be done.

But I'm just looking at a situation that I see that has been existent for a long time with a lot of people. They are not shark fishing right now, but I hope in the future that some will be able to go back and do some shark fishing. When they double up, that would be an alternative for them to where instead of leaving with your boat, just get on the other guy's boat for the day.

The two of you are there; you go and legally harvest 100 head of fish or 150 head of king mackerel; go set your shark line; there is not a problem of having to swap boats out there in the ocean; anchor one boat off and leaving it, worrying about what's happening while you're gone; or an individual is broke down.

He's a legitimate 100 percent commercial fisherman, he's having a tough time, but yet for a few days he can get on a boat and fish with somebody else and make a living. Like I say, I'm throwing it out here for suggestions. I realize there could be some real bad incidences occur with something like this, too.

MR. BRAME: Don't get me wrong, I think this is the highest and best use of an advisory panel is to come up with the ideas outside of the box. I think there is nothing wrong with the advisory panel suggesting that the council look at it; not a thing.

MR. PELOSI: Is there anymore rationale you'd want to put down besides a vessel broke down, economic, precedence in the trout fishery in Florida.

MR. WAUGH: Let me mention we have as a component that feeds into our Scientific and Statistical Committee, a socio-economic subgroup. Both Kari and Brian work with them. One of the things we've been trying to get them to look into is how fishermen are adapting to all these regulatory changes. Can we start to anticipate some of this?

This is certainly something that they can take a look at in terms of just how are people going to be able to adapt and how are they likely to adapt in the future? Certainly, if we've got one of our states that are doing this with the fishery, then they'll have some experiences as well. Now, I'm not sure this can be done through a framework, and I know that's probably not your intent. Your intent with this is here's a new idea, a new approach for the council to chew on and see where we go from here. I think we've got people that can look at this and bring something back in the future.

MR. ADAMS: So that you know, Gregg, this is the first year that the state of Florida is going to attempt to do this in spotted seatrout. Track that a little bit and see how it works and what kind of problems come up. Then we'll have a little bit of a better idea of what to anticipate if the council should entertain something like this later on.

MR. PELOSI: I would also want to mention that the spotted seatrout fishery is a very small fishery in Florida, with a limited number of participants; commercial, I'm saying. When they passed that recommendation, the recreational fishermen just went ballistic, they really did. They picture every commercial boat now bringing in 150 trout, which really doesn't happen in reality.

MR. ADAMS: There was a lot of misunderstanding as to what it actually did and didn't do. Once that was clarified, I think they were a little more comfortable with it.

MR. PELOSI: They weren't comfortable at all, but it's the law and we're living with it.

MR. ADAMS: But at any rate, nonetheless, it is something that they are going to attempt to do, and I hope that people abide by it and make this work; because it is, it's a good idea. It's something that I think the time has come to where we have to look at these types of situations now economically.

MR. PELOSI: I'll agree to that. Now, this is in the form of a recommendation for the council to look at. Is there anything else you want added to this or any other items you would want to discuss?

MR. WAUGH: Before we get to other business, because I know Tom has a point on cobia he wants to raise under other business, but we've dealt now with 19, 20 and the frameworks. What I wanted is get some guidance from you in terms of how we meet with our fishermen. The Gulf did scoping on 19 and 20. These amendments are a little different than how we've done scoping before because we've already got alternatives laid out.

The Gulf Council met last week. They've refined it, we've refined the list. You pointed out how difficult it is at times to comment on some of these options and alternatives without the analysis. Where we are right now in timing is the two councils meet in June. The idea was for them to look at some analyses, choose what items to take out to public hearing, and then we've got public hearings scheduled in August.

We've got one planned – well, we're starting August 6 in Richmond Hill, Georgia; 7th in Jacksonville; 8th in Cocoa Beach, and 9th in Key Largo. We're working it like that, recognizing that the lobster season starts in August. We tried to push this back as much as we could to make allowance for the lobster fishermen.

My feeling is it would be more effective for our fishermen on the Florida east coast to meet with them after our June meeting in conjunction with these public hearings, because then we'll have an idea from the council here are the items that we think should go out to hearing and should be addressed in the framework. We've got your guidance here.

We'll do the analysis; and then when we meet with the fishermen, we can lay out the analysis versus there has been some feeling – and I'm sure you all attended some of the meetings – that the fishermen wanted to have a meeting before then. Certainly, we can come down and meet with them. I'm just concerned that we're going to hear a lot more frustration. You have been restrained in some of your frustration with the lack of analysis.

There won't be a lot of analysis to present to the fishermen. I think they'd get a lot more out of it and we'd get a lot more out of it if we did some informal sessions before these hearings. We can meet with them, say, in Cocoa Beach. We can get there early that afternoon. These are scheduled to start at 4:00.

We can start at 1:00 and just meet with them and lay out what's in here and answer any questions informally. So I just wanted to see – I talked with Ben about this. He was interested with us getting with fishermen before. I told him I'd surface this with you. We feel we'd get good input from our AP; and if we were to do it after our June meeting, then we'd have a better idea of what to tell people, but we wanted to get your input on how you think we should proceed.

MR. PELOSI: Okay, very good; sounds like a plan to me.

MR. HOUCK: Cocoa, this is where it's going to be; that is where a lot of this is most effective. I think we should have a meeting and go directly to the fishermen with this. What time of year would this be, Gregg?

MR. WAUGH: August 8.

MR. HOUCK: That's a busy time of year for them, too.

MR. WAUGH: We recognize this. What we're trying to do is get to an annual cycle where we do scoping meetings January/February; the council looks at it, refines alternatives. In March we'd get with our APs. Then in June they approve it for public hearing. We do public hearings in August before our September meeting and try and finalize items in September or December. We know its tough timing-wise, but we feel if we get on this annual cycle and people know it's going to happen, then it can be a little less disruptive, I guess.

MR. HOUCK: Does it have to be Cocoa Beach?

MR. WAUGH: Well, we've already got the hearings set up there, but we can meet informally nearby.

MR. HOUCK: Nearby, when you say nearby?

MR. WAUGH: Nearby Cocoa Beach, but we would like people to attend the hearing; because if we meet informally with the fishermen, that is going to be a question-and-answer session. If we did it in conjunction with the Cocoa hearing, then they could go right in and offer their public comments. It would be much more effective.

MR. HOUCK: Well, they're just going to have to stop fishing one day. Another question I have with this winter stock 50-fish limit. None of this has to be like Amendment 21. This can be done in framework and this can be taken care of before the next season in framework?

MR. WAUGH: Yes, as long as the council goes along. They meet in June. If they look at this and say, yes, we want you to do this, work this up, we could have the analysis and we could even take it out and get public comment and then finish it in September and send it to NMFS.

MR. HOUCK: How many public comments; just one for framework, wouldn't you?

MR. WAUGH: Well, yes, we don't have to take it out to public hearings. We could conceivably just do it at the meeting; but since we're going out to hearings, I think it would be good to get people's input put in.

MR. HOUCK: Sure, yes.

MR. WAUGH: But, yes, if they approve it at June, us looking into that, then they could take final action in September.

MR. HOUCK: Okay, it sounds good.

MR. PELOSI: Is there anything else, Gregg? Otherwise, we'll go to Tom's cobia question or input. Go ahead, Tom.

MR. WAUGH: Sorry, let me just get clarification; so then you all are recognizing August as a difficult time, and you are okay with us meeting with the fishermen prior to the hearings and explaining this versus going before the council's June meeting when we wouldn't have all the analysis. We will certainly – as soon as we get this available, we'll keep you guys informed and get the word out what the council is considering in June. In June the meeting is in Orlando, so there is an opportunity for people to come and talk informally there as well.

MR. OGLE: I've talked to Mike Denton a while ago in terms of trying to get the cobia from Port Royal Sound and St. Helena Sound as a special population segment, which was something we approved last year at this meeting after we heard the biological presentations from Dr. Denton and Dr. Denson.

They showed that our population of fish is genetically isolated. What I was hoping to do was just to put a little reminder at the bottom of our discussions to remind the council of the unique nature of the Port Royal Sound and St. Helena cobia fishery; and hence that they require special management needs.

Some of those needs are characterized by, one, being a small genetic pool; two, that they have a high return fidelity to Port Royal Sound and to St. Helena Sound. Those that are removed don't really have additional sources for stock returning to those areas. Also, there is heavy fishing pressure during the spawning season.

This all together leads to a high potential for overfishing and that high catches – and there are high catches and they're catching a lot of them now as we speak -- could represent a hyper-stability type situation, which Dr. Denson mentioned as occurring when the fish stock is not all that healthy; but when they aggregate into small areas, they appear to be healthy because there are good catches. That is really all I have. It is just for the council to consider. I can give you this if you would like, Don.

MR. PELOSI: Okay, I think you wanted to also add the St. Helena Sound on there with the Port Royal being a separate group.

MR. BRAME: Tom, is the state of South Carolina doing anything to address this problem?

MR. OGLE: That's a good question, Dick. I have a letter here from Mel Bell who had written to the council in 2009, and he mentions that these fish require special restrictive measures because of how at risk they are. It was sent to Robert Boyles – actually it was sent to George Geiger of the council. Mel Bell is director of the Office of Fisheries Management. To my knowledge nothing substantial has become of it, but this was in 2009.



MR. HOLDER: The state of South Carolina, by legislative mandate, has to follow federal rules and regulations. The state can't change the legal limits, et cetera, because we have to follow the federal government. That's why we're coming to the feds.

MR. PELOSI: That is my understanding, and I'm not sure the rest of you were aware of that; that the state cannot make a special regulation since it is a fish that the council has jurisdiction over. We have to follow what the council does.

MR. CUPKA: Back when I held a position that Mel holds now as the Director Office of Fisheries Management, one of my responsibilities was to work with the legislature, and in fact I'm the one that got the legislature to pass that federal consistency law. It says in the absence of a state law, that will automatically track the federal law, but there are provisions in there for the state to have separate laws.

It is just in a case where there is no state law in place, that we would automatically follow it. I know at one time we had a different regulation on one of the shark species that was not consistent with the federal regulation, but it was a specific state law. You're right, it does automatically track it if it's nothing on the books, but there is a provision where the state can have something separate on the books.

MR. HOLDER: I agree with that, but the Marine Advisory Committee, which I serve on, we have in the past not – we have always duplicated the federal. We have not tried to go to our legislature and tell them we need a special situation, because the legislature does not listen, if I can say it that way.

MR. PELOSI: I understand what you mean. What you're saying is they don't like to deal with a little fishery issue.

MR. HOLDER: That's correct.

MR. WAUGH: Just to mention, the council is interested in pursuing this. What they wanted to do was wait until we had the cobia stock assessment, so that we get a better picture of how this feeds into the whole stock assessment. Depending on what comes out of the stock assessment, that will dictate what the council will do.

Again, that is something that we can do through framework. The schedule is now for us to get that SSC review at our December meeting. Again, early next year they could approve options to go out to get some public input at the December meeting and finalize changes in March. There is nothing to stop them and there is no resistance to moving forward. They just wanted to get those genetic analyses reviewed and done in the context of the stock assessment to see, well, is that the only spot that needs special management or are there other areas?

MR. OGLE: Can I ask this question? I understood also that there would have to be a special stock assessment just within Port Royal Sound and St. Helena, a stock assessment for cobia; specifically in a SEDAR type assessment, but just within that area.

MR. WAUGH: I don't think that's the case and that is certainly not how we talked about it. The assessment is being done coastwide. We'll see what comes out of it. Even if it is recognized that there is some stock separation, perhaps it's a different migratory group, there is nothing to stop the council from putting in more restrictive regulations or to establish a separate quota for that zone, creating a subzone.

We've done it for mackerels. I don't think that we would need to wait and request a future stock assessment just on these fish. I think they just wanted to understand how the genetics that were done in South Carolina, how that fits into the bigger picture.

MR. OGLE: Okay, Gregg, and I guess it could be parallel to your special artificial reefs where there is special habitat there on particular reefs and they are regulated in different manners.

MR. PELOSI: I think what you have outlined up there and what Gregg has put in as a reminder is about all that can be done right at this time. It certainly keeps them on the subject. Anything else? Gregg, do you have any parting words?

MR. WAUGH: No, that's it. You'll obviously get the minutes from this. I'll put together a committee report. What I'll do is make sure that you all get the – our briefing books for each meeting are always available that downloads from our website. But given that you are obviously very interested and we want to keep you closely involved on mackerel, I'll make sure you get the mackerel materials for the June meeting sent to you and feel free to distribute that.

Rusty does a good job of getting that material out. We want people to know what's going on. Again, the June meeting is in Orlando and Wednesday afternoon is that question-and-answer session. Then I believe it's Thursday; is it Thursday night we're having the hearing? Thursday night we're having an opportunity for comment on several amendments that the council is scheduled to finalize.

Then at the end of that any comments, so there is an opportunity for people to come and sit in and see what is going on at the mackerel committee in June. That agenda hasn't been finalized yet, but what we're looking at is – I can tell you when the mackerel committee right now is scheduled to meet. This could change, but we're looking at Thursday morning.

Again, it would give the opportunity for people to come over to Orlando, which is much closer than some of our other meetings, and participate. We'll make sure and keep you all involved in what's going on with mackerel here. We are webcasting our meetings, so that's another way for people to keep involved. It's not as daunting as it would appear to sit in and listen at least.

MR. PELOSI: I guess that pretty well wraps things up. I really want to thank everyone for attending the meeting, and I really want to thank you all for staying pretty much to the point on the topics we had to go over. As you all notice, we're getting out a little bit earlier than normal. Ronnie wants to fish tomorrow. Okay, thank you for attending and we'll see you at the next one. Meeting adjourned.

(Whereupon, the meeting was adjourned on April 25, 2012)

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

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## South Atlantic Fishery Management Council King & Spanish Mackerel Advisory Panel

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# PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

MACKEREL AP MEETING  
APRIL ~~March~~ 24, 2012  
N. Charleston, SC 29418

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